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U.S. House of Representatives
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May 1, 2007

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The Honorable Carlos M. Gutierrez
Secretary
U.S. Department of Commerce
1401 Constitution Avenue, N.W., Room 5516
Washington, D.C. 20230

The Honorable Michael Chertoff
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretaries Gutierrez and Chertoff:

Section 3006 of the Deficit Reduction Act of 2005 (Public Law 109-171) directed the Department of Commerce's National Telecommunications and Information Administration (NTIA) to establish and implement a \$1 billion grant program for public safety interoperable communications. In doing so, Congress established the Public Safety Interoperable Communications (PSIC) grant program to improve the state of interoperability for first responders distinct from existing grant programs in the Department of Homeland Security (DHS).

The Deficit Reduction Act set a final date for the completion of the Digital Television transition and, from the spectrum the television broadcasters will vacate, the transfer of 24 MHz in the 700 MHz band to Public Safety. Congress placed the PSIC program at NTIA because it saw a unique opportunity to leverage the agency's telecommunications and spectrum policy expertise in conjunction with this new spectrum to enable a significant step forward in public safety interoperability. Importantly, the statute gives NTIA leeway to bring about creative, innovative, and timely solutions to advance interoperability throughout the United States and its territories by supporting forward-looking technologies and architectures that have widespread impact and utility. NTIA should strive to ensure that significant gains in interoperability are achieved in the very near term in a measurable manner.

While DHS continues its important work on emergency preparedness, the text, intent, and purpose of the statute shows that the PSIC grant program serves a separate and independent purpose from existing DHS grant programs. The PSIC program is designed to promulgate spectrum efficient telecommunications solutions that will significantly advance interoperability. There are a number of new communications solutions that have been developed that will enable the interconnection and interoperability of existing public safety radios and networks. NTIA's expertise allows it to examine these interoperability solutions and determine which ones will best leverage existing assets to achieve greater interoperability for first responders.

Given the different statutory purposes and provisions, PSIC grants will differ from DHS grants. For example, Congress encouraged NTIA to design a portion of the grants to take into account areas designated as at high risk for natural disasters. While NTIA was directed to consult with DHS, the statute did not direct that the PSIC program was to utilize the same risk formulas as other, independent DHS grant programs. The specific Congressional directives for the PSIC program will likely require NTIA to create a different formula than those used by DHS grant programs, and to condition and direct grants in a different manner.

As NTIA completes the design and implementation of the PSIC grant program, and in particular the grant guidance, NTIA should focus on solutions that will result in this billion dollars being spent in a manner that results in a national interoperable solution that uses forward-looking and adaptable technologies. Recognizing the distinct nature of the PSIC program from other DHS programs, the legislative history provides a consultative role for DHS, and encourages NTIA to be consistent with various existing Federal interoperable communications grant programs, as well as with State interoperability efforts. A program that is "consistent" with existing efforts, however, does not mean identical to existing programs. Were that the case, Congress could have simply directed the funding to those existing programs or specified identical criteria in the statutory text.

NTIA's responsibility to pursue policies that foster full and efficient use of spectrum will be critical in the implementation of the PSIC program. Simply stated, the PSIC program should be cost-efficient and result in public safety utilizing the spectrum in the most efficient manner possible. Principles of good government dictate that NTIA should design the program so that there are measurable outcomes and accountability. We are very interested in how wisely this money was spent, what it was spent on, and whether it achieved the specific goals of the PSIC program related to the establishment of a national, forward-looking interoperable communications solution, above and beyond other efforts of the U.S. Government in public safety preparedness generally.

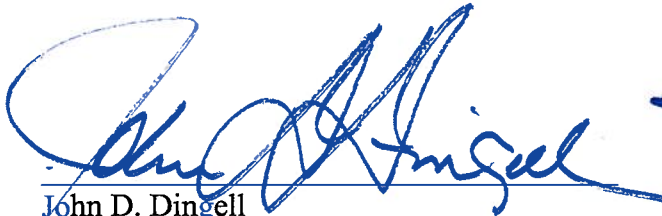
We note that NTIA appears to be progressing on the Congressional goal of efficiency by retooling forms to reduce burdens on PSIC applicants to better conform to the distinct PSIC grant program needs. It is our strong desire that NTIA's Memorandum of Understanding with DHS, in

The Honorable Carlos M. Gutierrez
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accordance with the Economies Act, result in a reduction of costs related to the ministerial aspects of NTIA's separate grant program, as well as a reduction in burdens on grant applicants seeking to participate in this unique program. The unique and distinct nature of NTIA's PSIC program does not require that public safety applicants should be unnecessarily burdened.

We look forward to hearing from you concerning the important purposes and structure of the PSIC program. We also look forward to regular updates about NTIA's progress in achieving these goals in the design and implementation of the PSIC grant program.

Sincerely,



John D. Dingell
Chairman



Joe Barton
Ranking Member



Edward J. Markey
Chairman
Subcommittee on Telecommunications
and the Internet



Fred Upton
Ranking Member
Subcommittee on Telecommunications
and the Internet