

109TH CONGRESS  
1ST SESSION

# S. 1703

To provide for the development and implementation of an emergency backup communications system.

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 14, 2005

Mr. KERRY introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To provide for the development and implementation of an emergency backup communications system.

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 “Communications Secu-  
5 rity Act of 2005”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The tragic events of September 11, 2001,  
9 placed an enormous strain on the communications  
10 network in New York City, New York and Wash-

1        ington, District of Columbia. Officials from both cit-  
2        ies struggled to communicate and coordinate among  
3        the various emergency response teams dispatched to  
4        “Ground Zero” and the Pentagon. These events un-  
5        covered manifest structural weaknesses in the com-  
6        munications infrastructure of the United States.

7            (2) The 9/11 Commission Report states that  
8        our Nation remains largely unprepared to commu-  
9        nicate effectively in the event of another attack or  
10       natural catastrophe.

11           (3) The massive communications failures asso-  
12        ciated with Hurricane Katrina illustrate the con-  
13        tinuing inadequacies of our communications systems  
14        in times of crisis.

15           (4) Despite heroic efforts by public officials and  
16        communications industry personnel, the failure of  
17        our communications network to persevere in the face  
18        of a catastrophic hurricane severely hampered post-  
19        storm recovery efforts.

20           (5) A comprehensive effort must be undertaken  
21        to deal with the communications challenges faced by  
22        our Nation, including short-term and long-term  
23        steps that can be taken to improve the interoperable  
24        communications and emergency response capability  
25        within the United States.

1           (6) There is an immediate need for the develop-  
2           ment and deployment of an emergency back-up com-  
3           munications system to enhance the Nation’s emer-  
4           gency response capabilities. Deployment of an emer-  
5           gency back-up communications system should be a  
6           priority of the United States.

7           (7) The deployment of such a system is a crit-  
8           ical first step in enhancing the overall communica-  
9           tions infrastructure. Other required improvements  
10          will need to be made in such areas as training, per-  
11          sonnel, equipment, software, and services for local  
12          governments, and assistance with capital expenses.  
13          Supporting and enhancing ongoing efforts in this re-  
14          gard is an important goal.

15 **SEC. 3. EMERGENCY COMMUNICATIONS BACK-UP SYSTEM.**

16          (a) Title III of the Homeland Security Act of 2002  
17          (6 U.S.C. 181 et seq.), as amended by section 4, is further  
18          amended by adding at the end the following:

19 **“SEC. 317. EMERGENCY COMMUNICATIONS BACK-UP SYS-**  
20 **TEM.**

21          “(a) IN GENERAL.—Not later than 180 days after  
22          the date of enactment of the Communications Security Act  
23          of 2005, the Secretary, in conjunction with the Federal  
24          Communications Commission, shall evaluate the technical  
25          feasibility of creating a back-up emergency communica-

1 tions system that complements existing communications  
2 resources and takes into account next generation and ad-  
3 vanced telecommunications technologies. The overriding  
4 objective for the evaluation shall be providing a framework  
5 for the development of a resilient interoperable commu-  
6 nications system for emergency responders in an emer-  
7 gency. In conducting that evaluation, the Secretary shall  
8 evaluate all reasonable options, including satellites, wire-  
9 less, and terrestrial-based communications systems and  
10 other alternative transport mechanisms that can be used  
11 in tandem with existing technologies.

12 “(b) COMPONENTS.—The back-up system shall in-  
13 clude—

14 “(1) reliable means of emergency communica-  
15 tions; and

16 “(2) if necessary, handsets, desktop commu-  
17 nications devices, or other appropriate devices for  
18 each public safety entity.

19 “(c) FACTORS TO BE EVALUATED.—The evaluation  
20 under subsection (a) shall include—

21 “(1) a survey of all Federal agencies that use  
22 terrestrial or satellite technology for communications  
23 security and an evaluation of the feasibility of using  
24 existing systems for purposes creating such an emer-

1 agency back-up medical facility public safety commu-  
2 nications system;

3 “(2) the feasibility of using private satellite,  
4 wireless, or terrestrial networks for emergency com-  
5 munications;

6 “(3) the technical options, cost, and deployment  
7 methods of software, equipment, handsets or desktop  
8 communications devices for public safety entities in  
9 major urban areas, and nationwide; and

10 “(4) the feasibility and cost of necessary  
11 changes to the network operations center of terres-  
12 trial-based or satellite systems to enable the centers  
13 to serve as an emergency back-up communications  
14 systems.

15 “(d) REPORT.—Upon the completion of the evalua-  
16 tion under subsection (a), the Secretary shall submit a re-  
17 port to Congress that details the findings of the evalua-  
18 tion, including a full inventory of existing public and pri-  
19 vate resources most efficiently capable of providing emer-  
20 gency communications.

21 “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
22 are authorized to be appropriated such sums as may be  
23 necessary to carry out this section.

24 “(f) EXPEDITED FUNDING OPTION AND IMPLEMEN-  
25 TATION STRATEGY.—If, as a result of the evaluation con-

1 ducted under subsection (a), the Secretary determines  
2 that the establishment of such a back-up system is feasible  
3 then the Secretary shall request appropriations for the de-  
4 ployment of such a back-up communications system not  
5 later than 90 days after submission of the report under  
6 subsection (d).”.

7 (b) CLERICAL AMENDMENT.—The table of contents  
8 for the Homeland Security Act of 2002, as amended by  
9 section 4, is amended by inserting after the item relating  
10 to section 316 the following:

“Sec. 317. Emergency communications back-up system.”.

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