

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1725

To strengthen Federal leadership, provide grants, enhance outreach and guidance, and provide other support to State and local officials to enhance emergency communications capabilities, to achieve communications interoperability, to foster improved regional collaboration and coordination, to promote more efficient utilization of funding devoted to public safety communications, to promote research and development by both the public and private sectors for first responder communications, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 19, 2005

Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, Mr. LEVIN, and Mr. MCCAIN) 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 strengthen Federal leadership, provide grants, enhance outreach and guidance, and provide other support to State and local officials to enhance emergency communications capabilities, to achieve communications interoperability, to foster improved regional collaboration and coordination, to promote more efficient utilization of funding devoted to public safety communications, to promote research and development by both the public and private sectors for first responder communications, and for other purposes.

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 “Assure Emergency and  
5 Interoperable Communications for First Responders Act  
6 of 2005”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

9 (1) Communications among those responding to  
10 a natural disaster, terrorist attack, or other large-  
11 scale emergency are critical to an effective response  
12 and to save lives.

13 (2) Ordinary modes of communications are  
14 often difficult or impossible during a natural dis-  
15 aster, terrorist attack, or other catastrophic emer-  
16 gency, because of damage to critical infrastructure,  
17 including the destruction of phone lines and cellular  
18 towers, and loss of power sources and because of in-  
19 creased demand placed on already strained systems.

20 (3) In the days after Hurricane Katrina dev-  
21 astated the Gulf Coast of the United States, the  
22 communications infrastructure in the affected areas  
23 was decimated, and difficulties in communicating  
24 among officials and first responders significantly im-  
25 peded the rescue and relief efforts.

1           (4) A further major barrier to sharing informa-  
2           tion among police, firefighters, and others who may  
3           be called on to respond to natural disasters, terrorist  
4           attacks, and other large-scale emergencies is the lack  
5           of interoperable communications systems, which can  
6           enable public safety agencies to talk to one another  
7           and share important, sometimes critical, information  
8           in an emergency. Police and firefighters responding  
9           to the attacks at the World Trade Center on Sep-  
10          tember 11, 2001, had difficulty communicating with  
11          each other. Initial press reports indicate that con-  
12          flicting radio frequencies also contributed to the dif-  
13          ficulties in communications among law enforcement  
14          and government relief agencies in the aftermath of  
15          Hurricane Katrina.

16          (5) The Department of Homeland Security has  
17          identified communications interoperability as 1 of  
18          the key national priorities for first responders to  
19          achieve the National Preparedness Goal that the De-  
20          partment of Homeland Security has established for  
21          the Nation and has identified emergency response  
22          communications as an essential target capability  
23          needed to respond to a major event.

24          (6) The lack of emergency communication capa-  
25          bilities and interoperability costs lives not only dur-

1       ing terrorist attacks or natural disasters, but also  
2       during everyday emergency operations.

3           (7) Assuring emergency communications capa-  
4       bilities and achieving interoperability is difficult be-  
5       cause some 50,000 local agencies typically make  
6       independent decisions about communications sys-  
7       tems. This lack of coordination also dramatically in-  
8       creases the cost of public safety communications to  
9       Federal, State, local, and tribal governments.

10          (8) Achieving the level of emergency commu-  
11       nications capabilities and communications interoper-  
12       ability that is needed will require an unprecedented  
13       level of coordination and cooperation among Federal,  
14       State, local, and tribal public safety agencies. Estab-  
15       lishing multidisciplinary, cross-jurisdictional govern-  
16       ance structures to achieve the necessary level of col-  
17       laboration is essential to accomplishing this goal.

18          (9) The Intelligence Reform and Terrorism Pre-  
19       vention Act of 2004 requires the Secretary of Home-  
20       land Security, in consultation with other Federal of-  
21       ficials, to establish a program to ensure public safety  
22       interoperable communications at all levels of govern-  
23       ment.

24          (10) However, much more remains to be done.  
25       For example, in January 2005, the National Gov-

1       ernors Association reported that while achieving  
2       interoperability ranked as the top priority for States,  
3       obtaining the equipment and technology to fulfill  
4       this goal remains a challenge. The large majority of  
5       States report that they have not yet achieved inter-  
6       operability in their States.

7               (11) Much of the communications equipment  
8       used by emergency responders is outdated and in-  
9       compatible, which inhibits communication between  
10      State and local governments and between neigh-  
11      boring local jurisdictions. Additional grant funding  
12      would facilitate the acquisition of new technology to  
13      enable interoperability.

14             (12) Stronger and more effective national,  
15      statewide, and regional leadership are required to  
16      improve emergency communications capabilities and  
17      interoperability. The Department of Homeland Secu-  
18      rity must provide national leadership by conducting  
19      nationwide outreach to each State, fostering the de-  
20      velopment of regional leadership, and providing sub-  
21      stantial technical assistance to State, local, and trib-  
22      al public safety officials, while more effectively uti-  
23      lizing grant programs that fund interoperable equip-  
24      ment and systems.

1           (13) The Department of Homeland Security  
2           must implement pilot programs and fund and con-  
3           duct research to develop and promote adoption of  
4           next-generation solutions for public safety commu-  
5           nications. The Department of Homeland Security  
6           must also further develop its own internal expertise  
7           to enable it to better lead national interoperability  
8           efforts and to provide technically sound advice to  
9           State and local officials.

10           (14) Achieving emergency communications ca-  
11           pabilities and interoperability requires the sustained  
12           commitment of substantial resources. Nonetheless,  
13           emergency communications capabilities and inter-  
14           operability can be accomplished at a much lower cost  
15           than would otherwise be possible if strong national  
16           leadership drives cooperation and adoption of smart,  
17           new technology solutions.

18           (15) The private sector has a critical role to  
19           play in developing cost-effective solutions to these  
20           problems.

21 **SEC. 3. OFFICE FOR EMERGENCY COMMUNICATIONS,**  
22 **INTEROPERABILITY, AND COMPATIBILITY.**

23           (a) IN GENERAL.—Section 7303(a)(2) of the Intel-  
24           ligence Reform and Terrorism Prevention Act of 2004 (6  
25           U.S.C. 194(a)(2)) is amended to read as follows:

1           “(2) OFFICE FOR EMERGENCY COMMUNICA-  
2           TIONS, INTEROPERABILITY, AND COMPATIBILITY.—

3           “(A) ESTABLISHMENT OF OFFICE.—There  
4           is established an Office for Emergency Commu-  
5           nications, Interoperability, and Compatibility  
6           within the Directorate of Science and Tech-  
7           nology of the Department of Homeland Secu-  
8           rity to carry out this subsection.

9           “(B) DIRECTOR.—There shall be a Direc-  
10          tor of the Office for Emergency Communica-  
11          tions, Interoperability, and Compatibility, who  
12          shall be appointed by the Secretary of Home-  
13          land Security.

14          “(C) RESPONSIBILITIES.—The Director of  
15          the Office for Emergency Communications,  
16          Interoperability, and Compatibility shall—

17                 “(i) assist the Secretary of Homeland  
18                 Security in developing and implementing  
19                 the program described in paragraph (1);

20                 “(ii) carry out the Department of  
21                 Homeland Security’s responsibilities and  
22                 authorities relating to the SAFECOM Pro-  
23                 gram;

24                 “(iii) carry out section 510 of the  
25                 Homeland Security Act of 2002; and

1           “(iv) conduct extensive, nationwide  
2 outreach and foster the development of  
3 emergency communications capabilities and  
4 interoperable communications systems by  
5 State, local, and tribal governments and  
6 public safety agencies, and by regional con-  
7 sortia thereof, by—

8           “(I) in coordination with the Na-  
9 tional Communications System, devel-  
10 oping, updating, and implementing a  
11 national strategy to achieve emer-  
12 gency communications capabilities,  
13 with goals and timetables;

14           “(II) developing, updating, and  
15 implementing a national strategy to  
16 achieve communications interoper-  
17 ability, with goals and timetables;

18           “(III) developing a national ar-  
19 chitecture, which defines the compo-  
20 nents of an interoperable system and  
21 how they fit together;

22           “(IV) establishing and maintain-  
23 ing a task force that represents the  
24 broad customer base of State, local,  
25 and tribal public safety agencies, as

1 well as Federal agencies, involved in  
2 public safety disciplines such as law  
3 enforcement, firefighting, emergency  
4 medical services, public health, and  
5 disaster recovery, in order to receive  
6 input and coordinate efforts to achieve  
7 emergency communications capabili-  
8 ties and communications interoper-  
9 ability;

10 “(V) working with the Office of  
11 Domestic Preparedness Interoperable  
12 Communications Technical Assistance  
13 Program to—

14 “(aa) provide technical as-  
15 sistance to State, local, and tribal  
16 officials; and

17 “(bb) facilitate the creation  
18 of regional task forces in each  
19 State, with appropriate govern-  
20 ance structures and representa-  
21 tion from State, local, and tribal  
22 governments and public safety  
23 agencies and from the Federal  
24 Government, to effectively ad-  
25 dress emergency communications

1 capabilities, interoperability, and  
2 other communications and infor-  
3 mation-sharing needs;

4 “(VI) promoting a greater under-  
5 standing of the importance of emer-  
6 gency communications capabilities,  
7 interoperability, and the benefits of  
8 sharing resources among all levels of  
9 State, local, tribal, and Federal gov-  
10 ernment;

11 “(VII) promoting development of  
12 standard operating procedures for in-  
13 cident response and facilitating the  
14 sharing of information on best prac-  
15 tices (including from governments  
16 abroad) for achieving emergency com-  
17 munications capabilities and inter-  
18 operability;

19 “(VIII) making recommendations  
20 to Congress about any changes in  
21 Federal law necessary to remove bar-  
22 riers to achieving emergency commu-  
23 nications capabilities and communica-  
24 tions interoperability;

1           “(IX) funding and conducting  
2 pilot programs, as necessary, in order  
3 to—

4           “(aa) evaluate and validate  
5 new technology concepts in real-  
6 world environments to achieve  
7 emergency communications capa-  
8 bilities and public safety commu-  
9 nications interoperability;

10          “(bb) encourage more effi-  
11 cient use of existing resources,  
12 including equipment and spec-  
13 trum; and

14          “(cc) test and deploy public  
15 safety communications systems  
16 that are less prone to failure,  
17 support new non-voice services,  
18 consume less spectrum, and cost  
19 less;

20          “(X) liaisioning with the private  
21 sector to develop solutions to improve  
22 emergency communications capabili-  
23 ties and achieve interoperability; and

24          “(XI) performing other functions  
25 necessary to improve emergency com-

1                   communications capabilities and achieve  
2                   communications interoperability.

3                   “(D) SUFFICIENCY OF RESOURCES.—The  
4                   Secretary of Homeland Security shall provide  
5                   the Office for Emergency Communications,  
6                   Interoperability, and Compatibility with the re-  
7                   sources and staff necessary to carry out the  
8                   purposes of this section. The Secretary shall  
9                   further ensure that there is sufficient staff  
10                  within the Office of Emergency Communica-  
11                  tions, Interoperability, and Compatibility, the  
12                  Office for Domestic Preparedness, the National  
13                  Communications Systems, and other offices of  
14                  the Department of Homeland Security as nec-  
15                  essary, to provide dedicated support to public  
16                  safety organizations consistent with the respon-  
17                  sibilities set forth in subparagraph (C)(iv).”.

18                  (b) DEFINITIONS.—Section 7303(g) of the Intel-  
19                  ligence Reform and Terrorism Prevention Act of 2004 (6  
20                  U.S.C. 194(g)) is amended—

21                   (1) by striking paragraph (1) and inserting the  
22                   following:

23                   “(1) INTEROPERABLE COMMUNICATIONS AND  
24                   COMMUNICATIONS INTEROPERABILITY.—The terms  
25                   ‘interoperable communications’ and ‘communications

1 interoperability’ mean the ability of emergency re-  
2 sponse providers and relevant Federal, State, and  
3 local government agencies to communicate with each  
4 other as necessary, utilizing information technology  
5 systems and radio communications systems, and to  
6 exchange voice, data, or video with one another on  
7 demand, in real time, as necessary.”; and

8 (2) by adding at the end the following:

9 “(3) EMERGENCY COMMUNICATIONS CAPABILI-  
10 TIES.—The term ‘emergency communications capa-  
11 bilities’ means the ability to provide and maintain,  
12 throughout an emergency response operation, a con-  
13 tinuous flow of information among emergency re-  
14 sponders, agencies, and government officials from  
15 multiple disciplines and jurisdictions and at all levels  
16 of government in the event of a natural disaster, ter-  
17 rorist attack, or other large-scale or catastrophic  
18 emergency, including where there has been signifi-  
19 cant damage to, or destruction of, critical infrastruc-  
20 ture, substantial loss of ordinary telecommunications  
21 infrastructure, and sustained loss of electricity.”.

22 (c) ASSESSMENTS AND REPORTS.—Title III of the  
23 Homeland Security Act of 2002 (6 U.S.C. 181 et seq.)  
24 is amended by adding at the end the following:

1 **“SEC. 314. EMERGENCY COMMUNICATIONS AND INTER-**  
2 **OPERABILITY ASSESSMENTS AND REPORTS.**

3 “(a) **BASELINE INTEROPERABILITY ASSESSMENT.**—  
4 The Secretary, acting through the Director of the Office  
5 for Emergency Communications, Interoperability, and  
6 Compatibility, shall conduct a nationwide assessment to  
7 determine the degree to which communications interoper-  
8 ability has been achieved to date and to ascertain the  
9 needs that remain for interoperability to be achieved.

10 “(b) **EVALUATION OF EMERGENCY COMMUNICA-**  
11 **TIONS CAPABILITIES.**—The Secretary, acting through the  
12 Director of the Office for Emergency Communications,  
13 Interoperability, and Compatibility and the National Com-  
14 munications System, shall—

15 “(1) conduct an assessment of the ability of  
16 communities to provide and maintain emergency  
17 communications among emergency response pro-  
18 viders and government officials in the event of a nat-  
19 ural disaster, terrorist attack, or other large-scale  
20 emergency, including where there is substantial  
21 damage to ordinary communications infrastructure  
22 and sustained loss of electricity;

23 “(2) compile a list of best practices among com-  
24 munities for providing and maintaining communica-  
25 tions in the event of a natural disaster, terrorist at-  
26 tack, or other large-scale emergency; and

1           “(3) conduct a study to evaluate the feasibility  
2           and desirability of the Department developing, on its  
3           own or in conjunction with the Department of De-  
4           fense, a mobile communications capability, modeled  
5           on the Army Signal Corps, that could be deployed to  
6           support emergency communications at the site of a  
7           natural disaster, terrorist attack, or other large-scale  
8           emergency.

9           “(c) BIENNIAL REPORTS.—Not later than 1 year  
10          after the date of enactment of this section, and biennially  
11          thereafter, the Secretary, acting through the Director of  
12          the Office for Emergency Communications, Interoper-  
13          ability, and Compatibility, shall submit to the Committee  
14          on Homeland Security and Governmental Affairs and the  
15          Committee on Commerce, Science, and Transportation of  
16          the Senate and the Committee on Homeland Security and  
17          the Committee on Energy and Commerce of the House  
18          of Representatives a report on the Department’s progress  
19          in implementing and achieving the goals of the Assure  
20          Emergency and Interoperable Communications for First  
21          Responders Act of 2005. The first report submitted under  
22          this subsection shall include a description of the findings  
23          of the assessments, evaluations, and study conducted  
24          under subsections (a) and (b).”.

1 **SEC. 4. RESEARCH AND DEVELOPMENT.**

2 Title III of the Homeland Security Act of 2002 (6  
3 U.S.C. 181 et seq.), as amended by section 3, is amended  
4 by adding at the end the following:

5 **“SEC. 315. EMERGENCY COMMUNICATIONS INTEROPER-**  
6 **ABILITY RESEARCH AND DEVELOPMENT.**

7 “(a) IN GENERAL.—The Secretary shall establish a  
8 comprehensive research and development program to pro-  
9 mote emergency communications capabilities and commu-  
10 nications interoperability among first responders, includ-  
11 ing by—

12 “(1) promoting research on a competitive basis  
13 through the Directorate of Science and Technology  
14 Homeland Security Advanced Research Projects  
15 Agency; and

16 “(2) considering establishment of a Center of  
17 Excellence under the Department of Homeland Se-  
18 curity Centers of Excellence Program, using a com-  
19 petitive process, focused on enhancing information  
20 and communications systems for first responders.

21 “(b) PURPOSES.—The purposes of the program es-  
22 tablished under subsection (a) include—

23 “(1) understanding the strengths and weak-  
24 nesses of the diverse public safety communications  
25 systems currently in use;

1           “(2) examining how current and emerging tech-  
2           nology can make public safety organizations more ef-  
3           fective, and how Federal, State, and local agencies  
4           can utilize this technology in a coherent and cost-ef-  
5           fective manner;

6           “(3) exploring Federal, State, and local policies  
7           that will move systematically towards long-term solu-  
8           tions;

9           “(4) evaluating and validating new technology  
10          concepts, and promoting the deployment of advanced  
11          public safety information technologies for emergency  
12          communications capabilities and interoperability;  
13          and

14          “(5) advancing the creation of a national strat-  
15          egy to enhance emergency communications capabili-  
16          ties, promote interoperability and efficient use of  
17          spectrum in communications systems, improve infor-  
18          mation sharing across organizations, and use ad-  
19          vanced information technology to increase the effec-  
20          tiveness of first responders in valuable new ways.”.

21 **SEC. 5. PILOT PROJECTS.**

22          Title III of the Homeland Security Act of 2002 (6  
23          U.S.C. 181 et seq.), as amended by sections 3 and 4, is  
24          amended by adding at the end the following:

1 **“SEC. 316. EMERGENCY COMMUNICATIONS PILOT**  
2 **PROJECTS.**

3 “(a) IN GENERAL.—Not later than 1 year after the  
4 date of enactment of this section, the Secretary shall es-  
5 tablish not fewer than 2 pilot projects to develop and  
6 evaluate strategies and technologies for providing and  
7 maintaining emergency communications capabilities  
8 among emergency response providers and government offi-  
9 cials in the event of a natural disaster, terrorist attack,  
10 or other large-scale emergency in which there is significant  
11 damage to, or destruction of, critical infrastructure, in-  
12 cluding substantial loss of ordinary telecommunications in-  
13 frastructure and sustained loss of electricity.

14 “(b) SELECTION CRITERIA.—In selecting areas for  
15 the location of the pilot projects, the Secretary shall con-  
16 sider—

17 “(1) the risk to the area from a large-scale ter-  
18 rorist attack or natural disaster;

19 “(2) the number of potential victims from a  
20 large-scale terrorist attack or natural disaster in the  
21 area;

22 “(3) the existing capabilities of the area’s emer-  
23 gency communications systems; and

24 “(4) such other criteria as the Secretary may  
25 determine appropriate.”.

1 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

2 In addition to the funds authorized to be appro-  
3 priated by section 7303(a)(3) of the Intelligence Reform  
4 and Terrorism Prevention Act of 2004 (6 U.S.C.  
5 194(a)(3)), there are authorized to be appropriated for the  
6 operations of the Office for Emergency Communications,  
7 Interoperability, and Compatibility, to provide technical  
8 assistance through the Office for Domestic Preparedness,  
9 to fund and conduct research under section 315 of the  
10 Homeland Security Act of 2002, to fund pilot projects  
11 under section 316 of the Homeland Security Act of 2002,  
12 and for other appropriate entities within the Department  
13 of Homeland Security to support the activities described  
14 in section 7303 of the Intelligence Reform and Terrorism  
15 Prevention Act of 2004 (6 U.S.C. 194) and sections 314  
16 through 316 of the Homeland Security Act of 2002, as  
17 added by this Act—

- 18 (1) \$127,232,000 for fiscal year 2006;  
19 (2) \$126,549,000 for fiscal year 2007;  
20 (3) \$125,845,000 for fiscal year 2008;  
21 (4) \$125,121,000 for fiscal year 2009; and  
22 (5) such sums as are necessary for each fiscal  
23 year thereafter.

1 **SEC. 7. DEDICATED FUNDING TO ACHIEVE EMERGENCY**  
2 **COMMUNICATIONS CAPABILITIES AND**  
3 **INTEROPERABILITY.**

4 The Homeland Security Act of 2002 (6 U.S.C. 101  
5 et seq.) is amended by adding at the end the following:

6 **“TITLE XVIII—DEDICATED FUND-**  
7 **ING TO ACHIEVE EMERGENCY**  
8 **COMMUNICATIONS CAPABILI-**  
9 **TIES AND INTEROPER-**  
10 **ABILITY.**

11 **“SEC. 1801. EMERGENCY COMMUNICATIONS AND INTER-**  
12 **OPERABILITY GRANTS.**

13 “(a) IN GENERAL.—The Secretary, through the Of-  
14 fice, shall make grants to States and eligible regions for  
15 initiatives necessary to improve emergency communica-  
16 tions capabilities and to achieve short-term or long-term  
17 solutions to statewide, regional, national and, where ap-  
18 propriate, international interoperability.

19 “(b) USE OF GRANT FUNDS.—Grants awarded under  
20 subsection (a) may be used for initiatives to achieve short-  
21 term or long-term solutions for emergency communica-  
22 tions and interoperability within the State or region and  
23 to assist with any aspect of the communication life cycle,  
24 including—

25 “(1) statewide or regional communications  
26 planning;

1           “(2) system design and engineering;  
2           “(3) procurement and installation of equipment;  
3           “(4) training and exercises; and  
4           “(5) other activities determined by the Sec-  
5           retary to be integral to the achievement of emer-  
6           gency communications capabilities and communica-  
7           tions interoperability.

8           “(c) COORDINATION.—The Secretary shall ensure  
9           that the Office coordinates its activities with the Office  
10          of Emergency Communications, Interoperability, and  
11          Compatibility, the Directorate of Science and Technology,  
12          the National Communications System, and other Federal  
13          entities so that grants awarded under this section, and  
14          other grant programs related to homeland security, fulfill  
15          the purposes of this Act and facilitate the achievement of  
16          emergency communications capabilities and communica-  
17          tions interoperability consistent with the national strategy.

18          “(d) APPLICATION.—

19                 “(1) IN GENERAL.—A State or eligible region  
20                 desiring a grant under this section shall submit an  
21                 application at such time, in such manner, and ac-  
22                 companied by such information as the Secretary may  
23                 reasonably require.

1           “(2) MINIMUM CONTENTS.—At a minimum,  
2 each application submitted under paragraph (1)  
3 shall—

4           “(A) identify the critical aspects of the  
5 communications life cycle, including planning,  
6 system design and engineering, procurement  
7 and installation, and training for which funding  
8 is requested;

9           “(B) describe how—

10           “(i) the proposed use of funds would  
11 be consistent with and address the goals in  
12 any applicable State homeland security  
13 plan, and, unless the Secretary determines  
14 otherwise, are consistent with the national  
15 strategy and architecture; and

16           “(ii) the applicant intends to spend  
17 funds under the grant, to administer such  
18 funds, and to allocate such funds among  
19 any participating local governments; and

20           “(C) be consistent with the Interoperable  
21 Communications Plan required by section  
22 7303(f) of the Intelligence Reform and Ter-  
23 rorism Prevention Act of 2004 (6 U.S.C.  
24 194(f)).

25           “(e) STATE REVIEW AND SUBMISSION.—

1           “(1) IN GENERAL.—To ensure consistency with  
2 State homeland security plans, an eligible region ap-  
3 plying for a grant under this section shall submit its  
4 application to each State within which any part of  
5 the eligible region is located for review before sub-  
6 mission of such application to the Secretary.

7           “(2) DEADLINE.—Not later than 30 days after  
8 receiving an application from an eligible region  
9 under paragraph (1), each such State shall transmit  
10 the application to the Secretary.

11           “(3) STATE DISAGREEMENT.—If the Governor  
12 of any such State determines that a regional appli-  
13 cation is inconsistent with the State homeland secu-  
14 rity plan of that State, or otherwise does not sup-  
15 port the application, the Governor shall—

16                   “(A) notify the Secretary in writing of that  
17 fact; and

18                   “(B) provide an explanation of the reasons  
19 for not supporting the application at the time  
20 of transmission of the application.

21           “(f) AWARD OF GRANTS.—

22           “(1) CONSIDERATIONS.—In approving applica-  
23 tions and awarding grants under this section, the  
24 Secretary shall consider—

1           “(A) the nature of the threat to the State  
2 or eligible region from a terrorist attack, nat-  
3 ural disaster, or other large-scale emergency;

4           “(B) the location, risk, or vulnerability of  
5 critical infrastructure and key national assets,  
6 including the consequences from damage to  
7 critical infrastructure in nearby jurisdictions as  
8 a result of a terrorist attack, natural disaster,  
9 or other large-scale emergency;

10          “(C) the size of the population, as well as  
11 the population density of the area, that will be  
12 served by the interoperable communications sys-  
13 tems, except that the Secretary shall not estab-  
14 lish a minimum population requirement that  
15 would disqualify from consideration an area  
16 that otherwise faces significant threats,  
17 vulnerabilities, or consequences from a terrorist  
18 attack, natural disaster, or other large-scale  
19 emergency;

20          “(D) the extent to which grants will be uti-  
21 lized to implement emergency communications  
22 and interoperability solutions—

23                 “(i) consistent with the national strat-  
24 egy and compatible with the national archi-  
25 tecture; and

1                   “(ii) more efficient and cost effective  
2                   than current approaches;

3                   “(E) the number of jurisdictions within re-  
4                   gions participating in the development of emer-  
5                   gency communications capabilities and inter-  
6                   operable communications systems, including the  
7                   extent to which the application includes all in-  
8                   corporated municipalities, counties, parishes,  
9                   and tribal governments within the State or eli-  
10                  gible region, and their coordination with Fed-  
11                  eral and State agencies;

12                  “(F) the extent to which a grant would ex-  
13                  pedite the achievement of emergency commu-  
14                  nications capabilities and interoperability in the  
15                  State or eligible region with Federal, State, and  
16                  local agencies;

17                  “(G) the extent to which a State or eligible  
18                  region, given its financial capability, dem-  
19                  onstrates its commitment to expeditiously  
20                  achieving emergency communications capabili-  
21                  ties and communications interoperability by  
22                  supplementing Federal funds with non-Federal  
23                  funds;

24                  “(H) whether the State or eligible region is  
25                  on or near an international border;

1           “(I) whether the State or eligible region  
2 encompasses an economically significant border  
3 crossing;

4           “(J) whether the State or eligible region  
5 has a coastline bordering an ocean or inter-  
6 national waters;

7           “(K) the extent to which geographic bar-  
8 riers pose unusual obstacles to achieving emer-  
9 gency communications capabilities or commu-  
10 nications interoperability;

11           “(L) the threats, vulnerabilities, and con-  
12 sequences faced by the State or eligible region  
13 related to at-risk site or activities in nearby ju-  
14 risdictions, including the need to respond to ter-  
15 rorist attacks, natural disasters, or other large-  
16 scale emergencies arising in those jurisdictions;

17           “(M) the need to achieve nationwide emer-  
18 gency communications capabilities and inter-  
19 operability, consistent with the national strate-  
20 gies; and

21           “(N) such other factors as are specified by  
22 the Secretary in writing.

23           “(2) REVIEW PANEL.—

24           “(A) IN GENERAL.—The Secretary shall  
25 establish a review panel under section 871(a) to

1 assist in reviewing grant applications under this  
2 section.

3 “(B) RECOMMENDATIONS.—The review  
4 panel established under subparagraph (A) shall  
5 make recommendations to the Secretary regard-  
6 ing applications for grants under this section.

7 “(C) MEMBERSHIP.—The review panel es-  
8 tablished under subparagraph (A) shall include  
9 individuals with technical expertise in emer-  
10 gency communications and communications  
11 interoperability as well as emergency response  
12 providers and other relevant State and local of-  
13 ficials.

14 “(3) AVAILABILITY OF FUNDS.—Any grant  
15 funds awarded that may be used to support emer-  
16 gency communications or interoperability shall, as  
17 the Secretary may determine, remain available for  
18 up to 3 years, consistent with section 7303(e) of the  
19 Intelligence Reform and Terrorism Prevention Act  
20 of 2004 (6 U.S.C. 194(e)).

21 “(g) DEFINITIONS.—In this section, the following  
22 definitions apply:

23 “(1) ELIGIBLE REGION.—The term ‘eligible re-  
24 gion’ means—

1           “(A) 2 or more contiguous incorporated  
2 municipalities, counties, parishes, Indian tribes  
3 or other general purpose jurisdictions that—

4                   “(i) have joined together to enhance  
5 emergency communications capabilities or  
6 communications interoperability between  
7 first responders in those jurisdictions and  
8 with State and Federal officials; and

9                   “(ii) includes the largest city in any  
10 metropolitan statistical area, as defined by  
11 the Office of Management and Budget; or

12           “(B) any other area the Secretary deter-  
13 mines to be consistent with the definition of a  
14 region in the national preparedness guidance  
15 issued under Homeland Security Presidential  
16 Directive 8.

17           “(2) OFFICE.—The term ‘office’ refers to the  
18 Office of Domestic Preparedness of the Office of  
19 State and Local Government Preparedness and Co-  
20 ordination within the Department of Homeland Se-  
21 curity.

22           “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
23 are authorized to be appropriated to carry out the pur-  
24 poses of this section—

25                   “(1) \$400,000,000 for fiscal year 2006;

1           “(2) \$500,000,000 for fiscal year 2007;  
2           “(3) \$600,000,000 for fiscal year 2008;  
3           “(4) \$800,000,000 for fiscal year 2009;  
4           “(5) \$1,000,000,000 for fiscal year 2010; and  
5           “(6) such sums as are necessary for each fiscal  
6           year thereafter.”.

7 **SEC. 8. DEFINITIONS.**

8           Section 2 of the Homeland Security of Act of 2002  
9 (6 U.S. C. 101) is amended—

10           (1) by redesignating paragraphs (9) through  
11           (16) as paragraphs (11) through (18), respectively;

12           (2) by redesignating paragraphs (6) through  
13           (8) as paragraphs (7) through (9), respectively;

14           (3) by inserting after paragraph (5) the fol-  
15           lowing:

16           “(6) The term ‘emergency communications ca-  
17           pabilities’ means the ability to provide and maintain,  
18           throughout an emergency response operation, a con-  
19           tinuous flow of information among emergency re-  
20           sponders, agencies, and government officials from  
21           multiple disciplines and jurisdictions and at all levels  
22           of government, in the event of a natural disaster,  
23           terrorist attack, or other large-scale or catastrophic  
24           emergency, including where there has been signifi-  
25           cant damage to, or destruction of, critical infrastruc-

1       ture, including substantial loss of ordinary tele-  
2       communications infrastructure and sustained loss of  
3       electricity.”; and

4               (4) by inserting after paragraph (8) the fol-  
5       lowing:

6               “(9) The terms ‘interoperable communications’  
7       and ‘communications interoperability’ mean the abil-  
8       ity of emergency response providers and relevant  
9       Federal, State, and local government agencies to  
10      communicate with each other as necessary, utilizing  
11      information technology systems and radio commu-  
12      nications systems, and to exchange voice, data, or  
13      video with one another on demand, in real time, as  
14      necessary.”.

15   **SEC. 9. INTERAGENCY COMMITTEE.**

16       (a) ESTABLISHMENT.—There is established an Inter-  
17      agency Committee on Emergency Communications and  
18      Interoperability (referred to in this section as “the Com-  
19      mittee”).

20       (b) COMPOSITION.—The Committee shall be com-  
21      posed of:

22               (1) a representative of the Department of  
23      Homeland Security, who shall serve as Chair of the  
24      Committee;

1           (2) a representative of the Federal Communica-  
2           tions Committee;

3           (3) a representative of the Department of Com-  
4           merce;

5           (4) a representative of the Department of De-  
6           fense;

7           (5) a representative of the Department of Jus-  
8           tice;

9           (6) a representative of the Department of  
10          Health and Human Services;

11          (7) a representative of the National Institute of  
12          Standards and Technology; and

13          (8) a representative of any other department or  
14          agency determined to be necessary by the President.

15          (c) REPORT.—Not later than 90 days after the date  
16 of enactment of this Act, the Committee shall submit a  
17 report to the President and to Congress that includes—

18           (1) a proposal as to how to most effectively ac-  
19           celerate the development of national standards for  
20           public safety interoperable communications in ac-  
21           cordance with section 7303 of the Intelligence Re-  
22           form and Terrorism Prevention Act of 2004 (6  
23           U.S.C. 194); and

24           (2) a proposal on how to ensure that Federal  
25           officials responding to a natural disaster, terrorist

1       attack, or other large-scale emergency, have the  
 2       means to provide and maintain emergency commu-  
 3       nications capabilities to support their response ef-  
 4       forts where there is significant damage to, or de-  
 5       struction of, critical infrastructure, including sub-  
 6       stantial loss of ordinary telecommunications infra-  
 7       structure and sustained loss of electricity.

8       **SEC. 10. TECHNICAL AND CONFORMING AMENDMENTS.**

9       The table of contents in section 1(b) of the Homeland  
 10      Security Act of 2002 (6 U.S.C. 101) is amended by—

11               (1) inserting after the item relating to section  
 12               313 the following:

“Sec. 314. Emergency communications and interoperability assessments  
 and report.

“Sec. 315. Emergency communications and interoperability research and  
 development.

“Sec. 316. Emergency communications pilot projects.”.

13               (2) adding at the end the following:

“TITLE XVIII—DEDICATED FUNDING TO ACHIEVE EMERGENCY  
 COMMUNICATIONS CAPABILITIES AND INTEROPERABILITY

“Sec. 1801. Emergency communications and interoperability grants.”.

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