

109TH CONGRESS
2^D SESSION

H. R. 5852

To amend the Homeland Security Act of 2002 to enhance emergency communications at the Department of Homeland Security, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 20, 2006

Mr. REICHERT (for himself, Mr. PASCHELL, Mr. KING of New York, Mr. THOMPSON of Mississippi, Mr. MCCAUL of Texas, Mrs. LOWEY, Mr. WELDON of Pennsylvania, Mr. ETHERIDGE, Mr. SIMMONS, Mrs. CHRISTENSEN, and Mr. DEFAZIO) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Homeland Security Act of 2002 to enhance emergency communications at the Department of Homeland Security, 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 “21st Century Emer-
5 gency Communications Act of 2006”.

1 **SEC. 2. EMERGENCY COMMUNICATIONS.**

2 (a) IN GENERAL.—The Homeland Security Act of
3 2002 (6 U.S.C. 101 et seq.) is amended by adding at the
4 end the following new title:

5 **“TITLE XVIII—EMERGENCY**
6 **COMMUNICATIONS**

7 **“SEC. 1801. OFFICE OF EMERGENCY COMMUNICATIONS.**

8 “(a) IN GENERAL.—There is in the Department an
9 Office of Emergency Communications.

10 “(b) ASSISTANT SECRETARY.—The head of the office
11 shall be the Assistant Secretary for Emergency Commu-
12 nications.

13 “(c) RESPONSIBILITIES.—The Assistant Secretary
14 for Emergency Communications shall—

15 “(1) assist the Secretary in developing and im-
16 plementing the program described in section
17 7303(a)(1) of the Intelligence Reform and Terrorism
18 Prevention Act of 2004 (6 U.S.C. 194(a)(1)), except
19 as provided in section 314;

20 “(2) administer the Department’s responsibil-
21 ities and authorities relating to the SAFECOM Pro-
22 gram, excluding elements related to research, devel-
23 opment, testing, and evaluation and standards;

24 “(3) administer the Department’s responsibil-
25 ities and authorities relating to the Integrated Wire-
26 less Network program;

1 “(4) coordinate, as appropriate, regarding the
2 administration of the National Communications Sys-
3 tem;

4 “(5) conduct extensive, nationwide outreach and
5 foster the development of interoperable emergency
6 communications capabilities by State, regional, local,
7 and tribal governments and public safety agencies;

8 “(6) provide technical assistance to State, re-
9 gional, local, and tribal officials with respect to use
10 of interoperable emergency communications capabili-
11 ties;

12 “(7) facilitate the creation of Regional Emer-
13 gency Communications Coordination Working
14 Groups under section 1805;

15 “(8) promote the development of best practices
16 with respect to use of interoperable emergency com-
17 munications capabilities for incident response and
18 facilitate the sharing of information on such best
19 practices (including from governments abroad) for
20 achieving, maintaining, and enhancing interoperable
21 emergency communications capabilities for such re-
22 sponse;

23 “(9) coordinate the establishment of a national
24 response capability with initial and ongoing plan-
25 ning, implementation, and training for the deploy-

1 ment of backup communications services in the
2 event of a catastrophic loss of local and regional
3 emergency communications services;

4 “(10) assist the President, the National Secu-
5 rity Council, the Homeland Security Council, and
6 the Director of the Office of Management and Budg-
7 et in ensuring the operability of the telecommuni-
8 cations functions and responsibilities of the Federal
9 Government, excluding spectrum management;

10 “(11) establish, in coordination with the Direc-
11 tor of the Office of Interoperability and Compat-
12 ibility, requirements for total and nonproprietary
13 interoperable emergency communications capabilities
14 for all public safety radio and data communications
15 systems and equipment purchased using homeland
16 security assistance administered by the Department;

17 “(12) review, in consultation with the Assistant
18 Secretary for Grants and Training, all interoperable
19 emergency communications plans of Federal, State,
20 local, and tribal governments, including Statewide
21 and tactical interoperability plans, developed pursu-
22 ant to homeland security assistance administered by
23 the Department, but excluding spectrum allocation
24 and management related to such plans.

1 “(d) PERFORMANCE OF PREVIOUSLY TRANSFERRED
2 FUNCTIONS.—There is transferred to the Secretary the
3 authority to administer, through the Assistant Secretary
4 for Emergency Communications, the following:

5 “(1) The SAFECOM Program, excluding ele-
6 ments related to research, development, testing, and
7 evaluation and standards.

8 “(2) The responsibilities of the Chief Informa-
9 tion Officer related to the implementation of the In-
10 tegrated Wireless Network.

11 “(3) The Interoperable Communications Tech-
12 nical Assistance Program.

13 “(e) COORDINATION.—The Assistant Secretary shall
14 coordinate, as appropriate, with the Director of the Office
15 for Interoperability and Compatibility with respect to the
16 responsibilities described in section 314.

17 “(f) SUFFICIENCY OF RESOURCES PLAN.—

18 “(1) REPORT.—Not later than days 60 days
19 after the enactment of this section, the Secretary
20 shall submit to Congress a report on the resources
21 and staff necessary to carry out the responsibilities
22 under this subtitle.

23 “(2) COMPTROLLER GENERAL REVIEW.—The
24 Comptroller General shall review the validity of the
25 report submitted by the Secretary under paragraph

1 (1). Not later than 30 days after the date on which
2 such report is submitted, the Comptroller General
3 shall submit to Congress a report containing the
4 findings of such review.

5 **“SEC. 1802. NATIONAL EMERGENCY COMMUNICATIONS RE-**
6 **PORT.**

7 “(a) IN GENERAL.—The Secretary, acting through
8 the Assistant Secretary for Emergency Communications,
9 shall, not later than one year after the completion of the
10 baseline assessment under section 1803, and in coopera-
11 tion with State, local, and tribal governments, Federal de-
12 partments and agencies, emergency response providers,
13 emergency support responders, and the private sector, de-
14 velop a National Emergency Communications Report to
15 provide recommendations regarding how the United States
16 can accelerate the deployment of interoperable emergency
17 communications nationwide.

18 “(b) CONTENTS.—The report shall—

19 “(1) include a national interoperable emergency
20 communications inventory to be completed by the
21 Secretary of Homeland Security, the Secretary of
22 Commerce, and the Chairman of the Federal Com-
23 munications Commission that—

24 “(A) identifies for each Federal depart-
25 ment and agency—

1 “(i) the channels and frequencies
2 used;

3 “(ii) the nomenclature used to refer to
4 each channel or frequency used; and

5 “(iii) the types of communications
6 system and equipment used;

7 “(B) identifies the interoperable emergency
8 communications systems in use for public safety
9 systems in the United States; and

10 “(C) provides a listing of public safety mu-
11 tual aid channels in operation and their ability
12 to connect to an interoperable communications
13 system;

14 “(2) recommend, in consultation with the Fed-
15 eral Communications Commission and the National
16 Institute of Standards and Technology, a process for
17 expediting national voluntary consensus-based emer-
18 gency communications equipment standards for the
19 purchase and use by public safety agencies of inter-
20 operable emergency communications equipment and
21 technologies;

22 “(3) identify the appropriate interoperable
23 emergency communications capabilities necessary for
24 Federal, State, local, and tribal governments to op-
25 erate at all threat levels;

1 “(4) recommend both short-term and long-term
2 solutions for deploying Federal, State, local, and
3 tribal interoperable emergency communications sys-
4 tems nationwide, including through the provision of
5 existing and emerging technologies that facilitate
6 operability, interoperability, coordination, and inte-
7 gration among existing emergency communications
8 systems;

9 “(5) identify how Federal Government depart-
10 ments and agencies that respond to acts of ter-
11 rorism, natural disasters, and other emergencies can
12 work effectively with State, local, and tribal govern-
13 ments, in all States, and with other entities;

14 “(6) include recommendations to identify and
15 overcome obstacles to deploying interoperable emer-
16 gency communications nationwide; and

17 “(7) recommend goals and timeframes for the
18 deployment of an emergency, command-level commu-
19 nications system based on new and existing equip-
20 ment across the United States and develop a time-
21 table for deploying interoperable emergency commu-
22 nications systems nationwide.

23 **“SEC. 1803. ASSESSMENTS AND REPORTS.**

24 “(a) **BASELINE OPERABILITY AND INTEROPER-**
25 **ABILITY ASSESSMENT.**—Not later than one year after the

1 date of the enactment of this section and not less than
2 every 5 years thereafter, the Secretary, acting through the
3 Assistant Secretary for Emergency Communications, shall
4 conduct an assessment of Federal, State, local, and tribal
5 governments, to—

6 “(1) define the range of operable and interoper-
7 able emergency communications capabilities needed
8 for specific events;

9 “(2) assess the current capabilities to meet
10 such communications needs; and

11 “(3) identify the gap between such current ca-
12 pabilities and defined requirements.

13 “(b) PROGRESS REPORTS.—Not later than one year
14 after the date of enactment of this section and annually
15 thereafter, the Secretary, acting through the Assistant
16 Secretary for Emergency Communications, shall submit to
17 Congress a report on the progress of the Department in
18 implementing and achieving the goals of this subtitle, in-
19 cluding—

20 “(1) a description of the findings of the most
21 recent baseline assessment conducted under sub-
22 section (a);

23 “(2) a determination of the degree to which
24 interoperable emergency communications has been

1 achieved to date and ascertain the gaps that remains
2 for interoperability to be achieved;

3 “(3) an assessment of the ability of commu-
4 nities to provide and maintain interoperable emer-
5 gency communications among emergency managers,
6 emergency response providers, emergency support
7 providers, and government officials in the event of
8 acts of terrorism, natural disasters, or other emer-
9 gencies, including Incidents of National Significance
10 declared by the Secretary under the National Re-
11 sponse Plan, and where there is substantial damage
12 to communications infrastructure;

13 “(4) a list of best practices among communities
14 for providing and maintaining interoperable emer-
15 gency communications in the event of acts of ter-
16 rorism, natural disasters, or other emergencies; and

17 “(5) an evaluation of the feasibility and desir-
18 ability of the Department developing, on its own or
19 in conjunction with the Department of Defense, a
20 mobile communications capability, modeled on the
21 Army Signal Corps, that could be deployed to sup-
22 port emergency communications at the site of acts of
23 terrorism, natural disasters, or other emergencies.

1 **“SEC. 1804. COORDINATION OF DEPARTMENT EMERGENCY**
2 **COMMUNICATIONS GRANT PROGRAMS.**

3 “(a) COORDINATION OF GRANTS AND STANDARDS
4 PROGRAMS.—The Secretary, acting through Assistant
5 Secretary for Emergency Communications, shall ensure
6 that grant guidelines for the use of homeland security as-
7 sistance administered by the Department relating to inter-
8 operable emergency communications are coordinated and
9 consistent with the goals and recommendations in the Na-
10 tional Emergency Communications Report under section
11 1802.

12 “(b) DENIAL OF ELIGIBILITY FOR GRANTS.—

13 “(1) IN GENERAL.—The Secretary, acting
14 through the Assistant Secretary for Grants and
15 Planning, and in consultation with the Assistant
16 Secretary for Emergency Communications, may pro-
17 hibit any State, local, or tribal government from
18 using homeland security assistance administered by
19 the Department to achieve, maintain, or enhance
20 interoperable emergency communications capabili-
21 ties, if—

22 “(A) such government has not complied
23 with the requirement to submit a Statewide
24 Interoperable Communications Plan as required
25 by section 7303(f) of the Intelligence Reform

1 and Terrorism Prevention Act of 2004 (6
2 U.S.C. 194(f));

3 “(B) such government has proposed to up-
4 grade or purchase new equipment or systems
5 that do not meet or exceed any applicable na-
6 tional voluntary consensus standards and has
7 not provided a reasonable explanation of why
8 such equipment or systems will serve the needs
9 of the applicant better than equipment or sys-
10 tems that meet or exceed such standards; and

11 “(C) as of the date that is three years
12 after the date of the enactment of this section,
13 national voluntary consensus standards for
14 interoperable emergency communications capa-
15 bilities have not been developed and promul-
16 gated.

17 “(2) STANDARDS.—The Secretary, in coordina-
18 tion with the Federal Communications Commission,
19 the National Institute of Standards and Technology,
20 and other Federal departments and agencies with re-
21 sponsibility for standards, shall support the develop-
22 ment, promulgation, and updating as necessary of
23 national voluntary consensus standards for inter-
24 operable emergency communications with the goal of

1 having such standards in place to satisfy the re-
2 quirements of paragraph (1)(C).

3 **“SEC. 1805. REGIONAL EMERGENCY COMMUNICATIONS CO-**
4 **ORDINATION.**

5 “(a) IN GENERAL.—There is in each Regional Office
6 a Regional Emergency Communications Coordination
7 Working Group (in this section referred to as an ‘RECC
8 Working Group’).

9 “(b) SUBJECT MATTER EXPERTS.—The RECC
10 Working Group shall consist of the following:

11 “(1) NON-FEDERAL.—Organizations rep-
12 resenting the interests of the following:

13 “(A) State officials.

14 “(B) Local officials, including sheriffs.

15 “(C) State police departments.

16 “(D) Local police departments.

17 “(E) Local fire departments.

18 “(F) Public safety answering points (9–1–
19 1 services).

20 “(G) Communications equipment vendors
21 (including broadband data service providers).

22 “(H) Hospitals.

23 “(I) Public utility services.

24 “(J) Local exchange carriers.

25 “(K) Local broadcast media.

1 “(L) Wireless carriers.

2 “(M) Satellite communications services.

3 “(N) Emergency evacuation transit serv-
4 ices.

5 “(O) Ambulance services.

6 “(P) HAM and amateur radio operators.

7 “(Q) State emergency managers, homeland
8 security directors, or representatives of State
9 Administrative Agencies.

10 “(R) Local emergency managers or home-
11 land security directors.

12 “(S) Cable operators.

13 “(T) Other emergency response providers
14 or emergency support providers as deemed ap-
15 propriate.

16 “(2) FEDERAL.—Representatives from the De-
17 partment and other Federal departments and agen-
18 cies with responsibility for coordinating interoperable
19 emergency communications with or providing emer-
20 gency support services to State, local, and tribal gov-
21 ernments.

22 “(c) DUTIES.—The duties of each RECC Working
23 Group shall include—

24 “(1) assessing the survivability, sustainability,
25 and interoperability of local emergency communica-

1 tions systems to meet the goals of the National
2 Emergency Communications Report;

3 “(2) reporting annually to the Assistant Sec-
4 retary for Emergency Communications on the status
5 of its region in building robust and sustainable
6 interoperable voice and data emergency communica-
7 tions networks and on the progress of the region in
8 meeting the goals of the National Emergency Com-
9 munications Report under section 1802 when such
10 Report is complete;

11 “(3) ensuring a process for the coordination of
12 the establishment of effective multijurisdictional,
13 multi-agency emergency communications networks
14 for use during acts of terrorism, natural disasters,
15 and other emergencies through the expanded use of
16 emergency management and public safety commu-
17 nications mutual aid agreements; and

18 “(4) coordinating the establishment of Federal,
19 State, local, and tribal support services and net-
20 works designed to address the immediate and critical
21 human needs in responding to acts of terrorism, nat-
22 ural disasters, and other emergencies.

1 **“SEC. 1806. EMERGENCY COMMUNICATIONS PREPARED-**
2 **NESS CENTER.**

3 “(a) ESTABLISHMENT.—There is established the
4 Emergency Communications Preparedness Center (in this
5 section referred to as the ‘Center’).

6 “(b) OPERATION.—

7 “(1) IN GENERAL.—The Secretary, the Chair-
8 man of the Federal Communications Commission,
9 the Secretary of Defense, the Secretary of Com-
10 merce, the Attorney General, and the heads of other
11 Federal departments and agencies or their designees
12 shall jointly operate the Center in accordance with
13 the Memorandum of Understanding entitled, ‘Emer-
14 gency Communications Preparedness Center
15 (ECPC) Charter’.

16 “(2) CHAIR.—The Chair of the Center shall ro-
17 tate every two years between the Secretary of Home-
18 land Security, the Secretary of Defense, the Sec-
19 retary of Commerce, the Attorney General, and the
20 Chairman of the Federal Communications Commis-
21 sion.

22 “(c) FUNCTIONS.—The Center shall—

23 “(1) serve as the focal point for interagency ef-
24 forts to address operable and interoperable commu-
25 nications;

1 “(2) serve as a clearinghouse with respect to all
2 relevant information regarding intergovernmental ef-
3 forts to achieve nationwide interoperable emergency
4 communications capabilities;

5 “(3) ensure cooperation among the relevant
6 Federal Government departments and agencies to
7 improve effectiveness in the communication and im-
8 plementation of the goals recommended in the Na-
9 tional Emergency Communications Report under
10 section 1802, including specifically by working to
11 avoid duplication, hindrances, and counteractive ef-
12 forts among the participating Federal departments
13 and agencies;

14 “(4) prepare and submit to Congress, on an an-
15 nual basis, a strategic assessment regarding the ef-
16 forts of Federal departments and agencies to imple-
17 ment the National Emergency Communications Re-
18 port under section 1802; and

19 “(5) perform such other functions as are pro-
20 vided in the ECPC Charter under subsection (b)(1).

21 “(d) REPORT.—Not later than 180 days after the
22 date of the enactment of this section, the Chair shall
23 transmit to the Congress a report regarding the implemen-
24 tation of this section, including a description of the staff-
25 ing and resource needs of the Center.

1 **“SEC. 1807. URBAN AND OTHER HIGH RISK AREA COMMU-**
2 **NICATIONS CAPABILITIES.**

3 “(a) IN GENERAL.—The Secretary, in consultation
4 with the Chairman of the Federal Communications Com-
5 mission and the Secretary of Defense, and with appro-
6 priate State, local, and tribal government officials, shall
7 provide technical guidance, training, and other assistance,
8 as appropriate, to support the rapid establishment of con-
9 sistent, secure, and effective interoperable emergency com-
10 munications capabilities in the event of an emergency in
11 urban and other areas determined by the Secretary to be
12 at consistently high levels of risk from acts of terrorism,
13 natural disasters, and other emergencies.

14 “(b) MINIMUM CAPABILITIES.—The interoperable
15 emergency communications capabilities established under
16 subsection (a) shall ensure the ability of all levels of gov-
17 ernment, emergency response providers, emergency sup-
18 port providers, the private sector, and other organizations
19 with emergency response capabilities—

20 “(1) to communicate with each other in the
21 event of an emergency;

22 “(2) to have appropriate and timely access to
23 the Information Sharing Environment described in
24 section 1016 of the National Security Intelligence
25 Reform Act of 2004 (6 U.S.C. 321); and

1 “(3) to be consistent with any applicable State
2 or Urban Area homeland strategy or plan.”.

3 (b) CLERICAL AMENDMENT.—The table of contents
4 in section 1(b) of such Act is amended by adding at the
5 end the following:

“TITLE XVIII—EMERGENCY COMMUNICATIONS

“Sec. 1801. Office of Emergency Communications.

“Sec. 1802. National Emergency Communications Report.

“Sec. 1803. Assessments and reports.

“Sec. 1804. Coordination of Federal emergency communications grant pro-
grams.

“Sec. 1805. Regional emergency communications coordination.

“Sec. 1806. Emergency Communications Preparedness Center.

“Sec. 1807. Urban and other high risk area communications capabilities.

6 **SEC. 3. OFFICE OF INTEROPERABILITY AND COMPAT-**
7 **IBILITY.**

8 (a) IN GENERAL.—Title III of the Homeland Secu-
9 rity Act of 2002 (6 U.S.C. 181 et seq.) is amended by
10 adding at the end the following:

11 **“SEC. 314. OFFICE OF INTEROPERABILITY AND COMPAT-**
12 **IBILITY.**

13 “(a) CLARIFICATION OF RESPONSIBILITIES.—The
14 Director of the Office of Interoperability and Compat-
15 ibility shall—

16 “(1) assist the Secretary in developing and im-
17 plementing the science and technology aspects of the
18 program described in subparagraphs (D), (E), (F),
19 and (G) of section 7303(a)(1) of the Intelligence Re-

1 form and Terrorism Prevention Act of 2004 (6
2 U.S.C. 194(a)(1));

3 “(2) support the creation of national voluntary
4 consensus standards for interoperable emergency
5 communications;

6 “(3) establish a comprehensive research, devel-
7 opment, testing, and evaluation program for improv-
8 ing interoperable emergency communications;

9 “(4) establish, in coordination with the Assist-
10 ant Secretary for Emergency Communications, re-
11 quirements for total and nonproprietary interoper-
12 able emergency communications capabilities for all
13 public safety radio and data communications sys-
14 tems and equipment purchased using homeland se-
15 curity assistance administered by the Department;

16 “(5) carry out the Department’s responsibilities
17 and authorities relating to research, development,
18 testing, evaluation, or standards-related elements
19 of the SAFECOM Program;

20 “(6) evaluate and assess new technology in real-
21 world environments to achieve interoperable emer-
22 gency communications capabilities;

23 “(7) encourage more efficient use of existing re-
24 sources, including equipment, to achieve interoper-
25 able emergency communications capabilities;

- 1 Interoperability and Compatibility should work with the
- 2 National Institute of Standards and Technology for the
- 3 purpose of implementing, as soon as possible, the Project
- 4 25 Compliance Assessment Program.

