

107TH CONGRESS  
2D SESSION

# S. 2037

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## AN ACT

To mobilize technology and science experts to respond quickly to the threats posed by terrorist attacks and other emergencies, by providing for the establishment of a national emergency technology guard, a technology reliability advisory board, and a center for evaluating antiterrorism and disaster response technology within the National Institute of Standards and Technology.

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 “Science and Tech-  
5       nology Emergency Mobilization Act”.

1 **SEC. 2. CONGRESSIONAL FINDINGS AND PURPOSE.**

2 (a) FINDINGS.—The Congress finds the following:

3 (1) In the aftermath of the terrorist attacks of  
4 September 11, 2001, many private-sector technology  
5 and science experts provided valuable assistance to  
6 rescue and recovery efforts by donating their time  
7 and expertise. However, many who wished to help  
8 had significant difficulty determining how they could  
9 be most useful. They were hampered by the lack of  
10 any organizational structure to harness their abili-  
11 ties and coordinate their efforts.

12 (2) A prompt and well-coordinated volunteer  
13 base of technology and science expertise could help  
14 save lives, aid rescue efforts, and rebuild critical  
15 technology infrastructures in the event of a future  
16 major terrorist attack, natural disaster, or other  
17 emergency. Technology and science expertise also  
18 could help minimize the vulnerability of critical in-  
19 frastructure to future attacks or natural disasters.

20 (3) Police, fire personnel, and other local emer-  
21 gency responders frequently could benefit from time-  
22 ly technological assistance, and efforts to organize a  
23 system to assist in locating the desired help should  
24 be expedited.

25 (4) Efforts to develop and deploy innovative  
26 new technologies for use by government emergency

1 prevention and response agencies would be improved  
2 by the designation of a clear contact point within the  
3 Federal Government for intake and evaluation of  
4 technology ideas.

5 (5) The creation of compatible communications  
6 systems would strengthen emergency response ef-  
7 forts of police, fire, and other emergency response  
8 personnel to communicate effectively with each other  
9 and with their counterparts from nearby jurisdic-  
10 tions. Some programs, such as the Capital Wireless  
11 Integrated Network (CapWIN), have made signifi-  
12 cant progress in addressing the issue of interoper-  
13 able communications between emergency service pro-  
14 viders in particular urban areas and the Federal  
15 Government has sought to address the issue through  
16 the Public Safety Wireless Networks program. Rel-  
17 atively few States and localities, however, have  
18 achieved a sufficient level of communications inter-  
19 operability.

20 (b) PURPOSE.—The purpose of this Act is to rein-  
21 force, focus, and expedite ongoing efforts to mobilize  
22 America’s extensive capability in technology and science  
23 in responding to the threats posed by terrorist attacks,  
24 natural disasters, and other major emergencies, by  
25 creating—

1 (1) a national emergency technology guard or  
2 “NET Guard” that includes—

3 (A) rapid response teams of volunteers  
4 with technology and science expertise, organized  
5 at the local level; and

6 (B) opportunities for NET Guard volun-  
7 teers to assist with non-emergency tasks related  
8 to local preparedness and prevention, including  
9 reducing the vulnerability of government infor-  
10 mation technology systems;

11 (2) a national clearinghouse for innovative civil-  
12 ian technologies relating to emergency prevention  
13 and response; and

14 (3) a pilot program to assist state efforts to  
15 achieve the interoperability of communications sys-  
16 tems used by fire, law enforcement, and emergency  
17 preparedness and response agencies.

18 **SEC. 3. ESTABLISHMENT OF NATIONAL EMERGENCY TECH-**  
19 **NOLOGY GUARD.**

20 (a) IN GENERAL.—Not later than 1 year after the  
21 date of enactment of this Act, the President shall des-  
22 ignate an appropriate department, agency, or office to  
23 compile and maintain a repository database of nongovern-  
24 mental technology and science experts who have offered,

1 and who can be mobilized, to help Federal agencies  
2 counter terrorism.

3 (b) NET GUARD DISASTER RESPONSE TEAMS.—

4 (1) CERTIFICATION PROCEDURES.—The Presi-  
5 dent shall also designate an appropriate department,  
6 agency, or office (which may be the department,  
7 agency, or office designated under subsection (a)) to  
8 develop a procedure to encourage groups of volun-  
9 teers with technological or scientific expertise to  
10 team with individuals from State and local govern-  
11 ments, local emergency response agencies, and non-  
12 governmental emergency aid, assistance, and relief  
13 organizations.

14 (2) TEAM FORMATION.—The department, agen-  
15 cy, or office designated under paragraph (1) may de-  
16 velop and implement a system for facilitating the  
17 formation of local teams of such volunteers by help-  
18 ing individuals that wish to participate in such  
19 teams to locate and contact one another.

20 (3) CRITERIA FOR CERTIFICATION.—The de-  
21 partment, agency, or office designated under para-  
22 graph (1) shall establish criteria for the certification  
23 of such teams, including—

24 (A) the types of expertise, capabilities, and  
25 equipment required; and

1 (B) minimum training and practice re-  
2 quirements, including participation in not less  
3 than two emergency drills each year.

4 (4) CERTIFICATION AND CREDENTIALS.—The  
5 department, agency, or office designated under para-  
6 graph (1) shall—

7 (A) certify any group of individuals re-  
8 questing certification as a NET Guard disaster  
9 response team that complies with the proce-  
10 dures established under paragraph (1) and  
11 meets the criteria established under paragraph  
12 (3);

13 (B) issue credentials and forms of identi-  
14 fication as appropriate identifying each such  
15 team and its members; and

16 (C) suspend, withdraw, or terminate cer-  
17 tification of and recover credentials and forms  
18 of identification from any NET Guard disaster  
19 response team, or any member thereof, when  
20 the head of the entity designated deems it ap-  
21 propriate.

22 (5) COMPENSATION; PER DIEM, TRAVEL, AND  
23 TRANSPORTATION EXPENSES.—The department,  
24 agency, or office designated under paragraph (1)  
25 may authorize the payment to a member of a NET

1 Guard disaster response team, for the period that  
2 member is engaged in performing duties as such  
3 member at the request of the United States—

4 (A) compensation as employees for tem-  
5 porary or intermittent services as experts or  
6 consultants under section 3109 of title 5,  
7 United States Code; and

8 (B) travel or transportation expenses, in-  
9 cluding per diem in lieu of subsistence, as pro-  
10 vided by section 5703 of title 5.

11 (c) ADDITIONAL AUTHORITIES.—The head of the de-  
12 partment, agency, or office designated under paragraph  
13 (1) may—

14 (1) activate NET Guard disaster response  
15 teams in an emergency (as defined in section 102(1)  
16 of the Robert T. Stafford Disaster Relief and Emer-  
17 gency Assistance Act (42 U.S.C. 5122(1)) or a  
18 major disaster (as defined in section 102(2) of that  
19 Act);

20 (2) provide for access by team members to  
21 emergency sites; and

22 (3) assign, on a voluntary basis, NET Guard  
23 volunteers to work, on a temporary basis on—

1 (A) the development and maintenance of  
2 the database described in subsection (a) and the  
3 procedures for access to the database; and

4 (B) such other technology related projects  
5 to improve emergency preparedness and preven-  
6 tion as may be appropriate.

7 **SEC. 4. CENTER FOR CIVILIAN HOMELAND SECURITY**  
8 **TECHNOLOGY EVALUATION.**

9 (a) IN GENERAL.—The President shall establish a  
10 Center for Civilian Homeland Security Technol-  
11 ogy Evaluation within the Executive Branch to evaluate innovative  
12 technologies relating to security and emergency prepared-  
13 ness and response and to serve as a national clearinghouse  
14 for such technologies.

15 (b) FUNCTION.—The Center shall—

16 (1) serve as a principal, national contact point  
17 for the intake of innovative technologies relating to  
18 security and emergency preparedness and response;

19 (2) evaluate promising new technologies relating  
20 to security and emergency preparedness and re-  
21 sponse;

22 (3) assure persons and companies that have  
23 submitted a technology receive a timely response to  
24 inquiries;



1           (4) upon request by Federal agencies consult  
2           with and advise Federal agencies about the develop-  
3           ment, modification, acquisition, and deployment of  
4           technology relating to security and emergency pre-  
5           paredness and response; and

6           (5) provide individuals and companies that have  
7           submitted information about a technology the ability  
8           to track, to the extent practicable, the current status  
9           of their submission online.

10          (c) MODEL.—The Center may be modeled on the  
11          Technical Support Working Group that provides an inter-  
12          agency forum to coordinate research and development of  
13          technologies for combating terrorism.

14          (d) INTERNET ACCESS.—

15               (1) IN GENERAL.—The President shall create  
16               an online portal accessible through the FirstGov  
17               Internet website ([www.firstgov.gov](http://www.firstgov.gov)), or any successor  
18               to such website, to provide individuals and compa-  
19               nies with innovative technologies a single point of ac-  
20               cess to the Center and a single point of contact at  
21               each Federal agency participating in the Center.

22               (2) FUNCTIONS.—The Center portal shall—

23                       (A) provide individuals and companies with  
24                       an online opportunity to obtain information  
25                       about various open solicitations relevant to

1 homeland security and points of contact for  
2 submission of solicited and unsolicited pro-  
3 posals; and

4 (B) include safeguards to ensure that busi-  
5 ness proprietary information is protected and  
6 that no personally identifiable information is ac-  
7 cessible to unauthorized persons.

8 (e) PROCUREMENT NOT CONDITIONED ON SUBMIS-  
9 SION.—Nothing in this section requires a technology to  
10 be submitted to, or evaluated by, the Center in order to  
11 be eligible for procurement by Federal agencies.

12 **SEC. 5. COMMUNICATIONS INTEROPERABILITY PILOT**  
13 **PROJECTS.**

14 (a) IN GENERAL.—The President shall establish  
15 within an appropriate department, agency, or office a pilot  
16 program for planning or implementation of interoperable  
17 communications systems for appropriate emergency re-  
18 sponse agencies.

19 (b) GRANTS.—The head of the department, agency,  
20 or office in which the program is established under sub-  
21 section (a) shall make grants of \$5,000,000 each to seven  
22 different States for pilot projects under the program.

23 (c) CRITERIA; ADMINISTRATIVE PROVISIONS.—The  
24 head of the department, agency, or office in which the pro-  
25 gram is established under subsection (a), in consultation

1 with other appropriate agencies, shall prescribe such cri-  
2 teria for eligibility for projects and for grantees, including  
3 applications, fund use assurance and accounting, and re-  
4 porting requirements as the head of the entity deems ap-  
5 propriate. In prescribing such criteria, the head of the de-  
6 partment, agency, or office shall consult with the adminis-  
7 trators of existing projects designed to facilitate public  
8 safety communications interoperability concerning the  
9 best practices and lessons learned from such projects.

10 **SEC. 6. REPORTS.**

11 (a) WIRELESS COMMUNICATIONS CAPABILITIES FOR  
12 FIRST RESPONDERS.—Within 1 year after the date of en-  
13 actment of this Act, the President shall designate an ap-  
14 propriate department, agency, or office to submit a report  
15 to the Committee on Commerce, Science, and Transpor-  
16 tation of the Senate and the Committee on Science of the  
17 House of Representatives setting forth policy options for  
18 ensuring that emergency officials and first responders  
19 have access to effective and reliable wireless communica-  
20 tions capabilities. In completing the report, representa-  
21 tives of the commercial wireless industry shall be con-  
22 sulted, particularly to the extent that the report addresses  
23 commercial wireless systems. The report shall include an  
24 examination of the possibility of—

1           (1) developing a system of priority access for  
2           certain governmental officials to existing commercial  
3           wireless systems, and the impact such a priority ac-  
4           cess system would have on both emergency commu-  
5           nications capability and consumer access to commer-  
6           cial wireless services;

7           (2) designating national emergency spectrum to  
8           be held in reserve for public safety and emergency  
9           purposes; and

10          (3) creating a specialized public safety commu-  
11          nications network or networks for use with wireless  
12          devices customized for public safety use.

13          (b) IN-KIND DONATIONS.—Within 1 year after the  
14          date of enactment of this Act, the Federal Emergency  
15          Management Agency, in consultation with other appro-  
16          priate Federal agencies, shall submit to the Committee on  
17          Commerce, Science, and Transportation of the Senate and  
18          the Committee on Science of the House of Representatives  
19          a report on the barriers to acceptance by Federal agencies  
20          of in-kind donations of technology and services during  
21          emergency situations.

22          **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

23          (a) NATIONAL EMERGENCY TECHNOLOGY GUARD.—  
24          There are authorized to be appropriated \$5,000,000 for

1 each of fiscal years 2003 and 2004 to carry out section  
2 3.

3 (b) PILOT PROGRAMS.—There are authorized to be  
4 appropriated to the department, agency, or office in which  
5 the program is established under section 5(a) \$35,000,000  
6 for fiscal year 2003 to carry out section 5 of this Act,  
7 such sums to remain available until expended.

8 (c) REPORT.—There are authorized to be appro-  
9 priated to the department, agency, or office designated in  
10 section 6(a) \$500,000 for fiscal year 2003 to carry out  
11 section 6(a) of this Act.

12 **SEC. 8. EMERGENCY RESPONSE AGENCIES.**

13 In this Act, the term “emergency response agency”  
14 includes agencies providing any of the following services:

- 15 (1) Law Enforcement services.
- 16 (2) Fire services.
- 17 (3) Emergency Medical services.
- 18 (4) Public Safety Communications.
- 19 (5) Emergency Preparedness.

Passed the Senate July 18, 2002.

Attest:

*Secretary.*



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