

109TH CONGRESS  
2D SESSION

# H. R. 5852

---

IN THE SENATE OF THE UNITED STATES

JULY 26, 2006

Received; read twice and referred to the Committee on Homeland Security and  
Governmental Affairs

---

## AN ACT

To amend the Homeland Security Act of 2002 to enhance  
emergency communications at the Department of Home-  
land 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,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “21st Century Emer-  
3 gency Communications Act of 2006”.

4 **SEC. 2. EMERGENCY COMMUNICATIONS.**

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

8           **“TITLE XVIII—EMERGENCY**  
9                   **COMMUNICATIONS**

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

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

13       “(b) ASSISTANT SECRETARY.—The head of the office  
14 shall be the Assistant Secretary for Emergency Commu-  
15 nications.

16       “(c) RESPONSIBILITIES.—The Assistant Secretary  
17 for Emergency Communications shall—

18           “(1) assist the Secretary in developing and im-  
19 plementing the program described in section  
20 7303(a)(1) of the Intelligence Reform and Terrorism  
21 Prevention Act of 2004 (6 U.S.C. 194(a)(1)), except  
22 as provided in section 314;

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

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

4           “(4) coordinate, as appropriate, regarding the  
5           administration of the National Communications Sys-  
6           tem;

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

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

15          “(7) facilitate the creation of Regional Emer-  
16          gency Communications Coordination Working  
17          Groups under section 1805;

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

1           “(9) coordinate the establishment of a national  
2       response capability with initial and ongoing plan-  
3       ning, implementation, and training for the deploy-  
4       ment of backup communications services in the  
5       event of a catastrophic loss of local and regional  
6       emergency communications services;

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

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

20          “(12) review, in consultation with the Assistant  
21      Secretary for Grants and Training, all interoperable  
22      emergency communications plans of Federal, State,  
23      local, and tribal governments, including Statewide  
24      and tactical interoperability plans, developed pursu-  
25      ant to homeland security assistance administered by

1 the Department, but excluding spectrum allocation  
2 and management related to such plans.

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

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

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

13 “(3) The Interoperable Communications Tech-  
14 nical Assistance Program.

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

19 “(f) SUFFICIENCY OF RESOURCES PLAN.—

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

1           “(2) COMPTROLLER GENERAL REVIEW.—The  
2           Comptroller General shall review the validity of the  
3           report submitted by the Secretary under paragraph  
4           (1). Not later than 30 days after the date on which  
5           such report is submitted, the Comptroller General  
6           shall submit to Congress a report containing the  
7           findings of such review.

8           **“SEC. 1802. NATIONAL EMERGENCY COMMUNICATIONS RE-**  
9                                   **PORT.**

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

21          “(b) CONTENTS.—The report shall—

22                 “(1) include a national interoperable emergency  
23                 communications inventory to be completed by the  
24                 Secretary of Homeland Security, the Secretary of

1 Commerce, and the Chairman of the Federal Com-  
2 munications Commission that—

3 “(A) identifies for each Federal depart-  
4 ment and agency—

5 “(i) the channels and frequencies  
6 used;

7 “(ii) the nomenclature used to refer to  
8 each channel or frequency used; and

9 “(iii) the types of communications  
10 system and equipment used;

11 “(B) identifies the interoperable emergency  
12 communications systems in use for public safety  
13 systems in the United States; and

14 “(C) provides a listing of public safety mu-  
15 tual aid channels in operation and their ability  
16 to connect to an interoperable communications  
17 system;

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

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

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

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

18          “(6) include recommendations to identify and  
19          overcome obstacles to deploying interoperable emer-  
20          gency communications nationwide; and

21          “(7) recommend goals and timeframes for the  
22          deployment of an emergency, command-level commu-  
23          nications system based on new and existing equip-  
24          ment across the United States and develop a time-



1 table for deploying interoperable emergency commu-  
2 nications systems nationwide.

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

4 “(a) BASELINE OPERABILITY AND INTEROPER-  
5 ABILITY ASSESSMENT.—Not later than one year after the  
6 date of the enactment of this section and not less than  
7 every 5 years thereafter, the Secretary, acting through the  
8 Assistant Secretary for Emergency Communications, shall  
9 conduct an assessment of Federal, State, local, and tribal  
10 governments, to—

11 “(1) define the range of operable and interoper-  
12 able emergency communications capabilities needed  
13 for specific events;

14 “(2) assess the current capabilities to meet  
15 such communications needs; and

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

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

1           “(1) a description of the findings of the most  
2       recent baseline assessment conducted under sub-  
3       section (a);

4           “(2) a determination of the degree to which  
5       interoperable emergency communications has been  
6       achieved to date and ascertain the gaps that remains  
7       for interoperability to be achieved;

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

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

22          “(5) an evaluation of the feasibility and desir-  
23      ability of the Department developing, on its own or  
24      in conjunction with the Department of Defense, a  
25      mobile communications capability, modeled on the

1 Army Signal Corps, that could be deployed to sup-  
2 port emergency communications at the site of acts of  
3 terrorism, natural disasters, or other emergencies.

4 **“SEC. 1804. COORDINATION OF DEPARTMENT EMERGENCY**  
5 **COMMUNICATIONS GRANT PROGRAMS.**

6 “(a) COORDINATION OF GRANTS AND STANDARDS  
7 PROGRAMS.—The Secretary, acting through Assistant  
8 Secretary for Emergency Communications, shall ensure  
9 that grant guidelines for the use of homeland security as-  
10 sistance administered by the Department relating to inter-  
11 operable emergency communications are coordinated and  
12 consistent with the goals and recommendations in the Na-  
13 tional Emergency Communications Report under section  
14 1802.

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

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

1           “(A) such government has not complied  
2           with the requirement to submit a Statewide  
3           Interoperable Communications Plan as required  
4           by section 7303(f) of the Intelligence Reform  
5           and Terrorism Prevention Act of 2004 (6  
6           U.S.C. 194(f));

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

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

21          “(2) STANDARDS.—The Secretary, in coordina-  
22          tion with the Federal Communications Commission,  
23          the National Institute of Standards and Technology,  
24          and other Federal departments and agencies with re-  
25          sponsibility for standards, shall support the develop-

1       ment, promulgation, and updating as necessary of  
2       national voluntary consensus standards for inter-  
3       operable emergency communications with the goal of  
4       having such standards in place to satisfy the re-  
5       quirements of paragraph (1)(C).

6       **“SEC. 1805. REGIONAL EMERGENCY COMMUNICATIONS CO-**  
7                   **ORDINATION.**

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

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

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

16                      “(A) State officials.

17                      “(B) Local officials, including sheriffs.

18                      “(C) State police departments.

19                      “(D) Local police departments.

20                      “(E) Local fire departments.

21                      “(F) Public safety answering points (9–1–  
22      1 services).

23                      “(G) Communications equipment vendors  
24      (including broadband data service providers).

25                      “(H) Hospitals.

1 “(I) Public utility services.

2 “(J) Local exchange carriers.

3 “(K) Local broadcast media.

4 “(L) Wireless carriers.

5 “(M) Satellite communications services.

6 “(N) Emergency evacuation transit serv-  
7 ices.

8 “(O) Ambulance services.

9 “(P) HAM and amateur radio operators.

10 “(Q) State emergency managers, homeland  
11 security directors, or representatives of State  
12 Administrative Agencies.

13 “(R) Local emergency managers or home-  
14 land security directors.

15 “(S) Cable operators.

16 “(T) Other emergency response providers  
17 or emergency support providers as deemed ap-  
18 propriate.

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

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

3               “(1) assessing the survivability, sustainability,  
4 and interoperability of local emergency communica-  
5 tions systems to meet the goals of the National  
6 Emergency Communications Report;

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

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

22               “(4) coordinating the establishment of Federal,  
23 State, local, and tribal support services and net-  
24 works designed to address the immediate and critical

1 human needs in responding to acts of terrorism, nat-  
2 ural disasters, and other emergencies.

3 **“SEC. 1806. EMERGENCY COMMUNICATIONS PREPARED-**  
4 **NESS CENTER.**

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

8 “(b) OPERATION.—

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

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

24 “(c) FUNCTIONS.—The Center shall—



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

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

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

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

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

24 “(d) REPORT.—Not later than 180 days after the  
25 date of the enactment of this section, the Chair shall

1 transmit to the Congress a report regarding the implemen-  
2 tation of this section, including a description of the staff-  
3 ing and resource needs of the Center.

4 **“SEC. 1807. URBAN AND OTHER HIGH RISK AREA COMMU-**  
5 **NICATIONS CAPABILITIES.**

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

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

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

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

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

7 (b) CLERICAL AMENDMENT.—The table of contents  
 8 in section 1(b) of such Act is amended by adding at the  
 9 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.

10 **SEC. 3. OFFICE OF INTEROPERABILITY AND COMPAT-**  
 11 **IBILITY.**

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

15 **“SEC. 314. OFFICE OF INTEROPERABILITY AND COMPAT-**  
 16 **IBILITY.**

17 “(a) CLARIFICATION OF RESPONSIBILITIES.—The  
 18 Director of the Office of Interoperability and Compat-  
 19 ibility shall—

1           “(1) assist the Secretary in developing and im-  
2           plementing the science and technology aspects of the  
3           program described in subparagraphs (D), (E), (F),  
4           and (G) of section 7303(a)(1) of the Intelligence Re-  
5           form and Terrorism Prevention Act of 2004 (6  
6           U.S.C. 194(a)(1));

7           “(2) support the creation of national voluntary  
8           consensus standards for interoperable emergency  
9           communications;

10          “(3) establish a comprehensive research, devel-  
11          opment, testing, and evaluation program for improv-  
12          ing interoperable emergency communications;

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

20          “(5) carry out the Department’s responsibilities  
21          and authorities relating to research, development,  
22          testing, evaluation, or standards-related elements  
23          of the SAFECOM Program;

1           “(6) evaluate and assess new technology in real-  
2       world environments to achieve interoperable emer-  
3       gency communications capabilities;

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

7           “(8) test public safety communications systems  
8       that are less prone to failure, support new nonvoice  
9       services, use spectrum more efficiently, and cost less  
10      than existing systems; and

11          “(9) coordinate with the private sector to de-  
12      velop solutions to improve emergency communica-  
13      tions capabilities and achieve interoperable emer-  
14      gency communications capabilities.

15          “(b) COORDINATION.—The Director shall coordinate  
16      with the Assistant Secretary for Emergency Communica-  
17      tions with respect to the SAFECOM program.

18          “(c) SUFFICIENCY OF RESOURCES.—The Secretary  
19      shall provide the Office for Interoperability and Compat-  
20      ibility the resources and staff necessary to carry out the  
21      responsibilities under this section.”.

22          (b) CLERICAL AMENDMENT.—The table of contents  
23      in section 1(b) of such Act is amended by inserting at the  
24      end of the items relating to title III the following:

“Sec. 314. Office of Interoperability and Compatibility.”.

1 **SEC. 4. SENSE OF CONGRESS ON THE PROJECT 25 CON-**  
2 **FORMITY ASSESSMENT PROJECT.**

3       It is the sense of Congress that in carrying out the  
4 responsibilities and authorities of the Department of  
5 Homeland Security relating to the SAFECOM Program,  
6 the Assistant Secretary of Homeland Security for Emer-  
7 gency Communications and the Director of the Office of  
8 Interoperability and Compatibility should work with the  
9 National Institute of Standards and Technology for the  
10 purpose of implementing, as soon as possible, the Project  
11 25 Compliance Assessment Program.

Passed the House of Representatives July 25, 2006.

Attest:

KAREN L. HAAS,

*Clerk.*