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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.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 19, 2005

Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, Mr. LEVIN, Mr. MCCAIN, Ms. CANTWELL, Mr. SALAZAR, Mr. WARNER, and Mr. COLEMAN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

SEPTEMBER 29, 2005

Reported by Ms. COLLINS, with amendments

[Omit the part struck through and insert the part printed in *italic*]

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 ***TITLE I—EMERGENCY AND***
 4 ***INTEROPERABLE COMMU-***
 5 ***NICATIONS***

6 ~~SECTION 1.~~ ***SEC. 101. SHORT TITLE.***

7 This ~~Act~~ *title* may be cited as the “Assure Emergency
 8 and Interoperable Communications for First Responders
 9 Act of 2005”.

10 ~~SEC. 2.~~ ***102. FINDINGS.***

11 Congress finds the following:

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

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

1 (3) In the days after Hurricane Katrina dev-
2 astated the Gulf Coast of the United States, the
3 communications infrastructure in the affected areas
4 was decimated, and difficulties in communicating
5 among officials and first responders significantly im-
6 peded the rescue and relief efforts.

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

22 (5) The Department of Homeland Security has
23 identified communications interoperability as 1 of
24 the key national priorities for first responders to
25 achieve the National Preparedness Goal that the De-

1 partment of Homeland Security has established for
2 the Nation and has identified emergency response
3 communications as an essential target capability
4 needed to respond to a major event.

5 (6) The lack of emergency communication capa-
6 bilities and interoperability costs lives not only dur-
7 ing terrorist attacks or natural disasters, but also
8 during everyday emergency operations.

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

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

24 (9) The Intelligence Reform and Terrorism Pre-
25 vention Act of 2004 requires the Secretary of Home-

1 land Security, in consultation with other Federal of-
2 ficials, to establish a program to ensure public safety
3 interoperable communications at all levels of govern-
4 ment.

5 (10) However, much more remains to be done.
6 For example, in January 2005, the National Gov-
7 ernors Association reported that while achieving
8 interoperability ranked as the top priority for States,
9 obtaining the equipment and technology to fulfill
10 this goal remains a challenge. The large majority of
11 States report that they have not yet achieved inter-
12 operability in their States.

13 (11) Much of the communications equipment
14 used by emergency responders is outdated and in-
15 compatible, which inhibits communication between
16 State and local governments and between neigh-
17 boring local jurisdictions. Additional grant funding
18 would facilitate the acquisition of new technology to
19 enable interoperability.

20 (12) Stronger and more effective national,
21 statewide, and regional leadership ~~are~~ *is* required to
22 improve emergency communications capabilities and
23 interoperability. The Department of Homeland Secu-
24 rity must provide national leadership by conducting
25 nationwide outreach to each State, fostering the de-

1 velopment of regional leadership, and providing sub-
2 stantial technical assistance to State, local, and trib-
3 al public safety officials, while more effectively uti-
4 lizing grant programs that fund interoperable equip-
5 ment and systems.

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

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

23 (15) The private sector has a critical role to
24 play in developing cost-effective solutions to these
25 problems.

1 **SEC. 3. 103. OFFICE FOR EMERGENCY COMMUNICATIONS,**
2 **INTEROPERABILITY, AND COMPATIBILITY.**

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

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

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

14 “(B) DIRECTOR.—There shall be a Direc-
15 tor of the Office for Emergency Communica-
16 tions, Interoperability, and Compatibility, who
17 shall be appointed by the Secretary of Home-
18 land Security.

19 “(C) RESPONSIBILITIES.—The Director of
20 the Office for Emergency Communications,
21 Interoperability, and Compatibility shall—

22 “(i) assist the Secretary of Homeland
23 Security in developing and implementing
24 the program described in paragraph (1);

25 “(ii) carry out the Department of
26 Homeland Security’s responsibilities and

1 authorities relating to the SAFECOM Pro-
2 gram;

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

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

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

18 “(II) developing, updating, and
19 implementing a national strategy to
20 achieve communications interoper-
21 ability, with goals and timetables;

22 “(III) developing a national ar-
23 chitecture, which defines the compo-
24 nents of an interoperable system and
25 how they fit together;

1 “(IV) establishing and maintain-
2 ing a task force that represents the
3 broad customer base of State, local,
4 and tribal public safety agencies, as
5 well as Federal agencies, involved in
6 public safety disciplines such as law
7 enforcement, firefighting, emergency
8 medical services, public health, and
9 disaster recovery, in order to receive
10 input and coordinate efforts to achieve
11 emergency communications capabili-
12 ties and communications interoper-
13 ability;

14 “(V) working with the Office of
15 Domestic Preparedness Interoperable
16 Communications Technical Assistance
17 Program to—

18 “(aa) provide technical as-
19 sistance to State, local, and tribal
20 officials; and

21 “(bb) facilitate the creation
22 of regional task forces in each
23 State, with appropriate govern-
24 ance structures and representa-
25 tion from State, local, and tribal

1 governments and public safety
2 agencies and from the Federal
3 Government, to effectively ad-
4 dress emergency communications
5 capabilities, interoperability, and
6 other communications and infor-
7 mation-sharing needs;

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

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

23 “(VIII) making recommendations
24 to Congress about any changes in
25 Federal law necessary to remove bar-

1 riers to achieving emergency commu-
2 nications capabilities and communica-
3 tions interoperability;

4 “(IX) funding and conducting
5 pilot programs, as necessary, in order
6 to—

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

13 “(bb) encourage more effi-
14 cient use of existing resources,
15 including equipment and spec-
16 trum; and

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

23 “(X) liaisoning with the private
24 sector to develop solutions to improve

1 emergency communications capabili-
 2 ties and achieve interoperability; and
 3 ~~“(XI) performing other functions~~
 4 ~~necessary to improve emergency com-~~
 5 ~~munications capabilities and achieve~~
 6 ~~communications interoperability.~~

7 *“(XI) using modeling and simula-*
 8 *tion for training exercises and com-*
 9 *mand and control functions at the*
 10 *operational level; and*

11 *“(XII) performing other functions*
 12 *necessary to improve emergency com-*
 13 *munications capabilities and achieve*
 14 *communications interoperability.*

15 “(D) SUFFICIENCY OF RESOURCES.—The
 16 Secretary of Homeland Security shall provide
 17 the Office for Emergency Communications,
 18 Interoperability, and Compatibility with the re-
 19 sources and staff necessary to carry out the
 20 purposes of this section. The Secretary shall
 21 further ensure that there is sufficient staff
 22 within the Office of Emergency Communica-
 23 tions, Interoperability, and Compatibility, the
 24 Office for Domestic Preparedness, the National
 25 Communications Systems, and other offices of

1 the Department of Homeland Security as nec-
2 essary, to provide dedicated support to public
3 safety organizations consistent with the respon-
4 sibilities set forth in subparagraph (C)(iv).”.

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

8 (1) by striking paragraph (1) and inserting the
9 following:

10 “(1) INTEROPERABLE COMMUNICATIONS AND
11 COMMUNICATIONS INTEROPERABILITY.—The terms
12 ‘interoperable communications’ and ‘communications
13 interoperability’ mean the ability of emergency re-
14 sponse providers and relevant Federal, State, and
15 local government agencies to communicate with each
16 other as necessary, utilizing information technology
17 systems and radio communications systems, and to
18 exchange voice, data, or video with one another on
19 demand, in real time, as necessary.”; and

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

21 “(3) EMERGENCY COMMUNICATIONS CAPABILI-
22 TIES.—The term ‘emergency communications capa-
23 bilities’ means the ability to provide and maintain,
24 throughout an emergency response operation, a con-
25 tinuous flow of information among emergency re-

1 sponders, agencies, and government officials from
2 multiple disciplines and jurisdictions and at all levels
3 of government in the event of a natural disaster, ter-
4 rorist attack, or other large-scale or catastrophic
5 emergency, including where there has been signifi-
6 cant damage to, or destruction of, critical infrastruc-
7 ture, substantial loss of ordinary telecommunications
8 infrastructure, and sustained loss of electricity.”.

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

12 **“SEC. 314. EMERGENCY COMMUNICATIONS AND INTER-**
13 **OPERABILITY ASSESSMENTS AND REPORTS.**

14 “(a) BASELINE INTEROPERABILITY ASSESSMENT.—
15 The Secretary, acting through the Director of the Office
16 for Emergency Communications, Interoperability, and
17 Compatibility, shall conduct a nationwide assessment to
18 determine the degree to which communications interoper-
19 ability has been achieved to date and to ascertain the
20 needs that remain for interoperability to be achieved.

21 “(b) EVALUATION OF EMERGENCY COMMUNICA-
22 TIONS CAPABILITIES.—The Secretary, acting through the
23 Director of the Office for Emergency Communications,
24 Interoperability, and Compatibility and the National Com-
25 munications System, shall—

1 “(1) conduct an assessment of the ability of
2 communities to provide and maintain emergency
3 communications among emergency response pro-
4 viders and government officials in the event of a nat-
5 ural disaster, terrorist attack, or other large-scale
6 emergency, including where there is substantial
7 damage to ordinary communications infrastructure
8 and sustained loss of electricity;

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

13 “(3) conduct a study to evaluate the feasibility
14 and desirability of the Department developing, on its
15 own or in conjunction with the Department of De-
16 fense, a mobile communications capability, modeled
17 on the Army Signal Corps, that could be deployed to
18 support emergency communications at the site of a
19 natural disaster, terrorist attack, or other large-scale
20 emergency.

21 “(c) BIENNIAL REPORTS.—Not later than 1 year
22 after the date of enactment of this section, and biennially
23 thereafter, the Secretary, acting through the Director of
24 the Office for Emergency Communications, Interoper-
25 ability, and Compatibility, shall submit to the Committee

1 on Homeland Security and Governmental Affairs and the
 2 Committee on Commerce, Science, and Transportation of
 3 the Senate and the Committee on Homeland Security and
 4 the Committee on Energy and Commerce of the House
 5 of Representatives a report on the Department’s progress
 6 in implementing and achieving the goals of the Assure
 7 Emergency and Interoperable Communications for First
 8 Responders Act of 2005. The first report submitted under
 9 this subsection shall include a description of the findings
 10 of the assessments, evaluations, and study conducted
 11 under subsections (a) and (b).”.

12 **SEC. 4. 104. RESEARCH AND DEVELOPMENT.**

13 Title III of the Homeland Security Act of 2002 (6
 14 U.S.C. 181 et seq.), as amended by section 3 103, is
 15 amended by adding at the end the following:

16 **“SEC. 315. EMERGENCY COMMUNICATIONS INTEROPER-**
 17 **ABILITY RESEARCH AND DEVELOPMENT.**

18 “(a) IN GENERAL.—The Secretary shall establish a
 19 comprehensive research and development program to pro-
 20 mote emergency communications capabilities and commu-
 21 nications interoperability among first responders, includ-
 22 ing by—

23 “(1) promoting research on a competitive basis
 24 through the Directorate of Science and Technology

1 Homeland Security Advanced Research Projects
2 Agency; and

3 “(2) considering establishment of a Center of
4 Excellence under the Department of Homeland Se-
5 curity Centers of Excellence Program, using a com-
6 petitive process, focused on enhancing information
7 and communications systems for first responders.

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

10 “(1) understanding the strengths and weak-
11 nesses of the diverse public safety communications
12 systems currently in use;

13 “(2) examining how current and emerging tech-
14 nology can make public safety organizations more ef-
15 fective, and how Federal, State, and local agencies
16 can utilize this technology in a coherent and cost-ef-
17 fective manner;

18 “(3) exploring Federal, State, and local policies
19 that will move systematically towards long-term solu-
20 tions;

21 “(4) evaluating and validating new technology
22 concepts, and promoting the deployment of advanced
23 public safety information technologies for emergency
24 communications capabilities and interoperability;
25 and

1 “(5) advancing the creation of a national strat-
 2 egy to enhance emergency communications capabili-
 3 ties, promote interoperability and efficient use of
 4 spectrum in communications systems, improve infor-
 5 mation sharing across organizations, and use ad-
 6 vanced information technology to increase the effec-
 7 tiveness of first responders in valuable new ways.”.

8 **SEC. 5. 105. PILOT PROJECTS.**

9 Title III of the Homeland Security Act of 2002 (6
 10 U.S.C. 181 et seq.), as amended by sections ~~3 and 4~~ *103*
 11 *and 104*, is amended by adding at the end the following:

12 **“SEC. 316. EMERGENCY COMMUNICATIONS PILOT**
 13 **PROJECTS.**

14 “(a) IN GENERAL.—Not later than 1 year after the
 15 date of enactment of this section, the Secretary shall es-
 16 tablish not fewer than 2 pilot projects to develop and
 17 evaluate strategies and technologies for providing and
 18 maintaining emergency communications capabilities
 19 among emergency response providers and government offi-
 20 cials in the event of a natural disaster, terrorist attack,
 21 or other large-scale emergency in which there is significant
 22 damage to, or destruction of, critical infrastructure, in-
 23 cluding substantial loss of ordinary telecommunications in-
 24 frastructure and sustained loss of electricity.

1 “(b) SELECTION CRITERIA.—In selecting areas for
2 the location of the pilot projects, the Secretary shall con-
3 sider—

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

6 “(2) the number of potential victims from a
7 large-scale terrorist attack or natural disaster in the
8 area;

9 “(3) the existing capabilities of the area’s emer-
10 gency communications systems *and capabilities for*
11 *the development of modeling and simulation training*
12 *and command and control functions; and*

13 “(4) such other criteria as the Secretary may
14 determine appropriate.”.

15 **SEC. 6. 106. AUTHORIZATION OF APPROPRIATIONS.**

16 In addition to the funds authorized to be appro-
17 priated by section 7303(a)(3) of the Intelligence Reform
18 and Terrorism Prevention Act of 2004 (6 U.S.C.
19 194(a)(3)), there are authorized to be appropriated for the
20 operations of the Office for Emergency Communications,
21 Interoperability, and Compatibility, to provide technical
22 assistance through the Office for Domestic Preparedness,
23 to fund and conduct research under section 315 of the
24 Homeland Security Act of 2002, to fund pilot projects
25 under section 316 of the Homeland Security Act of 2002,

1 and for other appropriate entities within the Department
2 of Homeland Security to support the activities described
3 in section 7303 of the Intelligence Reform and Terrorism
4 Prevention Act of 2004 (6 U.S.C. 194) and sections 314
5 through 316 of the Homeland Security Act of 2002, as
6 added by this Act—

- 7 (1) \$127,232,000 for fiscal year 2006;
8 (2) \$126,549,000 for fiscal year 2007;
9 (3) \$125,845,000 for fiscal year 2008;
10 (4) \$125,121,000 for fiscal year 2009; and
11 (5) such sums as are necessary for each fiscal
12 year thereafter.

13 **SEC. ~~7.~~ 107. DEDICATED FUNDING TO ACHIEVE EMER-**
14 **GENCY COMMUNICATIONS CAPABILITIES**
15 **AND INTEROPERABILITY.**

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

1 **“TITLE XVIII—DEDICATED FUND-**
2 **ING TO ACHIEVE EMERGENCY**
3 **COMMUNICATIONS CAPABILI-**
4 **TIES AND INTEROPER-**
5 **ABILITY.**

6 **“SEC. 1801. EMERGENCY COMMUNICATIONS AND INTER-**
7 **OPERABILITY GRANTS.**

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

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

20 “(1) statewide or regional communications
21 planning;

22 “(2) system design and engineering;

23 “(3) procurement and installation of equipment;

24 “(4) training and exercises; and

1 ~~“(5) other activities determined by the Sec-~~
 2 ~~retary to be integral to the achievement of emer-~~
 3 ~~gency communications capabilities and communica-~~
 4 ~~tions interoperability.~~

5 “(4) *training exercises;*

6 “(5) *modeling and simulation exercises for oper-*
 7 *ational command and control functions; and*

8 “(6) *other activities determined by the Secretary*
 9 *to be integral to the achievement of emergency com-*
 10 *munications capabilities and communications inter-*
 11 *operability.*

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

22 “(d) APPLICATION.—

23 “(1) IN GENERAL.—A State or eligible region
 24 desiring a grant under this section shall submit an
 25 application at such time, in such manner, and ac-

1 accompanied by such information as the Secretary may
2 reasonably require.

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

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

11 “(B) describe how—

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

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

22 “(C) be consistent with the Interoperable
23 Communications Plan required by section
24 7303(f) of the Intelligence Reform and Ter-

1 rorism Prevention Act of 2004 (6 U.S.C.
2 194(f)).

3 “(e) STATE REVIEW AND SUBMISSION.—

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

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

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

19 “(A) notify the Secretary in writing of that
20 fact; and

21 “(B) provide an explanation of the reasons
22 for not supporting the application at the time
23 of transmission of the application.

24 “(f) AWARD OF GRANTS.—

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

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

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

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

23 “(D) the extent to which grants will be uti-
24 lized to implement emergency communications
25 and interoperability solutions—

1 “(i) consistent with the national strat-
2 egy and compatible with the national archi-
3 tecture; and

4 “(ii) more efficient and cost effective
5 than current approaches;

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

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

20 “(G) the extent to which a State or eligible
21 region, given its financial capability, dem-
22 onstrates its commitment to expeditiously
23 achieving emergency communications capabili-
24 ties and communications interoperability by

1 supplementing Federal funds with non-Federal
2 funds;

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

5 “(I) whether the State or eligible region
6 encompasses an economically significant border
7 crossing;

8 “(J) whether the State or eligible region
9 has a coastline bordering an ocean or inter-
10 national waters;

11 “(K) the extent to which geographic bar-
12 riers pose unusual obstacles to achieving emer-
13 gency communications capabilities or commu-
14 nications interoperability;

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

21 “(M) the need to achieve nationwide emer-
22 gency communications capabilities and inter-
23 operability, consistent with the national strate-
24 gies; ~~and~~

1 ~~“(N) such other factors as are specified by~~
 2 ~~the Secretary in writing.~~

3 *“(N) the extent to which the State has for-*
 4 *mulated a State executive interoperability com-*
 5 *mittee or conducted similar statewide planning*
 6 *efforts; and*

7 *“(O) such other factors as are specified by*
 8 *the Secretary in writing.*

9 “(2) REVIEW PANEL.—

10 “(A) IN GENERAL.—The Secretary shall
 11 establish a review panel under section 871(a) to
 12 assist in reviewing grant applications under this
 13 section.

14 “(B) RECOMMENDATIONS.—The review
 15 panel established under subparagraph (A) shall
 16 make recommendations to the Secretary regard-
 17 ing applications for grants under this section.

18 “(C) MEMBERSHIP.—The review panel es-
 19 tablished under subparagraph (A) shall include
 20 individuals with technical expertise in emer-
 21 gency communications and communications
 22 interoperability as well as emergency response
 23 providers and other relevant State and local of-
 24 ficials.

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

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

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

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

15 “(i) have joined together to enhance
16 emergency communications capabilities or
17 communications interoperability between
18 first responders in those jurisdictions and
19 with State and Federal officials; and

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

23 “(B) any other area the Secretary deter-
24 mines to be consistent with the definition of a
25 region in the national preparedness guidance

1 issued under Homeland Security Presidential
2 Directive 8.

3 “(2) OFFICE.—The term ‘~~office~~’ ‘*Office*’ refers
4 to the Office of Domestic Preparedness of the Office
5 of State and Local Government Preparedness and
6 Coordination within the Department.

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

10 “(1) \$400,000,000 for fiscal year 2006;

11 “(2) \$500,000,000 for fiscal year 2007;

12 “(3) \$600,000,000 for fiscal year 2008;

13 “(4) \$800,000,000 for fiscal year 2009;

14 “(5) \$1,000,000,000 for fiscal year 2010; and

15 “(6) such sums as are necessary for each fiscal
16 year thereafter.”.

17 **SEC. 8. 108. DEFINITIONS.**

18 Section 2 of the Homeland Security of Act of 2002
19 (6 U.S.C. 101) is amended—

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

22 (2) by redesignating paragraphs (6) through
23 (8) as paragraphs (7) through (9), respectively;

24 (3) by inserting after paragraph (5) the fol-
25 lowing:

1 “(6) The term ‘emergency communications ca-
 2 pabilities’ means the ability to provide and maintain,
 3 throughout an emergency response operation, a con-
 4 tinuous flow of information among emergency re-
 5 sponders, agencies, and government officials from
 6 multiple disciplines and jurisdictions and at all levels
 7 of government, in the event of a natural disaster,
 8 terrorist attack, or other large-scale or catastrophic
 9 emergency, including where there has been signifi-
 10 cant damage to, or destruction of, critical infrastruc-
 11 ture, including substantial loss of ordinary tele-
 12 communications infrastructure and sustained loss of
 13 electricity.”; and

14 (4) by inserting after paragraph ~~(8)~~ (9) the fol-
 15 lowing:

16 “~~(9)~~ (10) The terms ‘interoperable communica-
 17 tions’ and ‘communications interoperability’ mean
 18 the ability of emergency response providers and rel-
 19 evant Federal, State, and local government agencies
 20 to communicate with each other as necessary, uti-
 21 lizing information technology systems and radio
 22 communications systems, and to exchange voice,
 23 data, or video with one another on demand, in real
 24 time, as necessary.”.

1 **SEC. 9. 109. INTERAGENCY COMMITTEE.**

2 (a) ESTABLISHMENT.—There is established an Inter-
3 agency Committee on Emergency Communications and
4 Interoperability (referred to in this section as “the Com-
5 mittee”).

6 (b) COMPOSITION.—The Committee shall be com-
7 posed of:

8 (1) a representative of the Department of
9 Homeland Security, who shall serve as Chair of the
10 Committee;

11 (2) a representative of the Federal Communica-
12 tions ~~Committee~~ *Commission*;

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

15 (4) a representative of the Department of De-
16 fense;

17 (5) a representative of the Department of Jus-
18 tice;

19 (6) a representative of the Department of
20 Health and Human Services;

21 (7) a representative of the National Institute of
22 Standards and Technology; and

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

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

4 (1) a proposal as to how to most effectively ac-
 5 celerate the development of national standards for
 6 public safety interoperable communications in ac-
 7 cordance with section 7303 of the Intelligence Re-
 8 form and Terrorism Prevention Act of 2004 (6
 9 U.S.C. 194); and

10 (2) a proposal on how to ensure that Federal
 11 officials responding to a natural disaster, terrorist
 12 attack, or other large-scale emergency, have the
 13 means to provide and maintain emergency commu-
 14 nications capabilities to support their response ef-
 15 forts where there is significant damage to, or de-
 16 struction of, critical infrastructure, including sub-
 17 stantial loss of ordinary telecommunications infra-
 18 structure and sustained loss of electricity.

19 **SEC. ~~10.~~ 110. TECHNICAL AND CONFORMING AMENDMENTS.**

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

22 (1) inserting after the item relating to section
 23 313 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.”.

1 (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.”.

2 **SEC. 111. COMMUNICATION SYSTEM GRANTS.**

3 (a) *DEFINITIONS.—In this section—*

4 (1) *the term “demonstration project” means the*
5 *demonstration project established under subsection*

6 *(b)(1);*

7 (2) *the term “Department” means the Depart-*
8 *ment of Homeland Security;*

9 (3) *the term “emergency response provider” has*
10 *the meaning given that term in section 2(6) of the*
11 *Homeland Security Act of 2002 (6 U.S.C. 101(6));*
12 *and*

13 (4) *the term “Secretary” means the Secretary of*
14 *Homeland Security.*

15 (b) *IN GENERAL.—*

16 (1) *ESTABLISHMENT.—There is established in*
17 *the Department an “International Border Commu-*
18 *nity Interoperable Communications Demonstration*
19 *Project”.*

20 (2) *MINIMUM NUMBER OF COMMUNITIES.—The*
21 *Secretary shall select not fewer than 6 communities to*
22 *participate in a demonstration project.*

1 (3) *LOCATION OF COMMUNITIES.*—Not fewer than
2 3 of the communities selected under paragraph (2)
3 shall be located on the northern border of the United
4 States and not fewer than 3 of the communities se-
5 lected under paragraph (2) shall be located on the
6 southern border of the United States.

7 (c) *PROJECT REQUIREMENTS.*—The demonstration
8 projects shall—

9 (1) address the interoperable communications
10 needs of police officers, firefighters, emergency medical
11 technicians, National Guard, and other emergency re-
12 sponse providers;

13 (2) foster interoperable communications—

14 (A) among Federal, State, local, and tribal
15 government agencies in the United States in-
16 volved in preventing or responding to terrorist
17 attacks or other catastrophic events; and

18 (B) with similar agencies in Canada or
19 Mexico;

20 (3) identify common international cross-border
21 frequencies for communications equipment, including
22 radio or computer messaging equipment;

23 (4) foster the standardization of interoperable
24 communications equipment;

1 (5) *identify solutions that will facilitate commu-*
 2 *nications interoperability across national borders ex-*
 3 *peditiously;*

4 (6) *ensure that emergency response providers can*
 5 *communicate with each other and the public at dis-*
 6 *aster sites or in the event of a terrorist attack or other*
 7 *catastrophic event;*

8 (7) *provide training and equipment to enable*
 9 *emergency response providers to deal with threats and*
 10 *contingencies in a variety of environments; and*

11 (8) *identify and secure appropriate joint-use*
 12 *equipment to ensure communications access.*

13 (d) *DISTRIBUTION OF FUNDS.—*

14 (1) *IN GENERAL.—The Secretary shall distribute*
 15 *funds under this section to each community partici-*
 16 *pating in a demonstration project through the State,*
 17 *or States, in which each community is located.*

18 (2) *OTHER PARTICIPANTS.—Not later than 60*
 19 *days after receiving funds under paragraph (1), a*
 20 *State receiving funds under this section shall make*
 21 *the funds available to the local governments and*
 22 *emergency response providers participating in a dem-*
 23 *onstration project selected by the Secretary.*

24 (e) *AUTHORIZATION OF APPROPRIATIONS.—There are*
 25 *authorized to be appropriated such sums as are necessary*

1 *in each of fiscal years 2006, 2007, and 2008, to carry out*
 2 *this section.*

3 *(f) REPORTING.—Not later than December 31, 2005,*
 4 *and each year thereafter in which funds are appropriated*
 5 *for a demonstration project, the Secretary shall provide to*
 6 *the Committee on Homeland Security and Governmental*
 7 *Affairs of the Senate and the Committee on Homeland Se-*
 8 *curity of the House of Representatives a report on the dem-*
 9 *onstration projects under this section.*

10 ***TITLE II—DISASTER AREA***
 11 ***HEALTH AND ENVIRON-***
 12 ***MENTAL MONITORING***

13 ***SEC. 201. SHORT TITLE.***

14 *This title may be cited as the “Disaster Area Health*
 15 *and Environmental Monitoring Act of 2005”.*

16 ***SEC. 202. PROTECTION OF HEALTH AND SAFETY OF INDI-***
 17 ***VIDUALS IN A DISASTER AREA.***

18 *Title IV of the Robert T. Stafford Disaster Relief and*
 19 *Emergency Assistance Act is amended by inserting after*
 20 *section 408 (42 U.S.C. 5174) the following:*

21 ***“SEC. 409. PROTECTION OF HEALTH AND SAFETY OF INDI-***
 22 ***VIDUALS IN A DISASTER AREA.***

23 *“(a) DEFINITIONS.—In this section:*

24 *“(1) INDIVIDUAL.—The term ‘individual’ in-*
 25 *cludes—*

1 “(A) a worker or volunteer who responds to
2 a disaster, including—

3 “(i) a police officer;

4 “(ii) a firefighter;

5 “(iii) an emergency medical techni-
6 cian;

7 “(iv) any participating member of an
8 urban search and rescue team; and

9 “(v) any other relief or rescue worker
10 or volunteer that the President determines
11 to be appropriate;

12 “(B) a worker who responds to a disaster by
13 assisting in the cleanup or restoration of critical
14 infrastructure in and around a disaster area;

15 “(C) a person whose place of residence is in
16 a disaster area;

17 “(D) a person who is employed in or at-
18 tends school, child care, or adult day care in a
19 building located in a disaster area; and

20 “(E) any other person that the President
21 determines to be appropriate.

22 “(2) PROGRAM.—The term ‘program’ means a
23 program described in subsection (b) that is carried
24 out for a disaster area.

1 “(3) *SUBSTANCE OF CONCERN.*—*The term ‘sub-*
 2 *stance of concern’ means a chemical or other sub-*
 3 *stance that is associated with potential acute or*
 4 *chronic human health effects, the risk of exposure to*
 5 *which could potentially be increased as the result of*
 6 *a disaster, as determined by the President.*

7 “(b) *PROGRAM.*—

8 “(1) *IN GENERAL.*—*If the President determines*
 9 *that 1 or more substances of concern are being, or*
 10 *have been, released in an area declared to be a dis-*
 11 *aster area under this Act, the President may carry*
 12 *out a program for the protection, assessment, moni-*
 13 *toring, and study of the health and safety of individ-*
 14 *uals to ensure that—*

15 “(A) *the individuals are adequately in-*
 16 *formed about and protected against potential*
 17 *health impacts of any substance of concern and*
 18 *potential mental health impacts in a timely*
 19 *manner;*

20 “(B) *the individuals are monitored and*
 21 *studied over time, including through baseline*
 22 *and followup clinical health examinations, for—*

23 “(i) *any short- and long-term health*
 24 *impacts of any substance of concern; and*

25 “(ii) *any mental health impacts;*

1 “(C) *the individuals receive health care re-*
 2 *ferrals as needed and appropriate; and*

3 “(D) *information from any such monitoring*
 4 *and studies is used to prevent or protect against*
 5 *similar health impacts from future disasters.*

6 “(2) *ACTIVITIES.—A program under paragraph*
 7 *(1) may include such activities as—*

8 “(A) *collecting and analyzing environ-*
 9 *mental exposure data;*

10 “(B) *developing and disseminating infor-*
 11 *mation and educational materials;*

12 “(C) *performing baseline and followup clin-*
 13 *ical health and mental health examinations and*
 14 *taking biological samples;*

15 “(D) *establishing and maintaining an expo-*
 16 *sure registry;*

17 “(E) *studying the short- and long-term*
 18 *human health impacts of any exposures through*
 19 *epidemiological and other health studies; and*

20 “(F) *providing assistance to individuals in*
 21 *determining eligibility for health coverage and*
 22 *identifying appropriate health services.*

23 “(3) *TIMING.—To the maximum extent prac-*
 24 *ticable, activities under any program established*
 25 *under paragraph (1) (including baseline health ex-*

1 *aminations) shall be commenced in a timely manner*
 2 *that will ensure the highest level of public health pro-*
 3 *tection and effective monitoring.*

4 “(4) *PARTICIPATION IN REGISTRIES AND STUD-*
 5 *IES.—*

6 “(A) *IN GENERAL.—Participation in any*
 7 *registry or study that is part of a program*
 8 *under paragraph (1) shall be voluntary.*

9 “(B) *PROTECTION OF PRIVACY.—The Presi-*
 10 *dent shall take appropriate measures to protect*
 11 *the privacy of any participant in a registry or*
 12 *study described in subparagraph (A).*

13 “(5) *COOPERATIVE AGREEMENTS.—*

14 “(A) *IN GENERAL.—The President may*
 15 *carry out a program under paragraph (1)*
 16 *through a cooperative agreement with a medical*
 17 *institution, including a local health department,*
 18 *or a consortium of medical institutions.*

19 “(B) *SELECTION CRITERIA.—To the max-*
 20 *imum extent practicable, the President shall se-*
 21 *lect to carry out a program under paragraph (1)*
 22 *a medical institution or a consortium of medical*
 23 *institutions that—*

24 “(i) *is located near—*

1 “(I) the disaster area with respect
2 to which the program is carried out;
3 and

4 “(II) any other area in which
5 there reside groups of individuals that
6 worked or volunteered in response to
7 the disaster; and

8 “(ii) has appropriate experience in the
9 areas of environmental or occupational
10 health, toxicology, and safety, including ex-
11 perience in—

12 “(I) developing clinical protocols
13 and conducting clinical health exami-
14 nations, including mental health as-
15 sessments;

16 “(II) conducting long-term health
17 monitoring and epidemiological stud-
18 ies;

19 “(III) conducting long-term men-
20 tal health studies; and

21 “(IV) establishing and maintain-
22 ing medical surveillance programs and
23 environmental exposure or disease reg-
24 istries.

25 “(6) INVOLVEMENT.—

1 “(A) *IN GENERAL.*—*In establishing and*
 2 *maintaining a program under paragraph (1),*
 3 *the President shall involve interested and affected*
 4 *parties, as appropriate, including representatives*
 5 *of—*

6 “(i) *Federal, State, and local govern-*
 7 *ment agencies;*

8 “(ii) *groups of individuals that worked*
 9 *or volunteered in response to the disaster in*
 10 *the disaster area;*

11 “(iii) *local residents, businesses, and*
 12 *schools (including parents and teachers);*

13 “(iv) *health care providers; and*

14 “(v) *other organizations and persons.*

15 “(B) *COMMITTEES.*—*Involvement under*
 16 *subparagraph (A) may be provided through the*
 17 *establishment of an advisory or oversight com-*
 18 *mittee or board.*

19 “(7) *PRIVACY.*—*The President shall carry out*
 20 *each program under paragraph (1) in accordance*
 21 *with regulations relating to privacy promulgated*
 22 *under section 264(c) of the Health Insurance Port-*
 23 *ability and Accountability Act of 1996 (42 U.S.C.*
 24 *1320d–2 note; Public Law 104–191).*

1 “(c) *REPORTS*.—Not later than 1 year after the estab-
 2 lishment of a program under subsection (b)(1), and every
 3 5 years thereafter, the President, or the medical institution
 4 or consortium of such institutions having entered into a co-
 5 operative agreement under subsection (b)(5), shall submit
 6 to the Secretary of Homeland Security, the Secretary of
 7 Health and Human Services, the Secretary of Labor, the
 8 Administrator of the Environmental Protection Agency,
 9 and appropriate committees of Congress a report on pro-
 10 grams and studies carried out under the program.”.

11 **SEC. 203. NATIONAL ACADEMY OF SCIENCES REPORT ON**
 12 **DISASTER AREA HEALTH AND ENVIRON-**
 13 **MENTAL PROTECTION AND MONITORING.**

14 (a) *IN GENERAL*.—The Secretary of Homeland Secu-
 15 rity, the Secretary of Health and Human Services, and the
 16 Administrator of the Environmental Protection Agency
 17 shall jointly enter into a contract with the National Acad-
 18 emy of Sciences to conduct a study and prepare a report
 19 on disaster area health and environmental protection and
 20 monitoring.

21 (b) *EXPERTISE*.—The report under subsection (a) shall
 22 be prepared with the participation of individuals who have
 23 expertise in—

24 (1) environmental health, safety, and medicine;

25 (2) occupational health, safety, and medicine;

- 1 (3) *clinical medicine, including pediatrics;*
- 2 (4) *toxicology;*
- 3 (5) *epidemiology;*
- 4 (6) *mental health;*
- 5 (7) *medical monitoring and surveillance;*
- 6 (8) *environmental monitoring and surveillance;*
- 7 (9) *environmental and industrial hygiene;*
- 8 (10) *emergency planning and preparedness;*
- 9 (11) *public outreach and education;*
- 10 (12) *State and local health departments;*
- 11 (13) *State and local environmental protection*
- 12 *departments;*
- 13 (14) *functions of workers that respond to disas-*
- 14 *ters, including first responders; and*
- 15 (15) *public health and family services.*

16 (c) *CONTENTS.*—*The report under subsection (a) shall*
17 *provide advice and recommendations regarding protecting*
18 *and monitoring the health and safety of individuals poten-*
19 *tially exposed to any chemical or other substance associated*
20 *with potential acute or chronic human health effects as the*
21 *result of a disaster, including advice and recommendations*
22 *regarding—*

- 23 (1) *the establishment of protocols for the moni-*
- 24 *toring of and response to chemical or substance re-*

1 *leases in a disaster area for the purpose of protecting*
2 *public health and safety, including—*

3 *(A) chemicals or other substances for which*
4 *samples should be collected in the event of a dis-*
5 *aster, including a terrorist attack;*

6 *(B) chemical- or substance-specific methods*
7 *of sample collection, including sampling meth-*
8 *odologies and locations;*

9 *(C) chemical- or substance-specific methods*
10 *of sample analysis;*

11 *(D) health-based threshold levels to be used*
12 *and response actions to be taken in the event*
13 *that thresholds are exceeded for individual*
14 *chemicals or other substances;*

15 *(E) procedures for providing monitoring re-*
16 *sults to—*

17 *(i) appropriate Federal, State, and*
18 *local government agencies;*

19 *(ii) appropriate response personnel;*
20 *and*

21 *(iii) the public;*

22 *(F) responsibilities of Federal, State, and*
23 *local agencies for—*

24 *(i) collecting and analyzing samples;*

25 *(ii) reporting results; and*

1 (iii) taking appropriate response ac-
2 tions; and

3 (G) capabilities and capacity within the
4 Federal Government to conduct appropriate en-
5 vironmental monitoring and response in the
6 event of a disaster, including a terrorist attack;
7 and

8 (2) other issues as specified by the Secretary of
9 Homeland Security, the Secretary of Health and
10 Human Services, and the Administrator of the Envi-
11 ronmental Protection Agency.

12 (d) *AUTHORIZATION OF APPROPRIATIONS.*—There are
13 authorized to be appropriated such sums as are necessary
14 to carry out this section.

15 **SEC. 204. PREDISASTER HAZARD MITIGATION.**

16 Section 203(m) of the Robert T. Stafford Disaster Re-
17 lief and Emergency Assistance Act (42 U.S.C. 5133(m)) is
18 amended by striking “December 31, 2003” and inserting
19 “September 30, 2007”.

20 **TITLE III—EVACUATIONS**

21 **SEC. 301. EVACUATION IN EMERGENCIES.**

22 (a) *FINDINGS AND PURPOSE.*—

23 (1) *FINDINGS.*—Congress makes the following
24 findings:

1 (A) *The catastrophic Hurricane Katrina,*
 2 *which hit the Gulf Coast of the United States,*
 3 *caused massive damage to the States of Lou-*
 4 *isiana, Mississippi, and Alabama.*

5 (B) *The total loss of life in the area is still*
 6 *unknown. The economic loss is still not cal-*
 7 *culated, but is estimated to be in the tens to hun-*
 8 *dreds of billions of dollars.*

9 (C) *Many of the lives lost to Hurricane*
 10 *Katrina, and the flooding that ensued, could*
 11 *have been prevented had everyone been evacuated*
 12 *before the hurricane came ashore.*

13 (D) *Many of those people who were not*
 14 *evacuated—*

15 (i) *lacked the resources to evacuate and*
 16 *did not have access to any means of trans-*
 17 *portation to evacuate;*

18 (ii) *had neither a vehicle nor the fund-*
 19 *ing to pay for transportation out of the*
 20 *threatened areas; and*

21 (iii) *did not have access to, nor could*
 22 *they afford, temporary accommodations out-*
 23 *side the threatened areas.*

24 (E) *Many elderly and disabled individuals,*
 25 *including those in hospitals and nursing homes,*

1 *were physically incapable of leaving on their*
2 *own.*

3 *(F) In St. Bernard Parish, Louisiana, an*
4 *estimated 32 of 60 residents in the St. Rita*
5 *nursing home perished in the rising flood waters*
6 *in the aftermath of Hurricane Katrina.*

7 *(G) A more effective predisaster and*
8 *postdisaster plan for evacuation that addressed*
9 *the requirements of those with special needs, such*
10 *as those without transportation or those with*
11 *physical disabilities, could have helped save lives.*

12 *(2) PURPOSE.—The purpose of this section is to*
13 *ensure the preparation of communities for future nat-*
14 *ural, accidental, or deliberate disasters by ensuring*
15 *that the States prepare for the evacuation of individ-*
16 *uals with special needs.*

17 *(b) EVACUATION PLANS FOR INDIVIDUALS WITH SPE-*
18 *CIAL NEEDS.—The Secretary of Homeland Security, acting*
19 *through the Office of State and Local Government Coordi-*
20 *nation and Preparedness, shall take appropriate actions to*
21 *ensure that each State, as that term is defined in section*
22 *2(14) of the Homeland Security Act of 2002 (6 U.S.C.*
23 *101(14)), requires appropriate State and local officials to*
24 *develop detailed and comprehensive predisaster and*
25 *postdisaster plans for the evacuation of individuals with*

1 *special needs, including the elderly, disabled individuals,*
2 *low-income individuals and families, the homeless, and in-*
3 *dividuals who do not speak English, in emergencies that*
4 *would warrant their evacuation, including plans for the*
5 *provision of food, water, and shelter for evacuees.*

6 (c) *REPORT TO CONGRESS.—*

7 (1) *IN GENERAL.—Not later than 1 year after*
8 *the date of enactment of this Act, the Secretary of*
9 *Homeland Security shall submit to Congress a report*
10 *setting forth, for each State, the status and key ele-*
11 *ments of the plans to evacuate individuals with spe-*
12 *cial needs in emergencies that would warrant their*
13 *evacuation.*

14 (2) *CONTENTS.—The report submitted under*
15 *paragraph (1) shall include a discussion of—*

16 (A) *whether the States have the resources*
17 *necessary to implement fully their evacuation*
18 *plans; and*

19 (B) *the manner in which the plans of the*
20 *States are integrated with the response plans of*
21 *the Federal Government for emergencies that*
22 *would require the evacuation of individuals with*
23 *special needs.*

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109TH CONGRESS
1ST Session

S. 1725

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.

SEPTEMBER 29, 2005

Reported with amendments