To strengthen Federal leadership, provide grants, enhance outreach and guidance, and provide other support to State and local officials 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 for first responder communications, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 20, 2005

Mr. PAUL introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

A BILL

To strengthen Federal leadership, provide grants, enhance outreach and guidance, and provide other support to State and local officials 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 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,
SECTION 1. SHORT TITLE.

This Act may be cited as the “Improve Interoperable Communications for First Responders Act of 2005”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) A major barrier to sharing information among police, firefighters, and others who may be called on to respond to terrorist attacks and other large-scale emergencies is the lack of interoperable communications systems, which can enable public safety agencies to talk to one another and share important, sometimes critical, information in an emergency.

(2) Communications interoperability has been identified by the Department of Homeland Security as 1 of the most essential capabilities necessary for first responders to achieve the national preparedness goal the Department of Homeland Security has established for the Nation.

(3) The lack of interoperability costs lives during terrorist attacks or natural disasters, but also during everyday emergency operations.

(4) Achieving interoperability is difficult because some 50,000 local agencies typically make independent decisions about communications systems. This lack of coordination also dramatically in-
increases the cost of public safety communications to Federal, State, local, and tribal governments.

(5) Achieving the level of communications inter-operability that is needed will require an unprecedented level of coordination and cooperation among Federal, State, local, and tribal public safety agencies. Establishing multidisciplinary, cross-jurisdictional governance structures to achieve the necessary level of collaboration is essential to accomplishing this goal.

(6) The Intelligence Reform and Terrorism Prevention Act of 2004 requires the Secretary of Homeland Security, in consultation with other Federal officials, to establish a program to ensure public safety interoperable communications at all levels of government.

(7) However, much more remains to be done. For example, in January 2005, the National Governors Association reported that while achieving interoperability ranked as the top priority for States, obtaining the equipment and technology to fulfill this goal remains a challenge. The large majority of States report that they have not yet achieved interoperability in their States.
(8) Over 70 percent of public safety communications equipment is still analog, rather than digital. In fact, much of the communications equipment used by emergency responders is outdated and incompatible, which inhibits communication between State and local governments and between neighboring local jurisdictions. Additional grant funding would facilitate the acquisition of new technology to enable interoperability.

(9) Stronger and more effective national, statewide, and regional leadership are required to improve interoperability. The Department of Homeland Security must provide national leadership by conducting nationwide outreach to each State, fostering the development of regional leadership, and providing substantial technical assistance to State, local, and tribal public safety officials, while more effectively utilizing grant programs that fund interoperable equipment and systems.

(10) The Department of Homeland Security must implement pilot programs and fund and conduct research to develop and promote adoption of next-generation solutions for public safety communications. The Department of Homeland Security must also further develop its own internal expertise
to enable it to better lead national interoperability
efforts and to provide technically sound advice to
State and local officials.

(11) Communications interoperability can be
accomplished at a much lower cost if strong national
leadership drives cooperation and adoption of smart,
new technology solutions.

SEC. 3. OFFICE FOR INTEROPERABILITY AND COMPAT-
IBILITY.

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

“(2) OFFICE FOR INTEROPERABILITY AND COM-
PATIBILITY.—

“(A) ESTABLISHMENT OF OFFICE.—There
is established an Office for Interoperability and
Compatibility within the Directorate of Science
and Technology of the Department of Home-
land Security to carry out this subsection.

“(B) DIRECTOR.—There shall be a Direc-
tor of the Office for Interoperability and Com-
patibility, who shall be appointed by the Sec-
“(C) RESPONSIBILITIES.—The Director of the Office for Interoperability and Compatibility shall—

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

“(ii) carry out the Department of Homeland Security’s responsibilities and authorities relating to the SAFECOM Program;

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

“(iv) conduct extensive, nationwide outreach and foster the development of interoperable communications systems by State, local, and tribal governments and public safety agencies, and by regional consortia thereof, by—

“(I) developing, updating, and implementing a national strategy to achieve communications interoperability, with goals and timetables;

“(II) developing a national architecture, which defines the components
of an interoperable system and how they fit together;

“(III) establishing and maintaining a task force that represents the broad customer base of State, local, and tribal public safety agencies, as well as Federal agencies, involved in public safety disciplines such as law enforcement, firefighting, public health, and disaster recovery, in order to receive input and coordinate efforts to achieve communications interoperability;

“(IV) working with the Office of Domestic Preparedness Interoperable Communication Technical Assistance Program to—

“(aa) provide technical assistance to State, local, and tribal officials; and

“(bb) facilitate the creation of regional task forces in each State, with appropriate governance structures and representation from State, local, and tribal
governments and public safety
agencies and from the Federal
Government, to effectively ad-
dress interoperability and other
information-sharing needs;

“(V) promoting a greater under-
standing of the importance of inter-
operability and the benefits of sharing
resources among all levels of State,
local, tribal, and Federal government;

“(VI) promoting development of
standard operating procedures for in-
cident response and facilitating the
sharing of information on best prac-
tices (including from governments
abroad) for achieving interoperability;

“(VII) making recommendations
to Congress about any changes in
Federal law necessary to remove bar-
riers to achieving communications
interoperability;

“(VIII) funding and conducting
pilot programs, as necessary, in order
to—
“(aa) evaluate and validate new technology concepts in real-world environments to achieve public safety communications interoperability;

“(bb) encourage more efficient use of existing resources, including equipment and spectrum; and

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

“(IX) performing other functions necessary to achieve communications interoperability.

“(D) Sufficiency of Resources.—The Secretary of Homeland Security shall provide the Office for Interoperability and Compatibility with the resources and staff necessary to carry out the purposes of this section. The Secretary shall further ensure that there is sufficient staff within the Office of Interoperability and Com-
patibility, the Office for Domestic Preparedness, and other offices of the Department of Homeland Security as necessary, to provide dedicated support to public safety organizations consistent with the responsibilities set forth in subparagraph (C)(iv).”.

(b) Definition.—Section 7303(g)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(g)(1)) is amended to read as follows:

“(1) Interoperable communications and communications interoperability.—The terms ‘interoperable communications’ and ‘communications interoperability’ mean the ability of emergency response providers and relevant Federal, State, and local government agencies to communicate with each other as necessary, utilizing information technology systems and radio communications systems, and to exchange voice, data, or video with one another on demand, in real time, as necessary.”.

(e) Interoperability Assessment; Report.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following:
SEC. 314. INTEROPERABILITY ASSESSMENT AND REPORT.

“(a) BASELINE ASSESSMENT.—The Secretary, acting through the Director of the Office for Interoperability and Compatibility, shall conduct a nationwide assessment to determine the degree to which communications interoperability has been achieved to date and to ascertain the needs that remain for interoperability to be achieved.

“(b) ANNUAL REPORTS.—Not later than one year after the date of enactment of this section, and annually thereafter, the Secretary, acting through the Director of the Office for Interoperability and Compatibility, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the Department’s progress in implementing and achieving the goals of the Improve Interoperable Communications for First Responders Act of 2005. The first report submitted under this subsection shall include a description of the findings of the assessment conducted under subsection (a).”.

SEC. 4. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), as amended by section 3, is further amended by adding at the end the following:
“SEC. 315. INTEROPERABILITY RESEARCH AND DEVELOPMENT.

“(a) IN GENERAL.—The Secretary shall establish a comprehensive research and development program to promote communications interoperability among first responders, including by—

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

“(2) considering establishment of a Center of Excellence under the Department of Homeland Security Centers of Excellence Program, using a competitive process, focused on enhancing information and communications systems for first responders.

“(b) PURPOSES.—The purposes of the program established under subsection (a) include—

“(1) understanding the strengths and weaknesses of the diverse public safety communications systems currently in use;

“(2) examining how current and emerging technology can make public safety organizations more effective, and how Federal, State, and local agencies can utilize this technology in a coherent and cost-effective manner;
“(3) exploring Federal, State, and local policies that will move systematically towards long-term solutions;

“(4) evaluating and validating new technology concepts, and promoting the deployment of advanced public safety information technologies for interoperability; and

“(5) advancing the creation of a national strategy to promote interoperability and efficient use of spectrum in communications systems, improve information sharing across organizations, and use advanced information technology to increase the effectiveness of first responders in valuable new ways.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to the funds authorized to be appropriated by section 7303(a)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(a)(3)), there are authorized to be appropriated for the operations of the Office for Interoperability and Compatibility, to provide technical assistance through the office for Domestic Preparedness, to fund and conduct research under section 315 of the Homeland Security Act of 2002, and for other appropriate entities within the Department of Homeland Security to support the activities described in section 7303 of the Intelligence Reform and Terrorism Prevention Act of 2004.
(6 U.S.C. 194) and sections 314 and 315 of the Homeland Security Act of 2002, as added by this Act—

(1) $127,232,000 for fiscal year 2006;
(2) $126,549,000 for fiscal year 2007;
(3) $125,845,000 for fiscal year 2008;
(4) $125,121,000 for fiscal year 2009; and
(5) such sums as may be necessary for each subsequent fiscal year.

SEC. 5. DEDICATED FUNDING TO ACHIEVE INTEROPERABILITY.

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

“TITLE XVIII—DEDICATED FUNDING TO ACHIEVE INTEROPERABILITY

“SEC. 1801. INTEROPERABILITY GRANTS.

“(a) IN GENERAL.—The Secretary, through the Office, shall make grants to States and eligible regions for initiatives necessary to achieve short-term or long-term solutions to statewide, regional, national and, where appropriate, international interoperability.

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

“(1) statewide or regional communications planning;

“(2) system design and engineering;

“(3) procurement and installation of equipment;

“(4) training and exercises; and

“(5) other activities determined by the Secretary to be integral to the achievement of communications interoperability.

“(c) COORDINATION.—The Secretary shall ensure that the Office coordinates its activities with Office of Interoperability and Compatibility, the Directorate of Science and Technology, and other Federal entities so that grants awarded under this section, and other grant programs related to homeland security, fulfill the purposes of this Act and facilitate the achievement of communications interoperability consistent with the national strategy.

“(d) APPLICATION.—

“(1) IN GENERAL.—A State or eligible region desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.
“(2) MINIMUM CONTENTS.—At a minimum, each application submitted under paragraph (1) shall—

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

“(B) describe how—

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

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

“(C) be consistent with the Interoperable Communications Plan required by section 7303(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(f)).

“(e) STATE REVIEW AND SUBMISSION.—
“(1) IN GENERAL.—To ensure consistency with State homeland security plans, an eligible region applying for a grant under this section shall submit its application to each State within which any part of the eligible region is located for review before submission of such application to the Secretary.

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

“(3) STATE DISAGREEMENT.—If the Governor of any such State determines that a regional application is inconsistent with the State homeland security plan of that State, or otherwise does not support the application, the Governor shall—

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

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

“(f) AWARD OF GRANTS.—

“(1) CONSIDERATIONS.—In approving applications and awarding grants under this section, the Secretary shall consider—
“(A) the nature of the threat to the State
or eligible region;

“(B) the location, risk, or vulnerability of
critical infrastructure and key national assets,
including the consequences from an attack on
critical infrastructure in nearby jurisdictions;

“(C) the size of the population, as well as
the population density of the area, that will be
served by the interoperable communications sys-
tems, except that the Secretary shall not estab-
lish a minimum population requirement that
would disqualify from consideration an area
that otherwise faces significant threats,
vulnerabilities, or consequences;

“(D) the extent to which grants will be uti-
lized to implement interoperability solutions—

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

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

“(E) the number of jurisdictions within re-
gions participating in the development of inter-
operable communications systems, including the
extent to which the application includes all in-
corporated municipalities, counties, parishes, and tribal governments within the State or eligible region, and their coordination with Federal and State agencies;

“(F) the extent to which a grant would expedite the achievement of interoperability in the State or eligible region with Federal, State, and local agencies;

“(G) the extent to which a State or eligible region, given its financial capability, demonstrates its commitment to expeditiously achieving communications interoperability by supplementing Federal funds with non-Federal funds;

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

“(I) the extent to which geographic barriers pose unusual obstacles to achieving communications interoperability; and

“(J) the threats, vulnerabilities, and consequences faced by the State or eligible region related to at-risk site or activities in nearby jurisdictions, including the need to respond to terrorist attacks arising in those jurisdictions.

“(2) Review Panel.—
“(A) IN GENERAL.—The Secretary shall establish a review panel under section 871(a) to assist in reviewing grant applications under this section.

“(B) RECOMMENDATIONS.—The review panel established under subparagraph (A) shall make recommendations to the Secretary regarding applications for grants under this section.

“(C) MEMBERSHIP.—The review panel established under subparagraph (A) shall include individuals with technical expertise in communications interoperability as well as emergency response providers and other relevant State and local officials.

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

“(4) ALLOCATION.—

“(A) IN GENERAL.—In awarding grants under this subsection, the Secretary shall ensure that each State receives, for each fiscal year, the greater of—
“(i) 0.55 percent of the amounts appropriated for grants under this section; or

“(ii) the eligible State’s sliding scale baseline allocation of 28.62 percent of the amounts appropriated for grants under this section.

“(B) OTHER ENTITIES.—Notwithstanding subparagraph (A), the Secretary shall ensure that for each fiscal year—

“(i) the District of Columbia receives 0.55 percent of the amounts appropriated for grants under this section;

“(ii) the Commonwealth of Puerto Rico receives 0.35 percent of the amounts appropriated for grants under this section; and

“(iii) American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each receive 0.055 percent of the amounts appropriated for grants under this section.

“(C) POSSESSIONS.—Except as provided in subparagraph (B), no possession of the United States shall receive a baseline distribution under subparagraph (A).
“(g) Definitions.—As used in this section, the following definitions apply:

“(1) Eligible Region.—The term ‘eligible region’ means—

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

“(i) have joined together to enhance communications interoperability between first responders in those jurisdictions and with State and Federal officials; and

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

“(B) any other area the Secretary determines to be consistent with the definition of a region in the national preparedness guidance issued under Homeland Security Presidential Directive 8.

“(2) Interoperable Communications and Communications Interoperability.—The terms ‘interoperable communications’ and ‘communications interoperability’ mean the ability of emergency response providers and relevant Federal, State, and local government agencies to communicate with each
other as necessary, utilizing information technology systems and radio communications systems, and to exchange voice, data, or video with one another on demand, in real time, as necessary.

“(3) OFFICE.—The term ‘office’ refers to the Office of Domestic Preparedness of the Office of State and Local Government Preparedness and Coordination within the Department of Homeland Security.

“(4) SLIDING SCALE BASELINE ALLOCATION.—The term ‘sliding scale baseline allocation’ means 0.0001 multiplied by the sum of—

“(A) the value of a State’s population relative to that of the most populous of the 50 States of the United States, where the population of such States has been normalized to a maximum value of 100; and

“(B) \( \frac{1}{4} \) of the value of a State’s population density relative to that of the most densely populated of the 50 States of the United States, where the population density of such States has been normalized to a maximum value of 100.
“(h) Authorization of Appropriations.—There are authorized to be appropriated to carry out the purposes of this section—

“(1) $400,000,000 for fiscal year 2006;
“(2) $500,000,000 for fiscal year 2007;
“(3) $600,000,000 for fiscal year 2008;
“(4) $800,000,000 for fiscal year 2009;
“(5) $1,000,000,000 for fiscal year 2010; and
“(6) such sums as may be necessary for each subsequent fiscal year.”.

SEC. 6. TECHNICAL AND CONFORMING AMENDMENTS.

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

(1) by inserting after the item relating to section 313 the following new item:

“Sec. 314. Interoperability assessment and report.”

; and

(2) by adding at the end the following new item:

“TITLE XVIII—DEDICATED FUNDING TO ACHIEVE INTEROPERABILITY

“Sec. 1801. Interoperability grants.”.

SEC. 7. SOURCE OF FUNDS.

Amounts appropriated to carry out this Act shall be made available from funds available for—
(1) reeducations in the Millennium Challenge Account;
(2) the Export-Import Bank;
(3) the Overseas Private Investment Corporation; and
(4) the International Trade Administration.

SEC. 8. TERMINATION.

This Act and the amendments made by this Act shall terminate on the date that is five years after the date of the enactment of this Act.