109TH CONGRESS  
1ST SESSION  

S. 1274

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 SENATE OF THE UNITED STATES  

JUNE 21, 2005

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

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.

Be it enacted by the Senate and House of Representa-
1 twiges 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-
creases the cost of public safety communications to Federal, State, local, and tribal governments.

(5) Achieving the level of communications interoperability 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 Pre-vention 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) Achieving interoperability requires the sustained commitment of substantial resources. A nonpartisan task force of the Council on Foreign Relations recommended spending at least $6,800,000,000 over 5 years towards achieving interoperability. The Department of Homeland Security has estimated the cost of modernizing first-responder equipment for the 2,500,000 public safety first responders across the country at $40,000,000,000.

(12) 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 COMPATIBILITY.

(a) In General.—Section 7303(a)(2) of the Intelligence 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 Compatiability.”
“(A) ESTABLISHMENT OF OFFICE.—There is established an Office for Interoperability and Compatibility within the Directorate of Science and Technology of the Department of Homeland Security to carry out this subsection.

“(B) DIRECTOR.—There shall be a Director of the Office for Interoperability and Compatibility, who shall be appointed by the Secretary of Homeland Security.

“(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 con-
sortia thereof, by—

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

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

“(III) establishing and maintain-
ing 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 interop-
erness;

“(IV) working with the Office of
Domestic Preparedness Interoperable
Communication Communications
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 address interoperability and other information-sharing needs;

“(V) promoting a greater understanding of the importance of interoperability and the benefits of sharing resources among all levels of State, local, tribal, and Federal government;

“(VI) promoting development of standard operating procedures for incident response and facilitating the sharing of information on best practices (including from governments abroad) for achieving interoperability;
“(VII) making recommendations to Congress about any changes in Federal law necessary to remove barriers 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 Compatibility, 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.”.

c 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 interoper-
ability has been achieved to date and to ascertain the
needs that remain for interoperability to be achieved.

“(b) ANNUAL REPORTS.—Not later than 1 year after
the date of enactment of this section, and annually there-
after, the Secretary, acting through the Director of the
Office for Interoperability and Compatibility, shall submit
to the Committee on Homeland Security and Govern-
mental Affairs of the Senate and the Committee on Home-
land 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 sub-
mitted 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 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 TerrorismPrevention Act of 2004 (6 U.S.C. 194(a)(3)), there are au-
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 are necessary for each fiscal year thereafter.

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 pro-
grams related to homeland security, fulfill the purposes
of this Act and facilitate the achievement of communica-
tions 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 ac-
companied 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 secu-
rity plan of that State, or otherwise does not sup-
port 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 applica-
tions 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 utilized to implement interoperability solutions—

“(i) consistent with the national strategy and compatible with the national architecture; and

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

“(E) the number of jurisdictions within regions participating in the development of interoperable communications systems, including the extent to which the application includes all incorporated 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;

“(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; and

“(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 rel-
ative to that of the most populous of the 50
States of the United States, where the popu-
lation of such States has been normalized to a
maximum value of 100; and
“(B) ¼ of the value of a State’s popu-
lation density relative to that of the most dense-
ly 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 pur-
poses 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 are necessary each fiscal
year thereafter.”.
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 by—

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

“Sec. 314. Interoperability assessment and report.
“Sec. 315. Interoperability research and development.”;

(2) adding at the end the following:

“TITLE XVIII—DEDICATED FUNDING TO ACHIEVE INTEROPERABILITY.

“Sec. 1801. Interoperability grants.”.