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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—EMERGENCY AND INTEROPERABLE COMMUNICATIONS

SECTION 1. SEC. 101. SHORT TITLE.

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

SEC. 2. 102. FINDINGS.

Congress finds the following:

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

(2) Ordinary modes of communications are often difficult or impossible during a natural disaster, terrorist attack, or other catastrophic emergency, because of damage to critical infrastructure, including the destruction of phone lines and cellular towers, and loss of power sources and because of increased demand placed on already strained systems.
(3) In the days after Hurricane Katrina devastated the Gulf Coast of the United States, the communications infrastructure in the affected areas was decimated, and difficulties in communicating among officials and first responders significantly impeded the rescue and relief efforts.

(4) A further major barrier to sharing information among police, firefighters, and others who may be called on to respond to natural disasters, 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. Police and firefighters responding to the attacks at the World Trade Center on September 11, 2001, had difficulty communicating with each other. Initial press reports indicate that conflicting radio frequencies also contributed to the difficulties in communications among law enforcement and government relief agencies in the aftermath of Hurricane Katrina.

(5) The Department of Homeland Security has identified communications interoperability as 1 of the key national priorities for first responders to achieve the National Preparedness Goal that the De-
partment of Homeland Security has established for
the Nation and has identified emergency response
communications as an essential target capability
needed to respond to a major event.

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

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

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

(9) The Intelligence Reform and Terrorism Pre-
vention Act of 2004 requires the Secretary of Home-
land Security, in consultation with other Federal officials, to establish a program to ensure public safety interoperable communications at all levels of government.

(10) 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.

(11) 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.

(12) Stronger and more effective national, statewide, and regional leadership is required to improve emergency communications capabilities and interoperability. The Department of Homeland Security must provide national leadership by conducting nationwide outreach to each State, fostering the de-
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.

(13) 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.

(14) Achieving emergency communications capabilities and interoperability requires the sustained commitment of substantial resources. Nonetheless, emergency communications capabilities and interoperability can be accomplished at a much lower cost than would otherwise be possible if strong national leadership drives cooperation and adoption of smart, new technology solutions.

(15) The private sector has a critical role to play in developing cost-effective solutions to these problems.
SEC. 3. 103. OFFICE FOR EMERGENCY COMMUNICATIONS, 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 emergency communications, interoperability, and compatibility.—

“(A) Establishment of office.—There is established an Office for Emergency Communications, 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 Emergency Communications, Interoperability, and Compatibility, who shall be appointed by the Secretary of Homeland Security.

“(C) Responsibilities.—The Director of the Office for Emergency Communications, 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 emergency communications capabilities and interoperable communications systems by State, local, and tribal governments and public safety agencies, and by regional consortia thereof, by—

“(I) in coordination with the National Communications System, developing, updating, and implementing a national strategy to achieve emergency communications capabilities, with goals and timetables;

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

“(III) developing a national architecture, which defines the components of an interoperable system and how they fit together;
“(IV) 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, emergency medical services, public health, and disaster recovery, in order to receive input and coordinate efforts to achieve emergency communications capabilities and communications interoperability;

“(V) working with the Office of Domestic Preparedness Interoperable 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 emergency communications capabilities, interoperability, and other communications and information-sharing needs;

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

“(VII) promoting development of standard operating procedures for incident response and facilitating the sharing of information on best practices (including from governments abroad) for achieving emergency communications capabilities and interoperability;

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

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

“(aa) evaluate and validate new technology concepts in real-world environments to achieve emergency communications capabilities and 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;

“(X) liaising with the private sector to develop solutions to improve
emergency communications capabilities and achieve interoperability; and

“(XI) performing other functions necessary to improve emergency communications capabilities and achieve communications interoperability.

“(XI) using modeling and simulation for training exercises and command and control functions at the operational level; and

“(XII) performing other functions necessary to improve emergency communications capabilities and achieve communications interoperability.

“(D) Sufficiency of resources.—The Secretary of Homeland Security shall provide the Office for Emergency Communications, 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 Emergency Communications, Interoperability, and Compatibility, the Office for Domestic Preparedness, the National Communications Systems, 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) DEFINITIONS.—Section 7303(g) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(g)) is amended—

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

“(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.”; and

(2) by adding at the end the following:

“(3) EMERGENCY COMMUNICATIONS CAPABILITIES.—The term ‘emergency communications capabilities’ means the ability to provide and maintain, throughout an emergency response operation, a continuous flow of information among emergency re-
sponders, agencies, and government officials from multiple disciplines and jurisdictions and at all levels of government in the event of a natural disaster, terrorist attack, or other large-scale or catastrophic emergency, including where there has been significant damage to, or destruction of, critical infrastructure, substantial loss of ordinary telecommunications infrastructure, and sustained loss of electricity.”.

(e) Assessments and Reports.—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. EMERGENCY COMMUNICATIONS AND INTEROPERABILITY ASSESSMENTS AND REPORTS.

“(a) Baseline Interoperability Assessment.—
The Secretary, acting through the Director of the Office for Emergency Communications, 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) Evaluation of Emergency Communications Capabilities.—The Secretary, acting through the Director of the Office for Emergency Communications, Interoperability, and Compatibility and the National Communications System, shall—
“(1) conduct an assessment of the ability of communities to provide and maintain emergency communications among emergency response providers and government officials in the event of a natural disaster, terrorist attack, or other large-scale emergency, including where there is substantial damage to ordinary communications infrastructure and sustained loss of electricity;

“(2) compile a list of best practices among communities for providing and maintaining communications in the event of a natural disaster, terrorist attack, or other large-scale emergency; and

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

“(c) B I A N N U A L R E P O R T S.—Not later than 1 year after the date of enactment of this section, and biannually thereafter, the Secretary, acting through the Director of the Office for Emergency Communications, Interoperability, and Compatibility, shall submit to the Committee
on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security and the Committee on Energy and Commerce of the House of Representatives a report on the Department’s progress in implementing and achieving the goals of the Assure Emergency and Interoperable Communications for First Responders Act of 2005. The first report submitted under this subsection shall include a description of the findings of the assessments, evaluations, and study conducted under subsections (a) and (b).”.

SEC. 4. 104. RESEARCH AND DEVELOPMENT.

Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), as amended by section 3103, is amended by adding at the end the following:

“SEC. 315. EMERGENCY COMMUNICATIONS INTEROPERABILITY RESEARCH AND DEVELOPMENT.

“(a) IN GENERAL.—The Secretary shall establish a comprehensive research and development program to promote emergency communications capabilities and 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 emergency communications capabilities and interoperability; and
“(5) advancing the creation of a national strategy to enhance emergency communications capabilities, 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.”.

SEC. 5. PILOT PROJECTS.

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

“SEC. 316. EMERGENCY COMMUNICATIONS PILOT PROJECTS.

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall establish not fewer than 2 pilot projects to develop and evaluate strategies and technologies for providing and maintaining emergency communications capabilities among emergency response providers and government officials in the event of a natural disaster, terrorist attack, or other large-scale emergency in which there is significant damage to, or destruction of, critical infrastructure, including substantial loss of ordinary telecommunications infrastructure and sustained loss of electricity."
“(b) SELECTION CRITERIA.—In selecting areas for the location of the pilot projects, the Secretary shall consider—

“(1) the risk to the area from a large-scale terrorist attack or natural disaster;

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

“(3) the existing capabilities of the area’s emergency communications systems and capabilities for the development of modeling and simulation training and command and control functions; and

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

SEC. 6. 106. 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 Emergency Communications, 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, to fund pilot projects under section 316 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 through 316 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. 7. 107. DEDICATED FUNDING TO ACHIEVE EMERGENCY COMMUNICATIONS CAPABILITIES AND 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 EMERGENCY COMMUNICATIONS CAPABILITIES AND INTEROPERABILITY.

“SEC. 1801. EMERGENCY COMMUNICATIONS AND INTEROPERABILITY GRANTS.

“(a) IN GENERAL.—The Secretary, through the Office, shall make grants to States and eligible regions for initiatives necessary to improve emergency communications capabilities and 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 for emergency communications and 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 emergency communications capabilities and communications interoperability.

“(4) training exercises;

“(5) modeling and simulation exercises for operational command and control functions; and

“(6) other activities determined by the Secretary to be integral to the achievement of emergency communications capabilities and communications interoperability.

“(c) COORDINATION.—The Secretary shall ensure that the Office coordinates its activities with the Office of Emergency Communications, Interoperability, and Compatibility, the Directorate of Science and Technology, the National Communications System, 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 emergency communications capabilities and 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 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 Ter-
rorism 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 from a terrorist attack, natural disaster, or other large-scale emergency;

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

“(C) the size of the population, as well as the population density of the area, that will be served by the interoperable communications systems, except that the Secretary shall not establish a minimum population requirement that would disqualify from consideration an area that otherwise faces significant threats, vulnerabilities, or consequences from a terrorist attack, natural disaster, or other large-scale emergency;

“(D) the extent to which grants will be utilized to implement emergency communications and 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 emergency communications capabilities and 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 emergency communications capabilities and 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 emergency communications capabilities and 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) whether the State or eligible region encompasses an economically significant border crossing;

“(J) whether the State or eligible region has a coastline bordering an ocean or international waters;

“(K) the extent to which geographic barriers pose unusual obstacles to achieving emergency communications capabilities or communications interoperability;

“(L) 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, natural disasters, or other large-scale emergencies arising in those jurisdictions;

“(M) the need to achieve nationwide emergency communications capabilities and interoperability, consistent with the national strategies; and
“(N) such other factors as are specified by the Secretary in writing.

“(N) the extent to which the State has formulated a State executive interoperability committee or conducted similar statewide planning efforts; and

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

“(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 emergency communications and 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 emergency communications or 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)).

“(g) DEFINITIONS.—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 emergency communications capabilities or 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

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

“(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 for each fiscal
year thereafter.”.

SEC. 8. 108. DEFINITIONS.

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

(1) by redesignating paragraphs (9) through
(16) as paragraphs (11) through (18), respectively;
(2) by redesignating paragraphs (6) through
(8) as paragraphs (7) through (9), respectively;
(3) by inserting after paragraph (5) the fol-
lowing:
“(6) The term ‘emergency communications capabilities’ means the ability to provide and maintain, throughout an emergency response operation, a continuous flow of information among emergency responders, agencies, and government officials from multiple disciplines and jurisdictions and at all levels of government, in the event of a natural disaster, terrorist attack, or other large-scale or catastrophic emergency, including where there has been significant damage to, or destruction of, critical infrastructure, including substantial loss of ordinary telecommunications infrastructure and sustained loss of electricity.”; and

(4) by inserting after paragraph (8) (9) the following:

“(9) (10) 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.”.
SEC. 9. 109. INTERAGENCY COMMITTEE.

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

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

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

(2) a representative of the Federal Communica-
tions Committee Commission;

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

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

(5) a representative of the Department of Just-
tice;

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

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

(8) a representative of any other department or
agency determined to be necessary by the President.
(c) REPORT.—Not later than 90 days after the date of enactment of this Act, the Committee shall submit a report to the President and to Congress that includes—

(1) a proposal as to how to most effectively accelerate the development of national standards for public safety interoperable communications in accordance with section 7303 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194); and

(2) a proposal on how to ensure that Federal officials responding to a natural disaster, terrorist attack, or other large-scale emergency, have the means to provide and maintain emergency communications capabilities to support their response efforts where there is significant damage to, or destruction of, critical infrastructure, including substantial loss of ordinary telecommunications infrastructure and sustained loss of electricity.

SEC. 10. 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. Emergency communications and interoperability assessments and report.
“Sec. 315. Emergency communications and interoperability research and development.
“Sec. 316. Emergency communications pilot projects.”.
(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.”

SEC. 111. COMMUNICATION SYSTEM GRANTS.

(a) DEFINITIONS.—In this section—

(1) the term “demonstration project” means the demonstration project established under subsection (b)(1);

(2) the term “Department” means the Department of Homeland Security;

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

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

(b) IN GENERAL.—

(1) ESTABLISHMENT.—There is established in the Department an “International Border Community Interoperable Communications Demonstration Project”.

(2) MINIMUM NUMBER OF COMMUNITIES.—The Secretary shall select not fewer than 6 communities to participate in a demonstration project.
(3) LOCATION OF COMMUNITIES.—Not fewer than 3 of the communities selected under paragraph (2) shall be located on the northern border of the United States and not fewer than 3 of the communities selected under paragraph (2) shall be located on the southern border of the United States.

(c) PROJECT REQUIREMENTS.—The demonstration projects shall—

(1) address the interoperable communications needs of police officers, firefighters, emergency medical technicians, National Guard, and other emergency response providers;

(2) foster interoperable communications—

(A) among Federal, State, local, and tribal government agencies in the United States involved in preventing or responding to terrorist attacks or other catastrophic events; and

(B) with similar agencies in Canada or Mexico;

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

(4) foster the standardization of interoperable communications equipment;
(5) identify solutions that will facilitate communications interoperability across national borders expeditiously;

(6) ensure that emergency response providers can communicate with each other and the public at disaster sites or in the event of a terrorist attack or other catastrophic event;

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

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

(d) DISTRIBUTION OF FUNDS.—

(1) IN GENERAL.—The Secretary shall distribute funds under this section to each community participating in a demonstration project through the State, or States, in which each community is located.

(2) OTHER PARTICIPANTS.—Not later than 60 days after receiving funds under paragraph (1), a State receiving funds under this section shall make the funds available to the local governments and emergency response providers participating in a demonstration project selected by the Secretary.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary
in each of fiscal years 2006, 2007, and 2008, to carry out this section.

(f) REPORTING.—Not later than December 31, 2005, and each year thereafter in which funds are appropriated for a demonstration project, the Secretary shall provide 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 demonstration projects under this section.

TITLE II—DISASTER AREA HEALTH AND ENVIRONMENTAL MONITORING

SEC. 201. SHORT TITLE.

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

SEC. 202. PROTECTION OF HEALTH AND SAFETY OF INDIVIDUALS IN A DISASTER AREA.

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

“SEC. 409. PROTECTION OF HEALTH AND SAFETY OF INDIVIDUALS IN A DISASTER AREA.

“(a) DEFINITIONS.—In this section:

“(1) INDIVIDUAL.—The term ‘individual’ includes—

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

“(i) a police officer;

“(ii) a firefighter;

“(iii) an emergency medical technician;

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

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

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

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

“(D) a person who is employed in or attends school, child care, or adult day care in a building located in a disaster area; and

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

“(2) PROGRAM.—The term ‘program’ means a program described in subsection (b) that is carried out for a disaster area.
“(3) **Substance of Concern.**—The term ‘substance of concern’ means a chemical or other substance that is associated with potential acute or chronic human health effects, the risk of exposure to which could potentially be increased as the result of a disaster, as determined by the President.

“(b) **Program.**—

“(1) **In General.**—If the President determines that 1 or more substances of concern are being, or have been, released in an area declared to be a disaster area under this Act, the President may carry out a program for the protection, assessment, monitoring, and study of the health and safety of individuals to ensure that—

“(A) the individuals are adequately informed about and protected against potential health impacts of any substance of concern and potential mental health impacts in a timely manner;

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

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

“(ii) any mental health impacts;
“(C) the individuals receive health care referrals as needed and appropriate; and

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

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

“(A) collecting and analyzing environmental exposure data;

“(B) developing and disseminating information and educational materials;

“(C) performing baseline and followup clinical health and mental health examinations and taking biological samples;

“(D) establishing and maintaining an exposure registry;

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

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

“(3) TIMING.—To the maximum extent practicable, activities under any program established under paragraph (1) (including baseline health ex-
aminations) shall be commenced in a timely manner that will ensure the highest level of public health protection and effective monitoring.

“(4) Participation in registries and studies.—

“(A) In general.—Participation in any registry or study that is part of a program under paragraph (1) shall be voluntary.

“(B) Protection of privacy.—The President shall take appropriate measures to protect the privacy of any participant in a registry or study described in subparagraph (A).

“(5) Cooperative agreements.—

“(A) In general.—The President may carry out a program under paragraph (1) through a cooperative agreement with a medical institution, including a local health department, or a consortium of medical institutions.

“(B) Selection criteria.—To the maximum extent practicable, the President shall select to carry out a program under paragraph (1) a medical institution or a consortium of medical institutions that—

“(i) is located near—
“(I) the disaster area with respect
to which the program is carried out;
and
“(II) any other area in which
there reside groups of individuals that
worked or volunteered in response to
the disaster; and
“(ii) has appropriate experience in the
areas of environmental or occupational
health, toxicology, and safety, including ex-
perience in—
“(I) developing clinical protocols
and conducting clinical health exami-
nations, including mental health as-
sessments;
“(II) conducting long-term health
monitoring and epidemiological stud-
ies;
“(III) conducting long-term men-
tal health studies; and
“(IV) establishing and maintain-
ing medical surveillance programs and
environmental exposure or disease reg-
istries.
“(6) INVOLVEMENT.—
“(A) In general.—In establishing and maintaining a program under paragraph (1), the President shall involve interested and affected parties, as appropriate, including representatives of—

“(i) Federal, State, and local government agencies;

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

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

“(iv) health care providers; and

“(v) other organizations and persons.

“(B) Committees.—Involvement under subparagraph (A) may be provided through the establishment of an advisory or oversight committee or board.

“(7) Privacy.—The President shall carry out each program under paragraph (1) in accordance with regulations relating to privacy promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note; Public Law 104–191).
“(c) Reports.—Not later than 1 year after the establishment of a program under subsection (b)(1), and every 5 years thereafter, the President, or the medical institution or consortium of such institutions having entered into a cooperative agreement under subsection (b)(5), shall submit to the Secretary of Homeland Security, the Secretary of Health and Human Services, the Secretary of Labor, the Administrator of the Environmental Protection Agency, and appropriate committees of Congress a report on programs and studies carried out under the program.”.

SEC. 203. NATIONAL ACADEMY OF SCIENCES REPORT ON DISASTER AREA HEALTH AND ENVIRONMENTAL PROTECTION AND MONITORING.

(a) In General.—The Secretary of Homeland Security, the Secretary of Health and Human Services, and the Administrator of the Environmental Protection Agency shall jointly enter into a contract with the National Academy of Sciences to conduct a study and prepare a report on disaster area health and environmental protection and monitoring.

(b) Expertise.—The report under subsection (a) shall be prepared with the participation of individuals who have expertise in—

(1) environmental health, safety, and medicine;

(2) occupational health, safety, and medicine;
(3) clinical medicine, including pediatrics;
(4) toxicology;
(5) epidemiology;
(6) mental health;
(7) medical monitoring and surveillance;
(8) environmental monitoring and surveillance;
(9) environmental and industrial hygiene;
(10) emergency planning and preparedness;
(11) public outreach and education;
(12) State and local health departments;
(13) State and local environmental protection departments;
(14) functions of workers that respond to disasters, including first responders; and
(15) public health and family services.
(c) CONTENTS.—The report under subsection (a) shall provide advice and recommendations regarding protecting and monitoring the health and safety of individuals potentially exposed to any chemical or other substance associated with potential acute or chronic human health effects as the result of a disaster, including advice and recommendations regarding—
(1) the establishment of protocols for the monitoring of and response to chemical or substance re-
leases in a disaster area for the purpose of protecting public health and safety, including—

(A) chemicals or other substances for which samples should be collected in the event of a disaster, including a terrorist attack;

(B) chemical- or substance-specific methods of sample collection, including sampling methodologies and locations;

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

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

(E) procedures for providing monitoring results to—

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

(ii) appropriate response personnel;

and

(iii) the public;

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

(i) collecting and analyzing samples;

(ii) reporting results; and
(iii) taking appropriate response actions; and

(G) capabilities and capacity within the Federal Government to conduct appropriate environmental monitoring and response in the event of a disaster, including a terrorist attack; and

(2) other issues as specified by the Secretary of Homeland Security, the Secretary of Health and Human Services, and the Administrator of the Environmental Protection Agency.

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

SEC. 204. PREDISASTER HAZARD MITIGATION.

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

TITLE III—EVACUATIONS

SEC. 301. EVACUATION IN EMERGENCIES.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress makes the following findings:
(A) The catastrophic Hurricane Katrina, which hit the Gulf Coast of the United States, caused massive damage to the States of Louisiana, Mississippi, and Alabama.

(B) The total loss of life in the area is still unknown. The economic loss is still not calculated, but is estimated to be in the tens to hundreds of billions of dollars.

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

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

(i) lacked the resources to evacuate and did not have access to any means of transportation to evacuate;

(ii) had neither a vehicle nor the funding to pay for transportation out of the threatened areas; and

(iii) did not have access to, nor could they afford, temporary accommodations outside the threatened areas.

(E) Many elderly and disabled individuals, including those in hospitals and nursing homes,
were physically incapable of leaving on their own.

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

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

(2) PURPOSE.—The purpose of this section is to ensure the preparation of communities for future natural, accidental, or deliberate disasters by ensuring that the States prepare for the evacuation of individuals with special needs.

(b) EVACUATION PLANS FOR INDIVIDUALS WITH SPECIAL NEEDS.—The Secretary of Homeland Security, acting through the Office of State and Local Government Coordination and Preparedness, shall take appropriate actions to ensure that each State, as that term is defined in section 2(14) of the Homeland Security Act of 2002 (6 U.S.C. 101(14)), requires appropriate State and local officials to develop detailed and comprehensive predisaster and postdisaster plans for the evacuation of individuals with
special needs, including the elderly, disabled individuals, low-income individuals and families, the homeless, and individuals who do not speak English, in emergencies that would warrant their evacuation, including plans for the provision of food, water, and shelter for evacuees.

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report setting forth, for each State, the status and key elements of the plans to evacuate individuals with special needs in emergencies that would warrant their evacuation.

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

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

(B) the manner in which the plans of the States are integrated with the response plans of the Federal Government for emergencies that would require the evacuation of individuals with special needs.
calendar No. 232

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A BILL

to strengthen federal leadership, provide grants, enhance outreach and guidance, and provide other support to state, local, and other officials to enhance emergency communications capabilities; to enhance emergency communications interoperability; to foster improved regional collaboration and coordination; to promote more efficient utilization of funding; to enhance emergency preparedness; to provide grants to enhance emergency preparedness; and for other purposes.

september 29, 2005

reported with amendments