

Calendar No. 67

110TH CONGRESS }
1st Session

SENATE

{ REPORT
110-30

INTEROPERABLE EMERGENCY
COMMUNICATIONS ACT

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

ON

S. 385



MARCH 5, 2007.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

59-010

WASHINGTON : 2007

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

DANIEL K. INOUE, Hawaii, *Chairman*

TED STEVENS, Alaska, *Vice-Chairman*

JOHN D. ROCKEFELLER IV, West Virginia	JOHN McCain, Arizona
JOHN F. KERRY, Massachusetts	TRENT LOTT, Mississippi
BYRON L. DORGAN, North Dakota	KAY BAILEY HUTCHISON, Texas
BARBARA BOXER, California	OLYMPIA J. SNOWE, Maine
BILL NELSON, Florida	GORDON H. SMITH, Oregon
MARIA CANTWELL, Washington	JOHN ENSIGN, Nevada
FRANK R. LAUTENBERG, New Jersey	JOHN E. SUNUNU, New Hampshire
MARK PRYOR, Arkansas	JIM DEMINT, South Carolina
THOMAS CARPER, Delaware	DAVID VITTER, Louisiana
CLAIRE McCASKILL, Missouri	JOHN THUNE, South Dakota
AMY KLOBUCHAR, Minnesota	

MARGARET CUMMISKY, *Staff Director and Chief Counsel*

LILA HELMS, *Deputy Staff Director and Policy Director*

MARGARET SPRING, *General Counsel*

LISA SUTHERLAND, *Republican Staff Director*

CHRISTINE KURTH, *Republican Deputy Staff Director*

KENNETH NAHIGIAN, *Republican Chief Counsel*

Calendar No. 67

110TH CONGRESS }
1st Session }

SENATE

{ REPORT
110-30

INTEROPERABLE EMERGENCY COMMUNICATIONS ACT

MARCH 5, 2007.—Ordered to be printed

Mr. INOUE, from the Committee on Commerce, Science, and
Transportation, submitted the following

REPORT

[To accompany S. 385]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 385) to improve the interoperability of emergency communications equipment, having considered the same, reports favorably thereon with amendments and recommends that the bill (as amended) do pass.

PURPOSE OF THE BILL

The purpose of the bill is to promote greater communications interoperability among first responders and to improve the redundancy and resiliency of public safety communications networks in response to emergencies or major disasters.

BACKGROUND AND NEEDS

Government attention to the use of communications technology in promoting public safety dates back to the very beginning of communications law in the United States. At the turn of the 20th century, communications failures associated with the sinking of the Titanic led Congress to pass the Radio Act of 1912, which established federal licensing and required all seafaring vessels to maintain 24-hour radio contact with nearby ships and coastal radio stations. In the intervening decades, that interest has not abated. Over a decade ago, the Federal Communications Commission (FCC) and the National Telecommunications and Information Administration (NTIA) jointly created the Public Safety Wireless Advisory Committee (PSWAC), which examined the communications needs of public safety agencies and specifically cited communications interoperability in its September 2006 report as the “key to success in

day-to-day operations, joint task force and mutual aid operations, and many other intra- and inter-jurisdictional activities". Such attention has only intensified in recent years following a series of high-profile communications failures experienced by first responders during the terrorist attacks on September 11, 2001, the 2003 Northeast electrical blackouts and, most recently, in the aftermath of Hurricanes Katrina and Rita.

Interoperability

Communications interoperability generally refers to the ability of public safety agencies to talk across disciplines and jurisdictions via radio communications systems, exchanging voice and/or data with one another on demand, in real time, when needed, and as authorized. It does not mean that all first responders can listen to and talk on all channels, but rather that first responders will have the capability to talk with who they need to and when they need to during an emergency. Since completion of the PSWAC report in 1996, a number of government-led initiatives have worked to improve the interoperability of voice communications among first responders. While these efforts have yielded incremental advances, public safety entities continue to face a number of obstacles, including adequate funding, which continues to affect our Nation's progress in making sure that all first responders can communicate with each other in times of crisis.

Redundancy and Resiliency

The events of September 11, the 2003 Northeast electrical blackout, and the aftermath of Hurricanes Katrina and Rita, also have helped to demonstrate that one of the biggest problems for effective public safety communications in times of crisis is damage to underlying public safety communications networks. In the case of Hurricane Katrina, the virtual communications failure resulting from damage to New Orleans' main communications transmitter underscores this problem and raises questions as to how our public communications systems can be made more redundant and resilient to disasters. Such events have reinforced the importance of redundant back-up communications capabilities for public safety personnel, including satellite communications platforms as well as scalable, Internet protocol-based "mesh network" technologies that could be used to restore communications quickly when traditional terrestrial networks fail.

Funding

Public safety entities not only face budgetary pressures in securing sufficient funding to upgrade, operate, and maintain interoperable communications systems, but these obstacles are often exacerbated by increased costs associated with the robustness and reliability requirements of public safety systems and the limited scale economies achievable across a user base of an estimated 3 million first responders. In an effort to address some of these funding pressures, Congress, as part of the Deficit Reduction Act of 2005, created a new, \$1 billion trust fund for public safety communications from expected auction revenues. Specifically, the law directed NTIA, in consultation with Department of Homeland Security (DHS), to spend these funds on public safety training and equipment related to systems that use, or interoperate with, systems using certain public safety frequencies that will be vacated by

broadcasters following the completion of the digital television (DTV) transition. Later, in December 2006, Congress passed the Call Home Act (P.L. 109–459), which requires NTIA to award these funds by September 30, 2007, subject to the receipt of qualified applications as determined by the Assistant Secretary of Commerce for Communications and Information.

LEGISLATIVE HISTORY

On January 24, 2007, Senator Inouye introduced S. 385, the “Interoperable Emergency Communications Act,” which was co-sponsored by Senators Stevens, Kerry, Smith, and Snowe and referred to the Committee on Commerce, Science, and Transportation for consideration. On February 8, 2007, the Committee held a hearing on the Present and Future of Public Safety Communications, which included consideration of S. 385.

On February 13, 2007, the Committee met in open Executive Session to consider a manager’s amendment that was offered by Senators Inouye and Stevens. The manager’s amendment was comprised of ten amendments filed by various members of the committee that were modified by consent where appropriate.

Specifically, the manager’s amendment included: an amendment by Senators Inouye and Stevens making certain minor and technical corrections; an amendment by Senators Stevens, Vitter, Smith, and Snowe, as modified, ensuring that the all-hazards approach to threat and risk analysis takes into account the likelihood of the occurrence of natural catastrophes; an amendment by Senator Cantwell, as modified, expanding eligible assistance categories to include software and services; an amendment by Senator Cantwell clarifying that the voluntary equipment standards apply only to equipment for which such standards exist; an amendment by Senators Sununu and Cantwell, as modified, clarifying the eligibility of interim or long-term Internet Protocol-based interoperable solutions; an amendment by Senator Sununu ensuring that rules issued within 90 days of enactment are final rules; an amendment by Senator Sununu, as modified, ensuring that any consensus standards for interoperable communications are voluntary; an amendment by Senators Sununu, Cantwell, Stevens, and Snowe requiring the FCC to report on certain cross border interoperability issues; an amendment by Senators Kerry and Stevens establishing a joint advisory committee on communications capabilities of emergency medical care facilities and to authorize emergency medical communications pilot projects; and an amendment by Senator Pryor, as modified, extending the quorum authority for the Consumer Product Safety Commission for 6 months.

The manager’s amendment was adopted by voice vote and the bill was ordered to be reported, as amended.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

FEBRUARY 26, 2007.

Hon. DANIEL K. INOUE,
Chairman, Committee on Commerce, Science, and Transportation,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 385, the Interoperable Emergency Communications Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Susan Willie.

Sincerely,

PETER R. ORSZAG.

Enclosure.

S. 385—Interoperable Emergency Communications Act

Summary: S. 385 would establish a pilot program to award grants to emergency medical care facilities to improve their emergency communication systems. The bill also would provide additional guidance to the National Telecommunications and Information Administration (NTIA) for awarding grants to public safety agencies to improve the interoperability of emergency communication systems.

Assuming appropriation of the necessary amounts, CBO estimates that implementing the provisions of S. 385 would cost about \$1 million in 2008 and \$20 million over the 2008–2012 period.

S. 385 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act, UMRA, and would impose no costs on state, local, or tribal governments.

Estimated cost to the federal government: The estimated budgetary impact of S. 385 is shown in the following table. The costs of this legislation fall within budget function 370 (commerce and housing credit).

	By fiscal year, in millions of dollars—				
	2008	2009	2010	2011	2012
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level	20	0	0	0	0
Estimated Outlays	1	7	8	4	0

Basis of estimate: For this estimate, we assume the bill will be enacted in 2007 and that amounts estimated to be necessary will be appropriated for each year beginning in fiscal year 2008.

S. 385 would require NTIA to establish a joint advisory committee to examine the communications systems of emergency medical care facilities to determine both their capabilities and needs. The bill also would create a pilot program to award grants of up to \$2 million to no more than 10 emergency medical care facilities to improve their emergency communications systems.

CBO estimates that implementing the advisory committee and pilot grant program would cost about \$1 million in 2008 and \$20 million over the 2008–2012 period, subject to appropriation of the necessary amounts.

The bill also would require the Federal Communications Commission to evaluate and report on the feasibility of developing a backup emergency communications system and report on the status

of certain issues related to interoperability of communications between the United States, Canada, and Mexico. CBO estimates that the cost of those reports would be insignificant, and would be subject to the availability of appropriated funds.

Finally, S. 385 would provide guidance to NTIA for awarding grants to state and local governments to improve the interoperability of public safety communications systems. Under current law, NTIA is required to award up to \$1 billion in interoperability grants no later than September 30, 2007. The bill would clarify the types of projects that would be eligible for grant awards but would not affect the cost of the program.

Intergovernmental and private-sector impact: S. 385 contains no intergovernmental or private-sector mandates as defined in UMR and would impose no costs on state, local, or tribal governments.

Estimate prepared by: Federal Costs: Susan Willie; Impact on State, Local, and Tribal Governments: Sarah Puro; Impact on the Private Sector: Fatimot Ladipo.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

NUMBER OF PERSONS COVERED

S. 385 would affect the disbursement of funds from the Digital Television Transition and Public Safety Fund established under section 309(j)(8)(E) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E)). Persons affected include those entities eligible to receive such funds under current law. S. 385 additionally would authorize the creation of ten pilot programs to improve the communications capabilities of emergency medical care facilities. As a result, with the exception of emergency care facilities eligible for these new pilot programs, the number of persons covered by this legislation should be consistent with current levels of individuals already eligible for funding from the Digital Television Transition and Public Safety Fund.

ECONOMIC IMPACT

S. 385 would provide NTIA with further congressional guidance as to its administration of the Digital Television Transition and Public Safety Fund, but would not affect the directive in current law requiring these funds to be awarded no later than September 30, 2007. The legislation would, however, authorize ten new pilot program grants, not to exceed \$2 million each, for assistance to improve communications capabilities at emergency medical care facilities.

PRIVACY

S. 385 would not have any adverse impact on the personal privacy of the individuals affected.

PAPERWORK

S. 385 would require the Inspector General of the Department of Commerce to submit to Congress annually a report on the administration of the Digital Television Transition and Public Safety Fund. In addition, S. 385 would create a Joint Advisory Committee on communications capabilities of emergency medical care facilities that would be required to issue a report to Congress six months after enactment.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title.

Section 1 would set forth the short title of the bill as the “Interoperable Emergency Communications Act.”

Section 2. Interoperable emergency communications.

Subsection 2(a) of the bill would generally amend Section 3006 of the Deficit Reduction Act of 2005 (P.L. 109–171) by deleting statutory language that currently limits funding to systems that either use, or interoperate with systems that use, public safety spectrum in the 700 megahertz band (specifically, 764–776 megahertz and 794–806 megahertz), and to provide congressional direction with respect to eligible activities under NTIA’s administration of the \$1 billion public safety grant program.

New 3006(a) would establish the scope of the permissible grants under the program and permit NTIA to allocate up to \$100 million for the establishment of Strategic Technology Reserves that will enhance the availability of communications equipment for first responders and other emergency personnel in the event of an emergency or a major disaster. In addition to strategic technology reserves, this subsection describes a broad range of topics related to improving communications interoperability that will be eligible for assistance under the grant program including, statewide or regional planning and coordination, design and engineering support, technical assistance and training, and the acquisition or deployment of interoperable communications equipment, software, or systems. Under these categories, the committee believes that projects to construct or expand mutual aid channels used by first responders would be eligible for assistance.

New 3006(b) would reiterate the requirement imposed under section 4 of the Call Home Act of 2006, which, subject to the receipt of qualified applications as determined by the Assistant Secretary, would require that not less than \$1 billion be awarded no later than September 30, 2007.

New 3006(c) would require that funding distributions be made among the several states consistent with section 1014(c)(3) of the USA PATRIOT Act (.75 percent minimum to each State) to ensure a fair distribution of funds. It would also require the calculation of risk factors to be based upon an “all-hazards” approach that recognizes the critical need for effective emergency communications in response not only to terrorist attacks, but also to a variety of natural disasters.

New section 3006(d) would establish requirements for grant applicants including an explanation of how assistance would improve interoperability and a description of how any equipment or system

request would be compatible or consistent with certain relevant sections of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(a)(1)).

New section 3006(e) would direct NTIA to rely on the 2007 grant guidance issued under the Department of Homeland Security's SAFECOM program to promote greater consistency in the criteria used to evaluate interoperability grant applications.

New section 3006(f) would establish criteria for grants of equipment, supplies, systems and related communications service related to support for Strategic Technology Reserve initiatives. This section would also require that funding for strategic reserves be divided between block grants to states in support of state reserves and grants in support of federal reserves at each Federal Emergency Management Agency (FEMA) regional office and in each of the noncontiguous states.

New section 3006(g) would permit the Assistant Secretary to encourage the development of voluntary consensus standards for interoperable communications systems, but would preclude the Assistant Secretary from requiring any such standard.

New section 3006(h) would permit NTIA to seek assistance from other federal agencies where appropriate in the administration of the grant program.

New section 3006(i) would require the Inspector General of the Department of Commerce annually to assess the management of NTIA's interoperability grant program.

New section 3006(j) would require NTIA, in consultation with the DHS and the FCC, to promulgate final program rules for implementation within 90 days of enactment.

New section 3006(k) would create a rule of construction clarifying that nothing in this section precludes funding for interim or long-term Internet Protocol-based solutions, notwithstanding compliance with the Project 25 standard.

Subsection (2)(b) of the bill would require the FCC, in coordination with the Assistant Secretary of Commerce for Communications and Information and the Secretary of Homeland Security, to report on the feasibility of a redundant system for emergency communications no later than 1 year after enactment.

Subsection (2)(c) of the bill would direct the Assistant Secretary of Commerce for Communications and Information, in consultation with the Secretary of Homeland Security and the Secretary of Health and Human Services, to create a joint advisory committee to examine the communications capabilities and needs of emergency medical care facilities. The joint advisory committee will assess current communications capabilities at emergency care facilities, options to accommodate the growth of communications services used by emergency medical care facilities, and options to better integrate emergency medical care communications systems with other emergency communications networks. The joint advisory committee would be required to report its findings to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, within 6 months after the date of enactment.

Subsection (2)(d) of the bill would provide authorization for not more than 10 pilot projects to improve the capabilities of emergency communications systems in emergency medical care facili-

ties. Grants would be administered by the Assistant Secretary of Commerce for Communications and Information, would require a fifty percent match, would not exceed \$2 million per grant, and would be geographically distributed to the maximum extent possible.

Section 3. Rule of construction.

Subsection (a) would amend Title VI of the Post-Katrina emergency Management Reform Act of 2006 (P.L. 109–295) by including a savings clause clarifying the concurrent authorities of the Department of Commerce and the FCC, with respect to their existing authorities related public safety and promoting the safety of life and property through the use of communications.

Subsection (b) would establish the effective date of this savings clause as if enacted with the Department of Homeland Security Appropriations for fiscal year (FY) 2007 (P.L. 109–295).

Section 4. Cross border interoperability reports.

Section 4 would require the FCC, in conjunction with the DHS, the Office of Management and Budget, and the Department of State to report, not later than 90 days after enactment, on the status of efforts to coordinate cross border interoperability issues and the re-banding of 800 megahertz radios with Canada and Mexico. The FCC would further be required to report on any communications between the Commission and the Department of State regarding possible amendments to legal agreements and protocols governing the coordination process for license applications seeking to use channels and frequencies above Line A, to submit information about the annual rejection rate over the last 5 years by the United States for new channels and frequencies above Line A, and to suggest additional procedures and mechanisms that could be taken to reduce the rejection rate for such applications. The FCC would be required to provide regular updates of the report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce of treaty negotiations related to the re-banding of 800 megahertz radios until the appropriate treaty has been revised with each of Canada and Mexico.

Section 5. Extension of short quorum.

Section 5 would permit 2 members of the Consumer Product Safety Commission to constitute a quorum for 6 months following enactment of this Act.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in *italic*, existing law in which no change is proposed is shown in *roman*):

DIGITAL TELEVISION TRANSITION AND PUBLIC SAFETY
ACT OF 2005

[47 U.S.C. 309 note]

SEC. 3006. PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS.

(a) CREATION OF PROGRAM.—The Assistant Secretary, in consultation with the Secretary of the Department of Homeland Security—

[(1) may take such administrative action as is necessary to establish and implement a grant program to assist public safety agencies in the acquisition of, deployment of, or training for the use of interoperable communications systems that utilize, or enable interoperability with communications systems that can utilize, reallocated public safety spectrum for radio communication; and

[(2) shall make payments of not to exceed \$1,000,000,000, in the aggregate, through fiscal year 2010 to carry out that program from the Digital Television Transition and Public Safety Fund established under section 309(j)(8)(E) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E)).]

(1) may take such administrative action as is necessary to establish and implement a grant program to assist public safety agencies—

(A) in conducting statewide or regional planning and coordination to improve the interoperability of emergency communications;

(B) in supporting the design and engineering of interoperable emergency communications systems;

(C) in supporting the acquisition or deployment of interoperable communications equipment, software, or systems that improve or advance the interoperability with public safety communications systems;

(D) in obtaining technical assistance and conducting training exercises related to the use of interoperable emergency communications equipment and systems; and

(E) in establishing and implementing a strategic technology reserve to pre-position or secure interoperable communications in advance for immediate deployment in an emergency or major disaster (as defined in section 102(2) of Public Law 93–288 (42 U.S.C. 5122)); and

(2) shall make payments of not to exceed \$1,000,000,000, in the aggregate, through fiscal year 2010 from the Digital Television Transition and Public Safety Fund established under section 309(j)(8)(E) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E)) to carry out the grant program established under paragraph (1), of which not more than \$100,000,000, in the aggregate, may be allocated for grants under paragraph (1)(E).

(b) EXPEDITED IMPLEMENTATION.—Pursuant to section 4 of the Call Home Act of 2006, no less than \$1,000,000,000 shall be awarded for grants under subsection (a) no later than September 30, 2007, subject to the receipt of qualified applications as determined by the Assistant Secretary.

(c) *ALLOCATION OF FUNDS.*—In awarding grants under subparagraphs (A) through (D) of subsection (a)(1), the Assistant Secretary shall ensure that grant awards—

(1) result in distributions to public safety entities among the several States that are consistent with section 1014(c)(3) of the USA PATRIOT ACT (42 U.S.C. 3714(c)(3)); and

(2) are prioritized based upon threat and risk factors that reflect an all-hazards approach to communications preparedness and that takes into account the risks associated with, and the likelihood of the occurrence of, terrorist attacks or natural catastrophes (including, but not limited to, hurricanes, tornados, storms, high water, winddriven water, tidal waves, tsunami, earthquakes, volcanic eruptions, landslides, mudslides, snow and ice storms, forest fires, or droughts) in a State.

(d) *ELIGIBILITY.*—To be eligible for assistance under the grant program established under subsection (a), an applicant shall submit an application, at such time, in such form, and containing such information as the Assistant Secretary may require, including—

(1) a detailed explanation of how assistance received under the program would be used to improve regional, State, or local communications interoperability and ensure interoperability with other appropriate public safety agencies in an emergency or a major disaster; and

(2) assurance that the equipment and system would—

(A) be compatible with the communications architecture developed under section 7303(a)(1)(E) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(a)(1)(E));

(B) meet any voluntary consensus standards developed under section 7303(a)(1)(D) of that Act (6 U.S.C. 194(a)(1)(D)) to the extent that such standards exist for a given category of equipment; and

(C) be consistent with the common grant guidance established under section 7303(a)(1)(H) of that Act (6 U.S.C. 194(a)(1)(H)).

(e) *CRITERIA FOR CERTAIN GRANTS.*—In awarding grants under subparagraphs (A) through (D) of subsection (a)(1), the Assistant Secretary shall ensure that all grants funded are consistent with Federal grant guidance established by the SAFECOM Program within the Department of Homeland Security.

(f) *CRITERIA FOR STRATEGIC TECHNOLOGY RESERVE GRANTS.*—

(1) *IN GENERAL.*—In awarding grants under subsection (a)(1)(E), the Assistant Secretary shall consider the continuing technological evolution of communications technologies and devices, with its implicit risk of obsolescence, and shall ensure, to the maximum extent feasible, that a substantial part of the reserve involves prenegotiated contracts and other arrangements for rapid deployment of equipment, supplies, and systems (and communications service related to such equipment, supplies, and systems), rather than the warehousing or storage of equipment and supplies currently available at the time the reserve is established.

(2) *REQUIREMENTS AND CHARACTERISTICS.*—A reserve established under paragraph (1) shall—

(A) be capable of re-establishing communications when existing infrastructure is damaged or destroyed in an emergency or a major disaster;

(B) include appropriate current, widely-used equipment, such as Land Mobile Radio Systems, cellular telephones and satellite-enabled equipment (and related communications service), Cells-On-Wheels, Cells-On-Light-Trucks, or other self-contained mobile cell sites that can be towed, backup batteries, generators, fuel, and computers;

(C) include equipment on hand for the Governor of each State, key emergency response officials, and appropriate State or local personnel;

(D) include contracts (including prenegotiated contracts) for rapid delivery of the most current technology available from commercial sources; and

(E) include arrangements for training to ensure that personnel are familiar with the operation of the equipment and devices to be delivered pursuant to such contracts.

(3) **ADDITIONAL CHARACTERISTICS.**—Portions of the reserve may be virtual and may include items donated on an in-kind contribution basis.

(4) **CONSULTATION.**—In developing the reserve, the Assistant Secretary shall seek advice from the Secretary of Defense and the Secretary of Homeland Security, as well as national public safety organizations, emergency managers, State, local, and tribal governments, and commercial providers of such systems and equipment.

(5) **ALLOCATION AND USE OF FUNDS.**—The Assistant Secretary shall allocate—

(A) a portion of the reserve's funds for block grants to States to enable each State to establish a strategic technology reserve within its borders in a secure location to allow immediate deployment; and

(B) a portion of the reserve's funds for regional Federal strategic technology reserves to facilitate any Federal response when necessary, to be held in each of the Federal Emergency Management Agency's regional offices, including Boston, Massachusetts (Region 1), New York, New York (Region 2), Philadelphia, Pennsylvania (Region 3), Atlanta, Georgia (Region 4), Chicago, Illinois (Region 5), Denton, Texas (Region 6), Kansas City, Missouri (Region 7), Denver, Colorado (Region 8), Oakland, California (Region 9), Bothell, Washington (Region 10), and each of the non-contiguous States for immediate deployment.

(g) **VOLUNTARY CONSENSUS STANDARDS.**—In carrying out this section, the Assistant Secretary, in cooperation with the Secretary of Homeland Security shall identify and, if necessary, encourage the development and implementation of, voluntary consensus standards for interoperable communications systems to the greatest extent practicable, but shall not require any such standard.

(h) **USE OF ECONOMY ACT.**—In implementing the grant program established under subsection (a)(1), the Assistant Secretary may seek assistance from other Federal agencies in accordance with section 1535 of title 31, United States Code.

(i) *INSPECTOR GENERAL REPORT.*—Beginning with the first fiscal year beginning after the date of enactment of the Interoperable Emergency Communications Act, the Inspector General of the Department of Commerce shall conduct an annual assessment of the management of the grant program implemented under subsection (a)(1) and transmit a report containing the findings of that assessment and any recommendations related thereto to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce.

(j) *DEADLINE FOR IMPLEMENTATION PROGRAM RULES.*—Within 90 days after the date of enactment of the Interoperable Emergency Communications Act, the Assistant Secretary, in consultation with the Secretary of Homeland Security and the Federal Communications Commission, shall promulgate final program rules for the implementation of this section.

(k) *RULE OF CONSTRUCTION.*—Nothing in this section shall be construed or interpreted to preclude the use of funds under this section by any public safety agency for interim or long-term Internet Protocol-based interoperable solutions, notwithstanding compliance with the Project 25 standard.

[(b)] (l) *CREDIT.*—The Assistant Secretary may borrow from the Treasury beginning on October 1, 2006, such sums as may be necessary, but not to exceed \$1,000,000,000, to implement this section. The Assistant Secretary shall reimburse the Treasury, without interest, as funds are deposited into the Digital Television Transition and Public Safety Fund.

[(c)] (m) *CONDITION OF GRANTS.*—In order to obtain a grant under the grant program, a public safety agency shall agree to provide, from non-Federal sources, not less than 20 percent of the costs of acquiring and deploying the interoperable communications systems funded under the grant program.

[(d)] (n) *DEFINITIONS.*—For purposes of this section:

(1) *PUBLIC SAFETY AGENCY.*—The term “public safety agency” means any State, local, or tribal government entity, or non-governmental organization authorized by such entity, whose sole or principal purpose is to protect the safety of life, health, or property.

(2) *INTEROPERABLE COMMUNICATIONS SYSTEMS.*—The term “interoperable communications systems” means communications systems which enable public safety agencies to share information amongst local, State, Federal, and tribal public safety agencies in the same area via voice or data signals.

(3) *REALLOCATED PUBLIC SAFETY SPECTRUM.*—The term “re-allocated public safety spectrum” means the bands of spectrum located at 764-776 megahertz and 794-806 megahertz, inclusive.

POST-KATRINA EMERGENCY MANAGEMENT REFORM ACT OF 2006

TITLE VI—NATIONAL EMERGENCY MANAGEMENT

SEC. 699A. RULE OF CONSTRUCTION.

Nothing in this title, including the amendments made by this title, may be construed to reduce or otherwise limit the authority of the Department of Commerce or the Federal Communications Commission.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as though enacted as part of the Department of Homeland Security Appropriations Act, 2007.

