

STATE WIDE INTEROPERABLE COMMUNICATIONS  
ENHANCEMENT ACT

JUNE 17, 2015.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

Mr. McCAUL, from the Committee on Homeland Security,  
submitted the following

R E P O R T

[To accompany H.R. 2206]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 2206) to amend the Homeland Security Act of 2002 to require recipients of State Homeland Security Grant Program funding to preserve and strengthen interoperable emergency communications capabilities, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “State Wide Interoperable Communications Enhancement Act” or the “SWIC Enhancement Act”.

**SEC. 2. MINIMUM CONTENTS OF APPLICATION FOR CERTAIN HOMELAND SECURITY GRANT FUNDS.**

(a) **IN GENERAL.**—Paragraph (2) of section 2004(b) of the Homeland Security Act of 2002 (6 U.S.C. 605(b)) is amended by—

(1) redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(2) inserting after subparagraph (A) the following new subparagraph:

“(B)(i) certification that the Governor of the State has designated a Statewide Interoperability Coordinator, including identification in such certification of the individual so designated, who shall be responsible for—

“(I) coordinating the daily operations of the State’s interoperability efforts;

“(II) coordinating State interoperability and communications projects and grant applications for such projects;

“(III) establishing and maintaining working groups to develop and implement key interoperability initiatives; and

“(IV) coordinating and updating, as necessary, a Statewide Communications Interoperability Plan that specifies the current status of State efforts to enhance communications interoperability within the State, including progress, modifications, or setbacks, and future goals for communications interoperability among emergency response agencies in the State; or

“(ii) if a Statewide Interoperability Coordinator has not been designated in accordance with clause (i)—

“(I) certification that the State is performing in another manner the functions described in subclauses (I) through (IV) of such clause; and

“(II) identification in such certification of an individual who has been designated by the State as the primary point of contact for performance of such functions;”.

(b) **LIMITATION ON APPLICATION.**—The amendment made by subsection (a) shall not apply with respect to any grant for which an application was submitted under the State Homeland Security Grant Program before the date of the enactment of this Act.

**PURPOSE AND SUMMARY**

The purpose of H.R. 2206 is to amend the Homeland Security Act of 2002 to require recipients of State Homeland Security Grant Program funding to preserve and strengthen interoperable emergency communications capabilities, and for other purposes.

**BACKGROUND AND NEED FOR LEGISLATION**

Despite the investment of more than \$5 billion in grant funding to enhance communications capabilities over the past 10 years, interoperability remains a challenge, particularly during disaster scenarios. H.R. 2206 recognizes the important role played by Statewide Interoperability Coordinators (SWICs), be it through the development of Statewide Communications Interoperability Plans, coordinating interoperable communications projects and grant requests, or engaging with the First Responder Network Authority as it works to design and build the nationwide public safety broadband network. The bill requires a governor to certify, as part of his or her application for State Homeland Security Grant Program (SHSGP) funds, that he or she has designated a SWIC, or, if a SWIC has not been designated, that the State is performing in another manner the functions of a SWIC.

## HEARINGS

The Committee on Homeland Security did not hold any hearings specifically on H.R. 2206. However, in the 113th Congress, on November 18, 2014, the Subcommittee on Emergency Preparedness, Response, and Communications held a hearing, “Interoperable Communications: Assessing Progress Since 9/11.” The Subcommittee received testimony from RADM Ronald Hewitt (USCG, Ret.), Director of the Department of Homeland Security’s Office of Emergency Communications, Mr. TJ Kennedy, Acting General Manager of the First Responder Network Authority, and Mr. Mark Grubb, Director of the Division of Communications of the State of Delaware’s Department of Safety and Homeland Security. Mr. Grubb serves as Delaware’s SWIC and is the President of the National Council of SWICs. At this hearing, the witnesses discussed the importance of SWICs to State interoperability efforts and the decline in the number of full time SWICs since the end of the Interoperable Emergency Communications Grant Program.

## COMMITTEE CONSIDERATION

The Committee met on May 20, 2015, to consider H.R. 2206, and ordered the measure to be reported to the House with a favorable recommendation, amended, by voice vote. The Committee took the following actions:

The following amendments were offered:

An Amendment by MR. LOUDERMILK (#1); was AGREED TO by voice vote.

Page 2, line 15, strike “overseeing” and insert “coordinating”.

Page 2, line 23, strike “implementing” and insert “coordinating”.

Page 3, line 2, insert “, modification,” after “progress”.

The Subcommittee on Emergency Preparedness, Response, and Communications met on May 14, 2015, to consider H.R. 2206, and ordered the measure to be reported to the Full Committee with a favorable recommendation, without amendment, by voice vote.

## COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

No recorded votes were requested during consideration of H.R. 2206.

## COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee has held oversight hearings and made findings that are reflected in this report.

## NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 2206, the State Wide Interoperable Communications Enhancement Act,

would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, May 28, 2015.*

Hon. MICHAEL MCCAUL,  
*Chairman, Committee on Homeland Security,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2206, the State Wide Interoperable Communications Enhancement Act.

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

Sincerely,

KEITH HALL.

Enclosure.

*H.R. 2206—State Wide Interoperable Communications Enhancement Act*

H.R. 2206 would expand the application requirements for funding through the State Homeland Security Grant Program. The bill would require states to certify as part of their grant application that the state has designated a statewide interoperability coordinator to oversee the daily operations of the state's interoperability programs. Those programs are aimed at ensuring that the communications systems of different emergency response agencies can work together. CBO estimates that implementing the legislation would have no effect on the federal budget because it would not modify the workload of the Department of Homeland Security. Enacting H.R. 2206 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Martin von Gnechten. The estimate was approved by Theresa Gullo, Assistant Director for Budget Analysis.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 2206 contains the following general performance goals and objectives, including outcome related goals and objectives authorized.

Both the State Homeland Security Grant Program and Urban Area Security Initiative permit grant recipients to use grant funds to pay for SWICs. In addition, the grant guidance for these programs requires recipients to coordinate any communications investments with their SWICs or their Statewide Interoperability Governance Body prior to application submission "to ensure the project

supports the statewide strategy to improve emergency communications and is compatible with surrounding systems.”<sup>1</sup> To ensure that States are complying with this requirement and preserve gains made in communications interoperability using grant funds to date, the bill requires governors to certify that they have designated a SWIC or, if they have not, are fulfilling the functions of a SWIC in another manner.

#### DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of rule XIII, the Committee finds that H.R. 2206 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the rule XXI.

#### FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

#### PREEMPTION CLARIFICATION

In compliance with section 423 of the Congressional Budget Act of 1974, requiring the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt State, local, or Tribal law, the Committee finds that H.R. 2206 does not preempt any State, local, or Tribal law.

#### DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that H.R. 2206 would require no directed rule makings.

#### ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

#### APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

<sup>1</sup>Federal Emergency Management Agency, *Fiscal Year 2015 Homeland Security Grant Program Funding Guidelines* at 12.

## SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

*Section 1. Short title*

This section provides that bill may be cited as the “State Wide Interoperable Communications Enhancement Act” or the “SWIC Enhancement Act”.

*Section 2. Minimum contents of application for certain Homeland Security Grant funds*

Subsection (a) requires a governor to certify, as part of his or her application for State Homeland Security Grant Program funds, that he or she has designated a Statewide Interoperability Coordinator (SWIC), or, if a SWIC has not been designated, that the State is performing in another manner the functions of a SWIC, including an identification of the person designated by the State as the primary point of contact for these activities.

The section further enumerates the responsibilities of a SWIC, which include:

- coordinating the daily operations of the State’s interoperability efforts;
- coordinating State interoperability and communications projects and grant applications for such projects;
- establishing and maintaining working groups to develop and implement key interoperability initiatives; and
- coordinating and updating, as necessary, a Statewide Communications Interoperability Plan that specifies the current status of State efforts to enhance communications interoperability within the State.

Subsection (b) notes that the requirement in subsection (a) will not apply to any SHSGP application submitted prior to the date of enactment of the bill.

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, 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 matter is printed in italic, and existing law in which no change is proposed is shown in roman):

**HOMELAND SECURITY ACT OF 2002**

\* \* \* \* \*

**TITLE XX—HOMELAND SECURITY GRANTS**

\* \* \* \* \*

**Subtitle A—Grants to States and High-Risk Urban Areas**

\* \* \* \* \*

**SEC. 2004. STATE HOMELAND SECURITY GRANT PROGRAM.**

(a) **ESTABLISHMENT.**—There is established a State Homeland Security Grant Program to assist State, local, and tribal governments in preventing, preparing for, protecting against, and responding to acts of terrorism.

(b) **APPLICATION.**—

(1) **IN GENERAL.**—Each State may apply for a grant under this section, and shall submit such information in support of the application as the Administrator may reasonably require.

(2) **MINIMUM CONTENTS OF APPLICATION.**—The Administrator shall require that each State include in its application, at a minimum—

(A) the purpose for which the State seeks grant funds and the reasons why the State needs the grant to meet the target capabilities of that State;

(B)(i) *certification that the Governor of the State has designated a Statewide Interoperability Coordinator, including identification in such certification of the individual so designated, who shall be responsible for—*

(I) *coordinating the daily operations of the State's interoperability efforts;*

(II) *coordinating State interoperability and communications projects and grant applications for such projects;*

(III) *establishing and maintaining working groups to develop and implement key interoperability initiatives; and*

(IV) *coordinating and updating, as necessary, a Statewide Communications Interoperability Plan that specifies the current status of State efforts to enhance communications interoperability within the State, including progress, modifications, or setbacks, and future goals for communications interoperability among emergency response agencies in the State; or*

(ii) *if a Statewide Interoperability Coordinator has not been designated in accordance with clause (i)—*

(I) *certification that the State is performing in another manner the functions described in subclauses (I) through (IV) of such clause; and*

(II) *identification in such certification of an individual who has been designated by the State as the primary point of contact for performance of such functions;*

**[(B)] (C)** a description of how the State plans to allocate the grant funds to local governments and Indian tribes; and

**[(C)] (D)** a budget showing how the State intends to expend the grant funds.

(3) **ANNUAL APPLICATIONS.**—Applicants for grants under this section shall apply or reapply on an annual basis.

(c) **DISTRIBUTION TO LOCAL AND TRIBAL GOVERNMENTS.**—

(1) **IN GENERAL.**—Not later than 45 days after receiving grant funds, any State receiving a grant under this section shall make available to local and tribal governments, consistent with the applicable State homeland security plan—

- (A) not less than 80 percent of the grant funds;
- (B) with the consent of local and tribal governments, items, services, or activities having a value of not less than 80 percent of the amount of the grant; or
- (C) with the consent of local and tribal governments, grant funds combined with other items, services, or activities having a total value of not less than 80 percent of the amount of the grant.

(2) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO LOCAL GOVERNMENTS.—A State shall certify to the Administrator that the State has made the distribution to local and tribal governments required under paragraph (1).

(3) EXTENSION OF PERIOD.—The Governor of a State may request in writing that the Administrator extend the period under paragraph (1) for an additional period of time. The Administrator may approve such a request if the Administrator determines that the resulting delay in providing grant funding to the local and tribal governments is necessary to promote effective investments to prevent, prepare for, protect against, or respond to acts of terrorism.

(4) EXCEPTION.—Paragraph (1) shall not apply to the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, or the Virgin Islands.

(5) DIRECT FUNDING.—If a State fails to make the distribution to local or tribal governments required under paragraph (1) in a timely fashion, a local or tribal government entitled to receive such distribution may petition the Administrator to request that grant funds be provided directly to the local or tribal government.

(d) MULTISTATE APPLICATIONS.—

(1) IN GENERAL.—Instead of, or in addition to, any application for a grant under subsection (b), 2 or more States may submit an application for a grant under this section in support of multistate efforts to prevent, prepare for, protect against, and respond to acts of terrorism.

(2) ADMINISTRATION OF GRANT.—If a group of States applies for a grant under this section, such States shall submit to the Administrator at the time of application a plan describing—

- (A) the division of responsibilities for administering the grant; and
- (B) the distribution of funding among the States that are parties to the application.

(e) MINIMUM ALLOCATION.—

(1) IN GENERAL.—In allocating funds under this section, the Administrator shall ensure that—

(A) except as provided in subparagraph (B), each State receives, from the funds appropriated for the State Homeland Security Grant Program established under this section, not less than an amount equal to—

- (i) 0.375 percent of the total funds appropriated for grants under this section and section 2003 in fiscal year 2008;

(ii) 0.365 percent of the total funds appropriated for grants under this section and section 2003 in fiscal year 2009;

(iii) 0.36 percent of the total funds appropriated for grants under this section and section 2003 in fiscal year 2010;

(iv) 0.355 percent of the total funds appropriated for grants under this section and section 2003 in fiscal year 2011; and

(v) 0.35 percent of the total funds appropriated for grants under this section and section 2003 in fiscal year 2012 and in each fiscal year thereafter; and

(B) for each fiscal year, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each receive, from the funds appropriated for the State Homeland Security Grant Program established under this section, not less than an amount equal to 0.08 percent of the total funds appropriated for grants under this section and section 2003.

(2) EFFECT OF MULTISTATE AWARD ON STATE MINIMUM.—Any portion of a multistate award provided to a State under subsection (d) shall be considered in calculating the minimum State allocation under this subsection.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section—

(1) \$950,000,000 for each of fiscal years 2008 through 2012; and

(2) such sums as are necessary for fiscal year 2013, and each fiscal year thereafter.

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