

the components of the Department by the dates referred to in subsection (a)(7); and

“(2) who, within each such component, is responsible for implementing policies and directives issued by the Under Secretary for Management to so achieve and maintain such interoperable communications.

#### “SEC. 5. REPORT.

“Not later than 100 days after the date on which the strategy required under section 4(a) is submitted, and every 2 years thereafter for 6 years, the Under Secretary for Management shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the status of efforts to implement the strategy required under section 4(a), including the following:

“(1) Progress on each interim milestone referred to in section 4(a)(7) toward achieving and maintaining interoperable communications among the components of the Department.

“(2) Information on any policies, directives, guidance, and training established by the Under Secretary for Management.

“(3) An assessment of the level of compliance, adoption, and participation among the components of the Department with the policies, directives, guidance, and training established by the Under Secretary for Management to achieve and maintain interoperable communications among the components.

“(4) Information on any additional resources or authorities needed by the Under Secretary for Management.

#### “SEC. 6. APPLICABILITY.

“Sections 4 and 5 shall only apply with respect to the interoperable communications capabilities within the Department and components of the Department to communicate within the Department.”

#### CROSS BORDER INTEROPERABILITY REPORTS

Pub. L. 110-53, title XXII, §2203, Aug. 3, 2007, 121 Stat. 541, provided that:

“(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act [Aug. 3, 2007], the Federal Communications Commission, in consultation with the Department of Homeland Security’s Office of Emergency Communications [now Emergency Communications Division], the Office of Management of [sic] Budget, and the Department of State shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce on—

“(1) the status of the mechanism established by the President under section 7303(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(c)) for coordinating cross border interoperability issues between—

“(A) the United States and Canada; and

“(B) the United States and Mexico;

“(2) the status of treaty negotiations with Canada and Mexico regarding the coordination of the rebanding of 800 megahertz radios, as required under the final rule of the Federal Communication Commission in the ‘Private Land Mobile Services; 800 MHz Public Safety Interface Proceeding’ (WT Docket No. 02-55; ET Docket No. 00-258; ET Docket No. 95-18, RM-9498; RM-10024; FCC 04-168) including the status of any outstanding issues in the negotiations between—

“(A) the United States and Canada; and

“(B) the United States and Mexico;

“(3) communications between the Commission and the Department of State over possible amendments to the bilateral legal agreements and protocols that govern the coordination process for license applications seeking to use channels and frequencies above Line A;

“(4) the annual rejection rate for the last 5 years by the United States of applications for new channels

and frequencies by Canadian private and public entities; and

“(5) any additional procedures and mechanisms that can be taken by the Commission to decrease the rejection rate for applications by United States private and public entities seeking licenses to use channels and frequencies above Line A.

“(b) UPDATED REPORTS TO BE FILED ON THE STATUS OF TREATY OF [sic] NEGOTIATIONS.—The Federal Communications Commission, in conjunction with the Department of Homeland Security, the Office of Management of Budget, and the Department of State shall continually provide updated reports to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives on the status of treaty negotiations under subsection (a)(2) until the appropriate United States treaty has been revised with each of—

“(1) Canada; and

“(2) Mexico.

“(c) INTERNATIONAL NEGOTIATIONS TO REMEDY SITUATION.—Not later than 90 days after the date of enactment of this Act [Aug. 3, 2007], the Secretary of the Department of State shall report to Congress on—

“(1) the current process for considering applications by Canada for frequencies and channels by United States communities above Line A;

“(2) the status of current negotiations to reform and revise such process;

“(3) the estimated date of conclusion for such negotiations;

“(4) whether the current process allows for automatic denials or dismissals of initial applications by the Government of Canada, and whether such denials or dismissals are currently occurring; and

“(5) communications between the Department of State and the Federal Communications Commission pursuant to subsection (a)(3).”

#### SUBMISSION OF REPORTS TO APPROPRIATE CONGRESSIONAL COMMITTEES

Pub. L. 110-53, title XXII, §2205, Aug. 3, 2007, 121 Stat. 543, provided that: “In addition to the committees specifically enumerated to receive reports under this title [enacting provisions set out as note under this section, section 701 of this title, and section 247d-3a of Title 42, The Public Health and Welfare, and amending provisions set out as a note under section 309 of Title 47, Telecommunications], any report transmitted under the provisions of this title shall also be transmitted to the appropriate congressional committees (as defined in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2))).”

#### REGIONAL MODEL STRATEGIC PLAN PILOT PROJECTS

Pub. L. 108-458, title VII, §7304, Dec. 17, 2004, 118 Stat. 3847, directed the Secretary of Homeland Security, not later than 90 days after Dec. 17, 2004, to establish not fewer than 2 pilot projects in high threat urban areas or regions likely to implement a national model strategic plan in order to develop a regional strategic plan to foster interagency communication and coordinate the gathering of all Federal, State, and local first responders in that area, consistent with the national strategic plan developed by the Department of Homeland Security, and to submit to Congress an interim report regarding the progress of the interagency communications pilot projects 6 months after Dec. 17, 2004, and a final report 18 months after Dec. 17, 2004.

### § 195. Office for Interoperability and Compatibility

#### (a) Clarification of responsibilities

The Director of the Office for Interoperability and Compatibility shall—

(1) assist the Secretary in developing and implementing the science and technology aspects of the program described in subpara-

graphs (D), (E), (F), and (G) of section 194(a)(1) of this title;

(2) in coordination with the Federal Communications Commission, the National Institute of Standards and Technology, and other Federal departments and agencies with responsibility for standards, support the creation of national voluntary consensus standards for interoperable emergency communications;

(3) establish a comprehensive research, development, testing, and evaluation program for improving interoperable emergency communications;

(4) establish, in coordination with the Director for Emergency Communications,<sup>1</sup> requirements for interoperable emergency communications capabilities, which shall be non-proprietary where standards for such capabilities exist, for all public safety radio and data communications systems and equipment purchased using homeland security assistance administered by the Department, excluding any alert and warning device, technology, or system;

(5) carry out the Department's responsibilities and authorities relating to research, development, testing, evaluation, or standards-related elements of the SAFECOM Program;

(6) evaluate and assess new technology in real-world environments to achieve interoperable emergency communications capabilities;

(7) encourage more efficient use of existing resources, including equipment, to achieve interoperable emergency communications capabilities;

(8) test public safety communications systems that are less prone to failure, support new nonvoice services, use spectrum more efficiently, and cost less than existing systems;

(9) coordinate with the private sector to develop solutions to improve emergency communications capabilities and achieve interoperable emergency communications capabilities; and

(10) conduct pilot projects, in coordination with the Director for Emergency Communications,<sup>1</sup> to test and demonstrate technologies, including data and video, that enhance—

(A) the ability of emergency response providers and relevant government officials to continue to communicate in the event of natural disasters, acts of terrorism, and other man-made disasters; and

(B) interoperable emergency communications capabilities.

#### (b) Coordination

The Director of the Office for Interoperability and Compatibility shall coordinate with the Director for Emergency Communications<sup>1</sup> with respect to the SAFECOM program.

#### (c) Sufficiency of resources

The Secretary shall provide the Office for Interoperability and Compatibility the resources and staff necessary to carry out the responsibilities under this section.

(Pub. L. 107-296, title III, §314, as added Pub. L. 109-295, title VI, §672(a), Oct. 4, 2006, 120 Stat. 1441.)

<sup>1</sup> See Change of Name note below.

#### Statutory Notes and Related Subsidiaries

##### CHANGE OF NAME

Reference to Director for Emergency Communications deemed to be a reference to Assistant Director for Emergency Communications, see section 2(c)(2) of Pub. L. 115-278, set out as a note under section 571 of this title.

#### § 195a. Emergency communications interoperability research and development

##### (a) In general

The Under Secretary for Science and Technology, acting through the Director of the Office for Interoperability and Compatibility, shall establish a comprehensive research and development program to support and promote—

(1) the ability of emergency response providers and relevant government officials to continue to communicate in the event of natural disasters, acts of terrorism, and other man-made disasters; and

(2) interoperable emergency communications capabilities among emergency response providers and relevant government officials, including by—

(A) supporting research on a competitive basis, including through the Directorate of Science and Technology and Homeland Security Advanced Research Projects Agency; and

(B) considering the establishment of a Center of Excellence under the Department of Homeland Security Centers of Excellence Program focused on improving emergency response providers' communication capabilities.

##### (b) Purposes

The purposes of the program established under subsection (a) include—

(1) supporting research, development, testing, and evaluation on emergency communication capabilities;

(2) understanding the strengths and weaknesses of the public safety communications systems in use;

(3) examining how current and emerging technology can make emergency response providers more effective, and how Federal, State, local, and tribal government agencies can use this technology in a coherent and cost-effective manner;

(4) investigating technologies that could lead to long-term advancements in emergency communications capabilities and supporting research on advanced technologies and potential systemic changes to dramatically improve emergency communications; and

(5) evaluating and validating advanced technology concepts, and facilitating the development and deployment of interoperable emergency communication capabilities.

##### (c) Definitions

For purposes of this section, the term “interoperable”, with respect to emergency communications, has the meaning given the term in section 578 of this title.

(Pub. L. 107-296, title III, §315, as added Pub. L. 109-295, title VI, §673(a), Oct. 4, 2006, 120 Stat. 1443.)