

transportation security technology or capability.

(Pub. L. 107-296, title XVI, §1617, as added Pub. L. 115-254, div. K, title I, §1913(a), Oct. 5, 2018, 132 Stat. 3554.)

PART C—MAINTENANCE OF SECURITY-RELATED TECHNOLOGY

§ 565. Maintenance validation and oversight

(a) In general

Not later than 180 days after October 5, 2018, the Administrator shall develop and implement a preventive maintenance validation process for security-related technology deployed to airports.

(b) Maintenance by Administration personnel at airports

For maintenance to be carried out by Administration personnel at airports, the process referred to in subsection (a) shall include the following:

- (1) Guidance to Administration personnel at airports specifying how to conduct and document preventive maintenance actions.
- (2) Mechanisms for the Administrator to verify compliance with the guidance issued pursuant to paragraph (1).

(c) Maintenance by contractors at airports

For maintenance to be carried by a contractor at airports, the process referred to in subsection (a) shall require the following:

- (1) Provision of monthly preventative maintenance schedules to appropriate Administration personnel at each airport that includes information on each action to be completed by contractor.¹
- (2) Notification to appropriate Administration personnel at each airport when maintenance action is completed by a contractor.
- (3) A process for independent validation by a third party of contractor maintenance.

(d) Penalties for noncompliance

The Administrator shall require maintenance for any contracts entered into 60 days after October 5, 2018, or later for security-related technology deployed to airports to include penalties for noncompliance when it is determined that either preventive or corrective maintenance has not been completed according to contractual requirements and manufacturers' specifications.

(Pub. L. 107-296, title XVI, §1621, as added Pub. L. 115-254, div. K, title I, §1918(a), Oct. 5, 2018, 132 Stat. 3558.)

SUBCHAPTER XIII—EMERGENCY COMMUNICATIONS

Editorial Notes

CODIFICATION

This subchapter is comprised of title XVIII of Pub. L. 107-296, as added by Pub. L. 109-295, title VI, §671(b), Oct. 4, 2006, 120 Stat. 1433. Another title XVIII of Pub. L. 107-296 was renumbered title XIX and is classified to subchapter XIV (§591 et seq.) of this chapter.

¹ So in original. Probably should be preceded by "a".

§ 571. Emergency Communications Division

(a) In general

There is established in the Department an Emergency Communications Division. The Division shall be located in the Cybersecurity and Infrastructure Security Agency.

(b) Executive Assistant Director

The head of the Division shall be the Executive Assistant Director for Emergency Communications (in this section referred to as the "Executive Assistant Director"). The Executive Assistant Director shall report to the Director of the Cybersecurity and Infrastructure Security Agency. All decisions of the Executive Assistant Director that entail the exercise of significant authority shall be subject to the approval of the Director of the Cybersecurity and Infrastructure Security Agency.

(c) Responsibilities

The Executive Assistant Director shall—

- (1) assist the Secretary in developing and implementing the program described in section 194(a)(1) of this title, except as provided in section 195 of this title;
- (2) administer the Department's responsibilities and authorities relating to the SAFECOM Program, excluding elements related to research, development, testing, and evaluation and standards;
- (3) administer the Department's responsibilities and authorities relating to the Integrated Wireless Network program;
- (4) conduct extensive, nationwide outreach to support and promote 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;
- (5) conduct extensive, nationwide outreach and foster the development of interoperable emergency communications capabilities by State, regional, local, and tribal governments and public safety agencies, and by regional consortia thereof;
- (6) provide technical assistance to State, regional, local, and tribal government officials with respect to use of interoperable emergency communications capabilities;
- (7) coordinate with the Regional Administrators regarding the activities of Regional Emergency Communications Coordination Working Groups under section 575 of this title;
- (8) promote the development of standard operating procedures and best practices with respect to use of interoperable emergency communications capabilities for incident response, and facilitate the sharing of information on such best practices for achieving, maintaining, and enhancing interoperable emergency communications capabilities for such response;
- (9) coordinate, in cooperation with the National Communications System, the establishment of a national response capability with initial and ongoing planning, implementation, and training for the deployment of communications equipment for relevant State, local, and tribal governments and emergency response providers in the event of a catastrophic loss of local and regional emergency communications services;

(10) assist the President, the National Security Council, the Homeland Security Council, and the Director of the Office of Management and Budget in ensuring the continued operation of the telecommunications functions and responsibilities of the Federal Government, excluding spectrum management;

(11) establish, in coordination with the Director of the Office for Interoperability and Compatibility, requirements for interoperable emergency communications capabilities, which shall be nonproprietary 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;

(12) review, in consultation with the Assistant Secretary for Grants and Training, all interoperable emergency communications plans of Federal, State, local, and tribal governments, including Statewide and tactical interoperability plans, developed pursuant to homeland security assistance administered by the Department, but excluding spectrum allocation and management related to such plans;

(13) develop and update periodically, as appropriate, a National Emergency Communications Plan under section 572 of this title;

(14) perform such other duties of the Department necessary to support and promote 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;

(15) perform other duties of the Department necessary to achieve the goal of and maintain and enhance interoperable emergency communications capabilities; and

(16) fully participate in the mechanisms required under section 652(c)(7) of this title.

(d) Performance of previously transferred functions

The Secretary shall transfer to, and administer through, the Executive Assistant Director the following programs and responsibilities:

(1) The SAFECOM Program, excluding elements related to research, development, testing, and evaluation and standards.

(2) The responsibilities of the Chief Information Officer related to the implementation of the Integrated Wireless Network.

(3) The Interoperable Communications Technical Assistance Program.

(e) Coordination

The Executive Assistant Director shall coordinate—

(1) as appropriate, with the Director of the Office for Interoperability and Compatibility with respect to the responsibilities described in section 195 of this title; and

(2) with the Administrator of the Federal Emergency Management Agency with respect to the responsibilities described in this subchapter.

(f) Sufficiency of resources plan

(1) Report

Not later than 120 days after October 4, 2006, the Secretary shall submit to Congress a re-

port on the resources and staff necessary to carry out fully the responsibilities under this subchapter.

(2) Comptroller General review

The Comptroller General shall review the validity of the report submitted by the Secretary under paragraph (1). Not later than 60 days after the date on which such report is submitted, the Comptroller General shall submit to Congress a report containing the findings of such review.

(g) Reference

Any reference to the Assistant Director for Emergency Communications in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Executive Assistant Director for Emergency Communications.

(Pub. L. 107-296, title XVIII, § 1801, as added Pub. L. 109-295, title VI, § 671(b), Oct. 4, 2006, 120 Stat. 1433; amended Pub. L. 115-278, § 2(g)(6)(A), Nov. 16, 2018, 132 Stat. 4179; Pub. L. 116-283, div. H, title XC, § 9001(e)(1), Jan. 1, 2021, 134 Stat. 4767; Pub. L. 117-263, div. G, title LXXI, § 7143(c)(3), Dec. 23, 2022, 136 Stat. 3662.)

Editorial Notes

CODIFICATION

Another section 1801 of Pub. L. 107-296 was renumbered section 1901 and is classified to section 591 of this title.

AMENDMENTS

2022—Subsec. (b). Pub. L. 117-263 substituted “Director of the Cybersecurity and Infrastructure Security Agency” for “Director of Cybersecurity and Infrastructure Security” in two places.

2021—Subsec. (b). Pub. L. 116-283, § 9001(e)(1)(A), in heading, substituted “Executive Assistant Director” for “Assistant Director” and, in text, substituted “Executive Assistant Director for Emergency Communications (in this section referred to as the ‘Executive Assistant Director’).” for “Assistant Director for Emergency Communications.” and “Executive Assistant Director” for “Assistant Director” in two places.

Subsec. (c). Pub. L. 116-283, § 9001(e)(1)(B), substituted “Executive Assistant Director” for “Assistant Director for Emergency Communications” in introductory provisions.

Subsec. (d). Pub. L. 116-283, § 9001(e)(1)(C), substituted “Executive Assistant Director” for “Assistant Director for Emergency Communications” in introductory provisions.

Subsec. (e). Pub. L. 116-283, § 9001(e)(1)(D), substituted “Executive Assistant Director” for “Assistant Director for Emergency Communications” in introductory provisions.

Subsec. (g). Pub. L. 116-283, § 9001(e)(1)(E), added subsec. (g).

2018—Pub. L. 115-278, § 2(g)(6)(A)(i), substituted “Emergency Communications Division” for “Office of Emergency Communications” in section catchline.

Subsec. (a). Pub. L. 115-278, § 2(g)(6)(A)(ii), substituted “Emergency Communications Division” for “Office of Emergency Communications” and inserted at end “The Division shall be located in the Cybersecurity and Infrastructure Security Agency.”

Subsec. (b). Pub. L. 115-278, § 2(g)(6)(A)(iii), amended subsec. (b) generally. Prior to amendment, text read as follows: “The head of the office shall be the Director for Emergency Communications. The Director shall report to the Assistant Secretary for Cybersecurity and Communications.”

Subsec. (c). Pub. L. 115-278, §2(g)(6)(A)(iv)(I), inserted “Assistant” before “Director” in introductory provisions.

Subsec. (c)(16). Pub. L. 115-278, §2(g)(6)(A)(iv)(II)–(IV), added par. (16).

Subsecs. (d), (e). Pub. L. 115-278, §2(g)(6)(A)(v), (vi), inserted “Assistant” before “Director” in introductory provisions.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Pub. L. 115-278, §2(c), Nov. 16, 2018, 132 Stat. 4175, provided that: “Any reference to—

“(1) the Office of Emergency Communications in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Emergency Communications Division; and

“(2) the Director for Emergency Communications in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Assistant Director for Emergency Communications.”

Any reference to the Administrator of the Federal Emergency Management Agency in title VI of Pub. L. 109-295 or an amendment by title VI to be considered to refer and apply to the Director of the Federal Emergency Management Agency until Mar. 31, 2007, see section 612(f)(2) of Pub. L. 109-295, set out as a note under section 313 of this title.

SAVINGS CLAUSE

Pub. L. 109-295, title VI, §675, Oct. 4, 2006, 120 Stat. 1444, provided that: “Nothing in this subtitle [subtitle D (§§671-675) of title VI of Pub. L. 109-295, enacting this subchapter and sections 195 and 195a of this title and provisions set out as a note under section 101 of this title] shall be construed to transfer to the Office of Emergency Communications any function, personnel, asset, component, authority, grant program, or liability of the Federal Emergency Management Agency as constituted on June 1, 2006.”

RULE OF CONSTRUCTION

Nothing in amendment made by Pub. L. 117-263 to be construed to alter the authorities, responsibilities, functions, or activities of any agency (as such term is defined in 44 U.S.C. 3502) or officer or employee of the United States on or before Dec. 23, 2022, see section 7143(f)(1) of Pub. L. 117-263, set out as a note under section 650 of this title.

CONTINUATION IN OFFICE

Pub. L. 116-283, div. H, title XC, §9001(e)(2), Jan. 1, 2021, 134 Stat. 4768, provided that: “The individual serving as the Assistant Director for Emergency Communications of the Department of Homeland Security on the day before the date of enactment of this Act [Jan. 1, 2021] may serve as the Executive Assistant Director for Emergency Communications on and after that date.”

DIRECTOR FOR EMERGENCY COMMUNICATIONS AUTHORIZED TO SERVE AS ASSISTANT DIRECTOR OF EMERGENCY COMMUNICATIONS

Pub. L. 115-278, §2(b)(2), Nov. 16, 2018, 132 Stat. 4175, provided that: “The individual serving as the Director for Emergency Communications of the Department of Homeland Security on the day before the date of enactment of this Act [Nov. 16, 2018] may continue to serve as the Assistant Director for Emergency Communications of the Department on and after such date.”

§ 572. National Emergency Communications Plan

(a) In general

The Secretary, acting through the Assistant Director for Emergency Communications, and in

cooperation with the Department of National Communications System (as appropriate), shall, in cooperation with State, local, and tribal governments, Federal departments and agencies, emergency response providers, and the private sector, develop not later than 180 days after the completion of the baseline assessment under section 573 of this title, and periodically update, a National Emergency Communications Plan to provide recommendations regarding how the United States should—

(1) support and promote 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) ensure, accelerate, and attain interoperable emergency communications nationwide.

(b) Coordination

The Emergency Communications Preparedness Center under section 576 of this title shall coordinate the development of the Federal aspects of the National Emergency Communications Plan.

(c) Contents

The National Emergency Communications Plan shall—

(1) include recommendations developed in consultation with the Federal Communications Commission and the National Institute of Standards and Technology for a process for expediting national voluntary consensus standards for emergency communications equipment for the purchase and use by public safety agencies of interoperable emergency communications equipment and technologies;

(2) identify the appropriate capabilities necessary for 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;

(3) identify the appropriate interoperable emergency communications capabilities necessary for Federal, State, local, and tribal governments in the event of natural disasters, acts of terrorism, and other man-made disasters;

(4) recommend both short-term and long-term solutions for ensuring that emergency response providers and relevant government officials can continue to communicate in the event of natural disasters, acts of terrorism, and other man-made disasters;

(5) recommend both short-term and long-term solutions for deploying interoperable emergency communications systems for Federal, State, local, and tribal governments throughout the Nation, including through the provision of existing and emerging technologies;

(6) identify how Federal departments and agencies that respond to natural disasters, acts of terrorism, and other man-made disasters can work effectively with State, local, and tribal governments, in all States, and with other entities;

(7) identify obstacles to deploying interoperable emergency communications capabilities nationwide and recommend short-term and