

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

long-term measures to overcome those obstacles, including recommendations for multi-jurisdictional coordination among Federal, State, local, and tribal governments;

(8) recommend goals and timeframes for the deployment of emergency, command-level communications systems based on new and existing equipment across the United States and develop a timetable for the deployment of interoperable emergency communications systems nationwide;

(9) recommend appropriate measures that emergency response providers should employ to ensure the continued operation of relevant governmental communications infrastructure in the event of natural disasters, acts of terrorism, or other man-made disasters; and

(10) set a date, including interim benchmarks, as appropriate, by which State, local, and tribal governments, Federal departments and agencies, and emergency response providers expect to achieve a baseline level of national interoperable communications, as that term is defined under section 194(g)(1) of this title.

(Pub. L. 107–296, title XVIII, § 1802, as added Pub. L. 109–295, title VI, § 671(b), Oct. 4, 2006, 120 Stat. 1435; amended Pub. L. 110–53, title III, § 301(d), Aug. 3, 2007, 121 Stat. 300; Pub. L. 115–278, § 2(g)(6)(B), Nov. 16, 2018, 132 Stat. 4179.)

Editorial Notes

CODIFICATION

Another section 1802 of Pub. L. 107–296 was renumbered section 1902 and is classified to section 592 of this title.

AMENDMENTS

2018—Subsec. (a). Pub. L. 115–278 substituted “Assistant Director for Emergency Communications” for “Director for Emergency Communications” in introductory provisions.

2007—Subsec. (c)(10). Pub. L. 110–53 added par. (10).

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Reference to the Assistant Director for Emergency Communications deemed to be a reference to the Executive Assistant Director for Emergency Communications, see section 571(g) of this title, enacted Jan. 1, 2021.

§ 573. Assessments and reports

(a) Baseline assessment

Not later than 1 year after October 4, 2006, and not less than every 5 years thereafter, the Secretary, acting through the Assistant Director for Emergency Communications, shall conduct an assessment of Federal, State, local, and tribal governments that—

(1) defines the range of capabilities needed by 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;

(2) defines the range of interoperable emergency communications capabilities needed for specific events;

(3) assesses the current available capabilities to meet such communications needs;

(4) identifies the gap between such current capabilities and defined requirements; and

(5) includes a national interoperable emergency communications inventory to be completed by the Secretary of Homeland Security, the Secretary of Commerce, and the Chairman of the Federal Communications Commission that—

(A) identifies for each Federal department and agency—

(i) the channels and frequencies used;

(ii) the nomenclature used to refer to each channel or frequency used; and

(iii) the types of communications systems and equipment used; and

(B) identifies the interoperable emergency communications systems in use by public safety agencies in the United States.

(b) Classified annex

The baseline assessment under this section may include a classified annex including information provided under subsection (a)(5)(A).

(c) Savings clause

In conducting the baseline assessment under this section, the Secretary may incorporate findings from assessments conducted before, or ongoing on, October 4, 2006.

(d) Progress reports

Not later than one year after October 4, 2006, and biennially thereafter, the Secretary, acting through the Assistant Director for Emergency Communications, shall submit to Congress a report on the progress of the Department in achieving the goals of, and carrying out its responsibilities under, this subchapter, including—

(1) a description of the findings of the most recent baseline assessment conducted under subsection (a);

(2) a determination of the degree to which interoperable emergency communications capabilities have been attained to date and the gaps that remain for interoperability to be achieved;

(3) an evaluation of the ability to continue to communicate and to provide and maintain interoperable emergency communications by emergency managers, emergency response providers, and relevant government officials in the event of—

(A) natural disasters, acts of terrorism, or other man-made disasters, including Incidents of National Significance declared by the Secretary under the National Response Plan; and

(B) a catastrophic loss of local and regional communications services;

(4) a list of best practices relating to the ability to continue to communicate and to provide and maintain interoperable emergency communications in the event of natural disasters, acts of terrorism, or other man-made disasters; and

(A)¹ an evaluation of the feasibility and desirability of the Department developing, on its own or in conjunction with the De-

¹ So in original. Probably should be “(5)”.