

108TH CONGRESS
2D SESSION

H. R. 4386

To direct the Secretary of Homeland Security to procure the development and provision of improved and up-to-date communications equipment for the New York City Fire Department, including radios.

IN THE HOUSE OF REPRESENTATIVES

MAY 18, 2004

Mrs. MALONEY (for herself, Mr. SHAYS, Mr. RANGEL, Mr. NADLER, and Mr. McNULTY) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To direct the Secretary of Homeland Security to procure the development and provision of improved and up-to-date communications equipment for the New York City Fire Department, including radios.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “9/11 Can You Hear
5 Me Now Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

1 (1) After two terrorist attacks it is time to fix
2 the communications system for the New York City
3 Fire Department.

4 (2) During its response to the 1993 bombing of
5 the World Trade Center in New York City, the New
6 York City Fire Department's radios did not work in
7 the twin towers of the World Trade Center. The re-
8 sulting lack of communication complicated oper-
9 ations but did not result in the death of any fire-
10 fighter.

11 (3) Eight years later, on September 11, 2001,
12 the World Trade Center was attacked again and the
13 fire department's radio system failed again.

14 (4) Soon before the collapse of Tower One of
15 the World Trade Center, fire department officials
16 tried in vain to radio firefighters to evacuate the
17 building.

18 (5) The firefighters' radio system failed the
19 firefighters in Tower One and as a result many were
20 not able to receive this warning. The failure of the
21 radio system was largely responsible for the death of
22 many of the 343 firefighters who died in the collapse
23 of the World Trade Center twin towers.

24 (6) Since September 11, 2001, the fire depart-
25 ment has taken steps to improve the communica-

1 tions system that failed them. However, many tall
2 buildings in New York City have not installed re-
3 peaters that are needed to boost signals, and the sig-
4 nals are often lost in high-rise buildings and under-
5 ground.

6 (7) In August 2003, New York City experienced
7 a blackout. During the blackout the fire depart-
8 ment's radio system was again found not to work re-
9 liably during emergency situations or in high build-
10 ings.

11 (8) The dispatch system currently used by the
12 New York City Fire Department was acquired in the
13 early 1970s and hampers the ability of the depart-
14 ment to fully communicate with its firefighters and
15 provide appropriate detailed information about the
16 buildings and locations to which they respond.

17 (9) Since the terrorist attacks of September 11,
18 2001, executive branch officials have repeatedly
19 warned that future terror attacks are not a matter
20 of if, but when. The Secretary of Homeland Security
21 has identified New York City as one of the main ter-
22 rorist targets.

23 (10) With New York City remaining a top ter-
24 rorist target, such communications system should be
25 a national priority.

1 (11) A new state-of-the-art communications
2 system and upgrades to the critical information dis-
3 patch system for the New York City Fire Depart-
4 ment should be—

5 (A) seamless from the receipt of a 911 call
6 to the dispatch of the firefighter; and

7 (B) interoperable with other public safety
8 offices within the City of New York.

9 **SEC. 3. REQUIREMENT TO PROCURE COMMUNICATIONS**
10 **SYSTEM FOR NEW YORK CITY FIRE DEPART-**
11 **MENT.**

12 (a) IN GENERAL.—The Secretary of Homeland Secu-
13 rity shall, by not later than 1 year after the date of the
14 enactment of this Act, procure development and provision
15 of a communications system for the New York City Fire
16 Department, including appropriate radios for the entire
17 department and upgrades to the critical information dis-
18 patch system of the department.

19 (b) REQUIREMENTS.—

20 (1) RADIOS.—Radios procured pursuant to this
21 section must be capable of operating in all locations,
22 and under all conditions, in which firefighters can
23 reasonably be expected to work in responding to an
24 emergency in New York City.

1 (2) SUPPLEMENTAL COMMUNICATION DE-
2 VICE.—Any communications system procured pursu-
3 ant to this section must include provision to each
4 firefighter of a supplemental radio communication
5 device that—

6 (A) allows the firefighter to transmit audio
7 and radio emergency notification warning sig-
8 nals to other firefighters whenever the fire-
9 fighter is in distress and in immediate need of
10 assistance; and

11 (B) has the capability to operate automati-
12 cally in a passive mode by transmitting audio
13 and radio messages that will relay the fire-
14 fighter's identification and location if the fire-
15 fighter—

16 (i) becomes incapacitated and motion-
17 less; and

18 (ii) is unable to physically transmit a
19 call for help.

20 (3) DISPATCH SYSTEM.—Upgrades to the crit-
21 ical information dispatch system procured pursuant
22 to this section must—

23 (A) allow the fire department to commu-
24 nicate with firefighters in all locations, and
25 under all conditions, in which firefighters can

1 reasonably be expected to work in responding to
2 an emergency in New York City;

3 (B) provide useful, detailed data con-
4 cerning all likely terrorist target locations in the
5 City of New York; and

6 (C) be capable of providing to responding
7 firefighters, instantaneously, details about par-
8 ticular buildings and other locations to assist
9 them in making decisions about how to mitigate
10 a terrorist attack and save lives and property.

11 (c) TESTING.—Radios, any dispatch system up-
12 grades, and supplemental communication devices procured
13 pursuant to this section must have been tested to ensure
14 they will operate in all locations and under all conditions
15 in which firefighters can reasonably be expected to work
16 in responding to an emergency in New York City.

17 (d) COORDINATION.—In carrying out this section the
18 Secretary shall coordinate with the City of New York to
19 ensure that the communications system procured under
20 this section is—

21 (1) compatible with the plans of the City of
22 New York to upgrade its 911 system; and

23 (2) interoperable with other public safety com-
24 munications systems.

1 (e) PROGRESS REPORT.—The Secretary shall submit
2 to the Congress a report on progress made in carrying
3 out this section, on—

4 (1) February 26, 2005; and

5 (2) September 11, 2005.

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