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1ST SESSION

H. R. 1251

To provide grants and other support to achieve communications interoperability in the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 2005

Mrs. LOWEY (for herself, Mr. McNULTY, Mr. CARDOZA, Mrs. MALONEY, Mr. CUMMINGS, Mrs. MCCARTHY, Mr. PALLONE, Ms. LEE, Ms. HARMAN, Mr. CASE, Ms. MCCOLLUM of Minnesota, Mr. KILDEE, Mr. MCINTYRE, Mr. SANDERS, Ms. NORTON, Mr. KUCINICH, Ms. WATSON, Mr. OWENS, Mr. THOMPSON of Mississippi, Mr. GENE GREEN of Texas, Mr. WEINER, Mr. ETHERIDGE, Mr. CROWLEY, Mr. WEXLER, Mr. LANGEVIN, Mr. DEFazio, and Mr. LEWIS of Georgia) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide grants and other support to achieve communications interoperability in the United States, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as “Connecting the Operations
3 of National Networks of Emergency Communications
4 Technologies for First Responders Act of 2005”.

5 **SEC. 2. FINDINGS; PURPOSES.**

6 (a) FINDINGS.—Congress finds the following:

7 (1) Throughout the United States, public safety
8 agencies—law enforcement, firefighters, emergency
9 technicians, public health officials, and others—in
10 the same jurisdictions cannot now communicate ef-
11 fectively with one another, with agencies in neigh-
12 boring jurisdictions, or with other public safety
13 agencies at the Federal and State level, when re-
14 sponding to emergencies or participating in major
15 deployment.

16 (2) The inability of public safety agencies in the
17 United States to communicate with one another
18 within and across jurisdictions and disciplines is a
19 long-recognized and complex problem that threatens
20 the public’s safety and security and often results in
21 unnecessary loss of lives and property.

22 (3) The lack of interoperability was at least
23 partially responsible for the deaths of 343 fire-
24 fighters in New York City on September 11, 2001,
25 when police could not communicate effectively with
26 firefighters prior to the collapse of the Twin Towers.

1 (4) In the immediate aftermath of the Okla-
2 homa City bombing in 1995, studies showed that
3 emergency responders had to use runners to carry
4 messages from one command center to another be-
5 cause the responding agencies used different emer-
6 gency radio channels, different frequencies, and dif-
7 ferent radio systems.

8 (5) In Littleton, Colorado, 46 public safety
9 agencies responded to the shooting spree inside Col-
10 umbine High School in 1999. Precious minutes were
11 lost because command personnel were forced to send
12 runners to communicate crucial information. Incom-
13 patible radio communication systems were a signifi-
14 cant factor, according to the Columbine Review
15 Commission.

16 (6) There are more than 50,000 State and local
17 public safety agencies. Many of these agencies are
18 small or volunteer organizations with limited budg-
19 ets, and little or no engineering expertise. State and
20 local agencies consistently cite lack of funding as a
21 critical obstacle to interoperability.

22 (7) State and local budget crises have made
23 funding public safety communications even more dif-
24 ficult, and competition with other critical homeland
25 security needs, such as personnel, physical facilities,

1 protective gear, and other kinds of equipment reduce
2 the available funding for mission-critical communica-
3 tions infrastructures and equipment.

4 (8) Funding is needed for all phases of the
5 communications system life cycle: planning, system
6 design and engineering, procurement and installa-
7 tion, operations and maintenance, and testing and
8 technology development. There is clear need for a
9 dedicated and consistent Federal funding source
10 that is sufficient to finance comprehensive interoper-
11 able communications solutions. The role of Federal,
12 State, and local governments and agencies in fund-
13 ing interoperable communications must be clear.

14 (9) Achieving nationwide interoperability will
15 require a significant financial commitment at all lev-
16 els of government. In 1998, the Public Safety Wire-
17 less Network estimated that developing interoperable
18 communications nationwide could cost
19 \$18,000,000,000.

20 (10) An Independent Task Force sponsored by
21 the Council on Foreign Relations stated that
22 “among other things, additional funds are des-
23 perately needed . . . to foster interoperable commu-
24 nications systems for emergency responders across
25 the country so that those on the front lines can com-

1 communicate with each other while at the scene of at-
2 tack”. The Task Force recommended, “conserv-
3 atively”, that \$6,800,000,000 over 5 years is needed
4 for interoperability as well as public alert and infor-
5 mation systems programs.

6 (11) Numerous Federal agencies provide infor-
7 mation or grants that can be used in the develop-
8 ment of interoperable communications systems.
9 However, without common guidance and standards,
10 funding and grants are often used in isolation of
11 broader, regional communications needs and capac-
12 ities. There is a need to better coordinate these dis-
13 parate grant programs, and to provide unified and
14 consistent leadership and funding from the Federal
15 Government.

16 (12) The partnership between the private and
17 public sectors has developed numerous solutions to
18 significantly improve communications interoper-
19 ability that can be implemented immediately. These
20 solutions include deployable vehicles that contain
21 crosspatch capabilities that allow radio users on sep-
22 arate frequencies to talk to each other; communica-
23 tions system overlay software and hardware that
24 allow multiple disparate communications networks to
25 act as one network; and the Project 25 standard for

1 the manufacturing of interoperable digital two-way
2 wireless communications products.

3 (13) Current approaches to achieving commu-
4 nications interoperability are also hampered by the
5 fact that in many jurisdictions—

6 (A) the existing radio communications in-
7 frastructure is old and outdated;

8 (B) planning for interoperability is limited
9 and fragmented among multiple agencies;

10 (C) the necessary coordination and co-
11 operation within and among jurisdictions is dif-
12 ficult to achieve; and

13 (D) there is limited and fragmented
14 amount of radio spectrum available to public
15 safety organizations.

16 (14) The lack of universally recognized, fully
17 open, and implementable standards for public safety
18 agency needs has limited the cost efficiencies of
19 interoperability, and has delayed the adoption of new
20 technologies by public safety agencies.

21 (15) Solutions can only be achieved through co-
22 operation among all levels of government, and the
23 Federal Government, through the Department of
24 Homeland Security, must provide nationwide leader-
25 ship, coordination, and a substantial share of re-

1 sources necessary to purchase appropriate tech-
2 nologies and create seamless communications among
3 United States public safety agencies.

4 (16) The Federal Government has made very
5 little progress in addressing its overall objective of
6 achieving national wireless communications inter-
7 operability among first responders and public safety
8 systems at all levels of government, principally due
9 to—

10 (A) a lack of consistent executive commit-
11 ment and support; and

12 (B) an inadequate level of interagency col-
13 laboration.

14 (b) PURPOSES.—The purposes of this Act are to—

15 (1) require the Department of Homeland Secu-
16 rity to provide effective leadership, coordination, and
17 technical assistance for the purposes of enhancing
18 communications interoperability, and to establish
19 and implement a strategy to ensure the achievement
20 of communications interoperability for public safety
21 agencies throughout the United States;

22 (2) authorize appropriations for interoperable
23 communications grants to State and local govern-
24 ments and public safety agencies; and

1 (3) support the effective acquisition, installa-
2 tion, and maintenance of short-term and long-term
3 interoperable communications equipment for home-
4 land security at all levels of government.

5 **SEC. 3. NATIONAL STRATEGY FOR INTEROPERABLE COM-**
6 **MUNICATIONS.**

7 (a) DEFINITIONS.—In this section, the following defi-
8 nitions shall apply:

9 (1) COMMUNICATIONS INTEROPERABILITY.—
10 The term “communications interoperability” means
11 the ability of public safety service and support pro-
12 viders, including emergency response providers, to
13 communicate with other responding agencies and
14 Federal agencies if necessary, through information
15 technology systems and radio communications sys-
16 tems, and to exchange voice, data, or video with one
17 another on demand, in real time, as necessary.

18 (2) PUBLIC SAFETY AGENCIES.—The term
19 “public safety agencies” includes emergency re-
20 sponse providers and any other persons that the Sec-
21 retary determines must communicate effectively with
22 one another to respond to emergencies.

23 (b) NATIONAL STRATEGY.—

24 (1) IN GENERAL.—The Secretary shall, in co-
25 operation with State and local governments, Federal

1 agencies, public safety agencies, and the private sec-
2 tor, develop a national strategy to achieve commu-
3 nications interoperability, which shall—

4 (A) provide for the development of national
5 voluntary standards for the purchase and use
6 by public safety agencies of interoperable com-
7 munications equipment and technologies;

8 (B) identify the appropriate interoperable
9 communications capabilities necessary for Fed-
10 eral, State, and local public safety agencies to
11 adequately protect the people of the United
12 States;

13 (C) address both short-term and long-term
14 solutions to achieving Federal, State and local
15 communications interoperability, including pro-
16 vision of commercially available equipment that
17 facilitates interoperability, coordination, and in-
18 tegration among existing emergency commu-
19 nications systems;

20 (D) identify how the Federal Government
21 can work effectively with State and local gov-
22 ernments, public safety agencies in all States,
23 and such other entities as are necessary to im-
24 plement the strategy;

1 (E) include measures to identify and over-
2 come all obstacles to achieving interoperability;
3 and

4 (F) set goals and establish time frames for
5 the achievement of communications interoper-
6 ability across the United States, and develop
7 performance measures to determine whether
8 these goals are being met.

9 (2) REPORT.—Not later than 6 months after
10 the date of enactment of this Act, and each year
11 thereafter, the Secretary shall submit a report to the
12 Congress—

13 (A) detailing the progress of the Depart-
14 ment in carrying out the purposes of this sec-
15 tion;

16 (B) detailing the progress in achieving
17 communications interoperability; and

18 (C) making any recommendations nec-
19 essary to expedite the fulfillment of the pur-
20 poses of this section.

21 **SEC. 4. INTEROPERABLE COMMUNICATIONS TECHNOLOGY**
22 **GRANT PROGRAM.**

23 Section 430 of the Homeland Security Act of 2002
24 (6 U.S.C. 238) is amended by adding at the end the fol-
25 lowing:

1 “(e) INTEROPERABLE COMMUNICATIONS GRANTS.—

2 “(1) DEFINITIONS.—In this subsection, the fol-
3 lowing definitions shall apply:

4 “(A) COMMUNICATIONS INTEROPER-
5 ABILITY.—The term ‘communications interoper-
6 ability’ means the ability of public safety service
7 and support providers, including emergency re-
8 sponse providers, to communicate with other re-
9 sponding agencies and Federal agencies if nec-
10 essary, through information technology systems
11 and radio communications systems, and to ex-
12 change voice, data, or video with one another on
13 demand, in real time, as necessary.

14 “(B) ELIGIBLE STATE.—The term ‘eligible
15 State’ means a State that—

16 “(i) has submitted a plan under para-
17 graph (4); and

18 “(ii) the Secretary determines has not
19 achieved adequate statewide communica-
20 tions interoperability.

21 “(C) PUBLIC SAFETY AGENCIES.—The
22 term ‘public safety agencies’ includes emergency
23 response providers and any other persons that
24 the Secretary determines must communicate ef-

fectively with one another to respond to emergencies.

“(2) IN GENERAL.—The Secretary shall—

“(A) make grants on a competitive basis directly to local governments (including a consortium of local governments) and public safety agencies within eligible States, in consultation with the chief executives of the State or States, for the purpose of assisting in the development of interoperable communications systems at any stage, including—

“(i) planning, system design, and engineering;

“(ii) procurement and installation of equipment;

“(iii) operations and maintenance of equipment; and

“(iv) testing and technology development; and

“(B) make grants to eligible States for initiatives necessary to achieve communications interoperability within each State, including—

“(i) statewide communications planning;

“(ii) system design and engineering;

1 “(iii) procurement and installation of
2 equipment;

3 “(iv) operations and maintenance of
4 equipment; and

5 “(v) testing and technology develop-
6 ment initiatives.

7 “(3) COORDINATION.—

8 “(A) IN GENERAL.—The Secretary shall
9 ensure that grants administered under this sub-
10 section are coordinated with the activities of
11 other entities of the Department and other Fed-
12 eral entities so that grants awarded under this
13 subsection, and other grant programs related to
14 homeland security, facilitate the achievement of
15 the strategy developed under section 3 of the
16 Connecting the Operations of National Net-
17 works of Emergency Communications Tech-
18 nologies for First Responders Act of 2005.

19 “(B) RELATIONSHIP TO EXISTING GRANT
20 PROGRAMS.—Nothing in this Act shall provide
21 for the combination of grant funds among the
22 grant program established under this subsection
23 and any other grant programs administered by
24 the Department of Homeland Security, includ-
25 ing the State Homeland Security Grant Pro-

1 gram of the Department, or any successor to
2 such grant program, and the Urban Area Secu-
3 rity Initiative of the Department, or any suc-
4 cessor to such grant program.

5 “(4) ELIGIBILITY.—

6 “(A) SUBMISSION OF PLAN.—To be eligi-
7 ble to receive a grant under this subsection,
8 each eligible State, or local governments or pub-
9 lic safety agencies within an eligible State or
10 States, shall submit a communications inter-
11 operability plan to the Secretary that—

12 “(i) addresses any stage of the devel-
13 opment of interoperable communications
14 systems, including planning, system design
15 and engineering, procurement and installa-
16 tion, operations and maintenance, and test-
17 ing and technology development;

18 “(ii) if the applicant is not a State,
19 includes a description of how the applicant
20 addresses the goals specified in any appli-
21 cable State plan or plans submitted under
22 this section; and

23 “(iii) is approved by the Secretary.

24 “(B) INCORPORATION AND CONSIST-
25 ENCY.—A plan submitted under subparagraph

1 (A) may be part of, and shall be consistent
2 with, any other homeland security plans re-
3 quired of the submitting party by the Depart-
4 ment.

5 “(5) AWARD OF GRANTS.—

6 “(A) CONSIDERATIONS.—In approving
7 plans and awarding grants under this sub-
8 section, the Secretary shall consider—

9 “(i) the nature of the threat to the eli-
10 gible State or local jurisdiction;

11 “(ii) the location, risk, or vulnerability
12 of critical infrastructure and key national
13 assets;

14 “(iii) the number, as well as the den-
15 sity, of persons who will be served by inter-
16 operable communications systems;

17 “(iv) the extent of the partnerships,
18 existing or planned, established between
19 local jurisdictions and agencies partici-
20 pating in the development of interoperable
21 communications systems, and their coordi-
22 nation with Federal and State agencies;

23 “(v) the level of communications
24 interoperability already achieved by the ju-
25 risdictions;

1 “(vi) the extent to which the commu-
2 nications interoperability plan submitted
3 under paragraph (4) adequately addresses
4 steps necessary to implement short-term or
5 long-term solutions to communications
6 interoperability;

7 “(vii) the extent to which eligible
8 States and local governments, in light of
9 their financial capability, demonstrate their
10 commitment to expeditiously achieving
11 communications interoperability by
12 supplementing Federal funds with non-
13 Federal funds;

14 “(viii) the extent to which grants will
15 expedite the achievement of interoperability
16 in the relevant jurisdiction with Federal,
17 State, and local agencies; and

18 “(ix) the extent to which grants will
19 be utilized to implement advanced commu-
20 nications technologies to promote inter-
21 operability.

22 “(B) COST SHARING.—

23 “(i) IN GENERAL.—The Federal share
24 of the costs of an activity carried out with

1 a grant to an applicant awarded under this
2 section shall not exceed 75 percent.

3 “(ii) IN-KIND MATCHING.—Each re-
4 cipient of a covered grant may meet the
5 matching requirement under clause (i) by
6 making in-kind contributions of goods or
7 services that are directly linked with the
8 purpose for which the grant is made, in-
9 cluding personnel overtime, contractor
10 services, administrative costs, equipment
11 fuel and maintenance, and rental space.

12 “(6) REIMBURSEMENT.—

13 “(A) IN GENERAL.—Unless otherwise re-
14 quested by the recipient of a grant under this
15 subsection, grants shall not be awarded to reim-
16 burse the recipient for prior expenditures re-
17 lated to achieving communications interoper-
18 ability.

19 “(B) EXCEPTION.—The Secretary shall re-
20 imburse public safety agencies directly for costs
21 incurred for expenditures related to achieving
22 communications interoperability, if—

23 “(i) the public safety agency expended
24 funds after September 11, 2001, and be-

1 fore the date of enactment of this sub-
2 section; and

3 “(ii) such expenditures are consistent
4 with and supportive of the communications
5 interoperability plan approved by the Sec-
6 retary under paragraph (4)(A)(iii).

7 “(C) TERMINATION OF AUTHORITY.—The
8 authority of the Secretary under subparagraph
9 (B) shall terminate one year after the date on
10 which the Department of Homeland Security
11 first allocates grant funds for this program.

12 “(7) AUTHORIZATION OF APPROPRIATIONS.—
13 There are authorized to be appropriated to the Sec-
14 retary \$500,000,000 for fiscal year 2006,
15 \$750,000,000 for fiscal year 2007, \$1,000,000,000
16 for fiscal year 2008, \$1,250,000,000 for fiscal year
17 2009, \$1,500,000,000 for fiscal year 2010, and such
18 sums as are necessary each fiscal year thereafter, to
19 carry out the purposes of this subsection.”.

○