

109TH CONGRESS
1ST SESSION

H. R. 4119

To strengthen Federal leadership, provide grants, enhance outreach and guidance, and provide other support to State and local officials to achieve communications interoperability, to foster improved regional collaboration and coordination, to promote more efficient utilization of funding devoted to public safety communications, to promote research and development for first responder communications, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 20, 2005

Mr. PAUL 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 strengthen Federal leadership, provide grants, enhance outreach and guidance, and provide other support to State and local officials to achieve communications interoperability, to foster improved regional collaboration and coordination, to promote more efficient utilization of funding devoted to public safety communications, to promote research and development for first responder communications, 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 the “Improve Interoperable
3 Communications for First Responders Act of 2005”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) A major barrier to sharing information
7 among police, firefighters, and others who may be
8 called on to respond to terrorist attacks and other
9 large-scale emergencies is the lack of interoperable
10 communications systems, which can enable public
11 safety agencies to talk to one another and share im-
12 portant, sometimes critical, information in an emer-
13 gency.

14 (2) Communications interoperability has been
15 identified by the Department of Homeland Security
16 as 1 of the most essential capabilities necessary for
17 first responders to achieve the national preparedness
18 goal the Department of Homeland Security has es-
19 tablished for the Nation.

20 (3) The lack of interoperability costs lives dur-
21 ing terrorist attacks or natural disasters, but also
22 during everyday emergency operations.

23 (4) Achieving interoperability is difficult be-
24 cause some 50,000 local agencies typically make
25 independent decisions about communications sys-
26 tems. This lack of coordination also dramatically in-

1 creases the cost of public safety communications to
2 Federal, State, local, and tribal governments.

3 (5) Achieving the level of communications inter-
4 operability that is needed will require an unprece-
5 dented level of coordination and cooperation among
6 Federal, State, local, and tribal public safety agen-
7 cies. Establishing multidisciplinary, cross-jurisdic-
8 tional governance structures to achieve the necessary
9 level of collaboration is essential to accomplishing
10 this goal.

11 (6) The Intelligence Reform and Terrorism Pre-
12 vention Act of 2004 requires the Secretary of Home-
13 land Security, in consultation with other Federal of-
14 ficials, to establish a program to ensure public safety
15 interoperable communications at all levels of govern-
16 ment.

17 (7) However, much more remains to be done.
18 For example, in January 2005, the National Gov-
19 ernors Association reported that while achieving
20 interoperability ranked as the top priority for States,
21 obtaining the equipment and technology to fulfill
22 this goal remains a challenge. The large majority of
23 States report that they have not yet achieved inter-
24 operability in their States.

1 (8) Over 70 percent of public safety commu-
2 nications equipment is still analog, rather than dig-
3 ital. In fact, much of the communications equipment
4 used by emergency responders is outdated and in-
5 compatible, which inhibits communication between
6 State and local governments and between neigh-
7 boring local jurisdictions. Additional grant funding
8 would facilitate the acquisition of new technology to
9 enable interoperability.

10 (9) Stronger and more effective national, state-
11 wide, and regional leadership are required to im-
12 prove interoperability. The Department of Homeland
13 Security must provide national leadership by con-
14 ducting nationwide outreach to each State, fostering
15 the development of regional leadership, and pro-
16 viding substantial technical assistance to State,
17 local, and tribal public safety officials, while more ef-
18 fectively utilizing grant programs that fund inter-
19 operable equipment and systems.

20 (10) The Department of Homeland Security
21 must implement pilot programs and fund and con-
22 duct research to develop and promote adoption of
23 next-generation solutions for public safety commu-
24 nications. The Department of Homeland Security
25 must also further develop its own internal expertise

1 to enable it to better lead national interoperability
2 efforts and to provide technically sound advice to
3 State and local officials.

4 (11) Communications interoperability can be
5 accomplished at a much lower cost if strong national
6 leadership drives cooperation and adoption of smart,
7 new technology solutions.

8 **SEC. 3. OFFICE FOR INTEROPERABILITY AND COMPAT-**
9 **IBILITY.**

10 (a) IN GENERAL.—Section 7303(a)(2) of the Intel-
11 ligence Reform and Terrorism Prevention Act of 2004 (6
12 U.S.C. 194(a)(2)) is amended to read as follows:

13 “(2) OFFICE FOR INTEROPERABILITY AND COM-
14 PATIBILITY.—

15 “(A) ESTABLISHMENT OF OFFICE.—There
16 is established an Office for Interoperability and
17 Compatibility within the Directorate of Science
18 and Technology of the Department of Home-
19 land Security to carry out this subsection.

20 “(B) DIRECTOR.—There shall be a Direc-
21 tor of the Office for Interoperability and Com-
22 patibility, who shall be appointed by the Sec-
23 retary of Homeland Security.

1 “(C) RESPONSIBILITIES.—The Director of
2 the Office for Interoperability and Compatibility
3 shall—

4 “(i) assist the Secretary of Homeland
5 Security in developing and implementing
6 the program described in paragraph (1);

7 “(ii) carry out the Department of
8 Homeland Security’s responsibilities and
9 authorities relating to the SAFECOM Pro-
10 gram;

11 “(iii) carry out section 510 of the
12 Homeland Security Act of 2002; and

13 “(iv) conduct extensive, nationwide
14 outreach and foster the development of
15 interoperable communications systems by
16 State, local, and tribal governments and
17 public safety agencies, and by regional con-
18 sortia thereof, by—

19 “(I) developing, updating, and
20 implementing a national strategy to
21 achieve communications interoper-
22 ability, with goals and timetables;

23 “(II) developing a national archi-
24 tecture, which defines the components

1 of an interoperable system and how
2 they fit together;

3 “(III) establishing and maintain-
4 ing a task force that represents the
5 broad customer base of State, local,
6 and tribal public safety agencies, as
7 well as Federal agencies, involved in
8 public safety disciplines such as law
9 enforcement, firefighting, public
10 health, and disaster recovery, in order
11 to receive input and coordinate efforts
12 to achieve communications interoper-
13 ability;

14 “(IV) working with the Office of
15 Domestic Preparedness Interoperable
16 Communication Communications
17 Technical Assistance Program to—

18 “(aa) provide technical as-
19 sistance to State, local, and tribal
20 officials; and

21 “(bb) facilitate the creation
22 of regional task forces in each
23 State, with appropriate govern-
24 ance structures and representa-
25 tion from State, local, and tribal

1 governments and public safety
2 agencies and from the Federal
3 Government, to effectively ad-
4 dress interoperability and other
5 information-sharing needs;

6 “(V) promoting a greater under-
7 standing of the importance of inter-
8 operability and the benefits of sharing
9 resources among all levels of State,
10 local, tribal, and Federal government;

11 “(VI) promoting development of
12 standard operating procedures for in-
13 cident response and facilitating the
14 sharing of information on best prac-
15 tices (including from governments
16 abroad) for achieving interoperability;

17 “(VII) making recommendations
18 to Congress about any changes in
19 Federal law necessary to remove bar-
20 riers to achieving communications
21 interoperability;

22 “(VIII) funding and conducting
23 pilot programs, as necessary, in order
24 to—

1 “(aa) evaluate and validate
2 new technology concepts in real-
3 world environments to achieve
4 public safety communications
5 interoperability;

6 “(bb) encourage more effi-
7 cient use of existing resources,
8 including equipment and spec-
9 trum; and

10 “(cc) test and deploy public
11 safety communications systems
12 that are less prone to failure,
13 support new non-voice services,
14 consume less spectrum, and cost
15 less; and

16 “(IX) performing other functions
17 necessary to achieve communications
18 interoperability.

19 “(D) SUFFICIENCY OF RESOURCES.—The
20 Secretary of Homeland Security shall provide
21 the Office for Interoperability and Compatibility
22 with the resources and staff necessary to carry
23 out the purposes of this section. The Secretary
24 shall further ensure that there is sufficient staff
25 within the Office of Interoperability and Com-

1 patibility, the Office for Domestic Prepared-
2 ness, and other offices of the Department of
3 Homeland Security as necessary, to provide
4 dedicated support to public safety organizations
5 consistent with the responsibilities set forth in
6 subparagraph (C)(iv).”.

7 (b) DEFINITION.—Section 7303(g)(1) of the Intel-
8 ligence Reform and Terrorism Prevention Act of 2004 (6
9 U.S.C. 194(g)(1)) is amended to read as follows:

10 “(1) INTEROPERABLE COMMUNICATIONS AND
11 COMMUNICATIONS INTEROPERABILITY.—The terms
12 ‘interoperable communications’ and ‘communications
13 interoperability’ mean the ability of emergency re-
14 sponse providers and relevant Federal, State, and
15 local government agencies to communicate with each
16 other as necessary, utilizing information technology
17 systems and radio communications systems, and to
18 exchange voice, data, or video with one another on
19 demand, in real time, as necessary.”.

20 (c) INTEROPERABILITY ASSESSMENT; REPORT.—
21 Title III of the Homeland Security Act of 2002 (6 U.S.C.
22 181 et seq.) is amended by adding at the end the fol-
23 lowing:

1 **“SEC. 314. INTEROPERABILITY ASSESSMENT AND REPORT.**

2 “(a) BASELINE ASSESSMENT.—The Secretary, acting
3 through the Director of the Office for Interoperability and
4 Compatibility, shall conduct a nationwide assessment to
5 determine the degree to which communications interoper-
6 ability has been achieved to date and to ascertain the
7 needs that remain for interoperability to be achieved.

8 “(b) ANNUAL REPORTS.—Not later than one year
9 after the date of enactment of this section, and annually
10 thereafter, the Secretary, acting through the Director of
11 the Office for Interoperability and Compatibility, shall
12 submit to the Committee on Homeland Security and Gov-
13 ernmental Affairs of the Senate and the Committee on
14 Homeland Security of the House of Representatives a re-
15 port on the Department’s progress in implementing and
16 achieving the goals of the Improve Interoperable Commu-
17 nications for First Responders Act of 2005. The first re-
18 port submitted under this subsection shall include a de-
19 scription of the findings of the assessment conducted
20 under subsection (a).”.

21 **SEC. 4. RESEARCH AND DEVELOPMENT.**

22 (a) IN GENERAL.—Title III of the Homeland Secu-
23 rity Act of 2002 (6 U.S.C. 181 et seq.), as amended by
24 section 3, is further amended by adding at the end the
25 following:

1 **“SEC. 315. INTEROPERABILITY RESEARCH AND DEVELOP-**
2 **MENT.**

3 “(a) IN GENERAL.—The Secretary shall establish a
4 comprehensive research and development program to pro-
5 mote communications interoperability among first re-
6 sponders, including by—

7 “(1) promoting research on a competitive basis
8 through the Directorate of Science and Technology
9 Homeland Security Advanced Research Projects
10 Agency; and

11 “(2) considering establishment of a Center of
12 Excellence under the Department of Homeland Se-
13 curity Centers of Excellence Program, using a com-
14 petitive process, focused on enhancing information
15 and communications systems for first responders.

16 “(b) PURPOSES.—The purposes of the program es-
17 tablished under subsection (a) include—

18 “(1) understanding the strengths and weak-
19 nesses of the diverse public safety communications
20 systems currently in use;

21 “(2) examining how current and emerging tech-
22 nology can make public safety organizations more ef-
23 fective, and how Federal, State, and local agencies
24 can utilize this technology in a coherent and cost-ef-
25 fective manner;

1 “(3) exploring Federal, State, and local policies
2 that will move systematically towards long-term solu-
3 tions;

4 “(4) evaluating and validating new technology
5 concepts, and promoting the deployment of advanced
6 public safety information technologies for interoper-
7 ability; and

8 “(5) advancing the creation of a national strat-
9 egy to promote interoperability and efficient use of
10 spectrum in communications systems, improve infor-
11 mation sharing across organizations, and use ad-
12 vanced information technology to increase the effec-
13 tiveness of first responders in valuable new ways.”.

14 (b) AUTHORIZATION OF APPROPRIATIONS.—In addi-
15 tion to the funds authorized to be appropriated by section
16 7303(a)(3) of the Intelligence Reform and Terrorism Pre-
17 vention Act of 2004 (6 U.S.C. 194(a)(3)), there are au-
18 thorized to be appropriated for the operations of the Office
19 for Interoperability and Compatibility, to provide technical
20 assistance through the office for Domestic Preparedness,
21 to fund and conduct research under section 315 of the
22 Homeland Security Act of 2002, and for other appropriate
23 entities within the Department of Homeland Security to
24 support the activities described in section 7303 of the In-
25 telligence Reform and Terrorism Prevention Act of 2004

1 (6 U.S.C. 194) and sections 314 and 315 of the Homeland
 2 Security Act of 2002, as added by this Act—

- 3 (1) \$127,232,000 for fiscal year 2006;
- 4 (2) \$126,549,000 for fiscal year 2007;
- 5 (3) \$125,845,000 for fiscal year 2008;
- 6 (4) \$125,121,000 for fiscal year 2009; and
- 7 (5) such sums as may be necessary for each
 8 subsequent fiscal year.

9 **SEC. 5. DEDICATED FUNDING TO ACHIEVE INTEROPER-**
 10 **ABILITY.**

11 The Homeland Security Act of 2002 (6 U.S.C. 101
 12 et seq.) is amended by adding at the end the following:

13 **“TITLE XVIII—DEDICATED FUND-**
 14 **ING TO ACHIEVE INTEROPER-**
 15 **ABILITY**

16 **“SEC. 1801. INTEROPERABILITY GRANTS.**

17 “(a) IN GENERAL.—The Secretary, through the Of-
 18 fice, shall make grants to States and eligible regions for
 19 initiatives necessary to achieve short-term or long-term so-
 20 lutions to statewide, regional, national and, where appro-
 21 priate, international interoperability.

22 “(b) USE OF GRANT FUNDS.—Grants awarded under
 23 subsection (a) may be used for initiatives to achieve short-
 24 term or long-term solutions to interoperability within the

1 State or region and to assist with any aspect of the com-
2 munication life cycle, including—

3 “(1) statewide or regional communications
4 planning;

5 “(2) system design and engineering;

6 “(3) procurement and installation of equipment;

7 “(4) training and exercises; and

8 “(5) other activities determined by the Sec-
9 retary to be integral to the achievement of commu-
10 nications interoperability.

11 “(c) COORDINATION.—The Secretary shall ensure
12 that the Office coordinates its activities with Office of
13 Interoperability and Compatibility, the Directorate of
14 Science and Technology, and other Federal entities so that
15 grants awarded under this section, and other grant pro-
16 grams related to homeland security, fulfill the purposes
17 of this Act and facilitate the achievement of communica-
18 tions interoperability consistent with the national strategy.

19 “(d) APPLICATION.—

20 “(1) IN GENERAL.—A State or eligible region
21 desiring a grant under this section shall submit an
22 application at such time, in such manner, and ac-
23 companied by such information as the Secretary may
24 reasonably require.

1 “(2) MINIMUM CONTENTS.—At a minimum,
2 each application submitted under paragraph (1)
3 shall—

4 “(A) identify the critical aspects of the
5 communications life cycle, including planning,
6 system design and engineering, procurement
7 and installation, and training for which funding
8 is requested;

9 “(B) describe how—

10 “(i) the proposed use of funds would
11 be consistent with and address the goals in
12 any applicable State homeland security
13 plan, and, unless the Secretary determines
14 otherwise, are consistent with the national
15 strategy and architecture; and

16 “(ii) the applicant intends to spend
17 funds under the grant, to administer such
18 funds, and to allocate such funds among
19 any participating local governments; and

20 “(C) be consistent with the Interoperable
21 Communications Plan required by section
22 7303(f) of the Intelligence Reform and Ter-
23 rorism Prevention Act of 2004 (6 U.S.C.
24 194(f)).

25 “(e) STATE REVIEW AND SUBMISSION.—

1 “(1) IN GENERAL.—To ensure consistency with
2 State homeland security plans, an eligible region ap-
3 plying for a grant under this section shall submit its
4 application to each State within which any part of
5 the eligible region is located for review before sub-
6 mission of such application to the Secretary.

7 “(2) DEADLINE.—Not later than 30 days after
8 receiving an application from an eligible region
9 under paragraph (1), each such State shall transmit
10 the application to the Secretary.

11 “(3) STATE DISAGREEMENT.—If the Governor
12 of any such State determines that a regional appli-
13 cation is inconsistent with the State homeland secu-
14 rity plan of that State, or otherwise does not sup-
15 port the application, the Governor shall—

16 “(A) notify the Secretary in writing of that
17 fact; and

18 “(B) provide an explanation of the reasons
19 for not supporting the application at the time
20 of transmission of the application.

21 “(f) AWARD OF GRANTS.—

22 “(1) CONSIDERATIONS.—In approving applica-
23 tions and awarding grants under this section, the
24 Secretary shall consider—

1 “(A) the nature of the threat to the State
2 or eligible region;

3 “(B) the location, risk, or vulnerability of
4 critical infrastructure and key national assets,
5 including the consequences from an attack on
6 critical infrastructure in nearby jurisdictions;

7 “(C) the size of the population, as well as
8 the population density of the area, that will be
9 served by the interoperable communications sys-
10 tems, except that the Secretary shall not estab-
11 lish a minimum population requirement that
12 would disqualify from consideration an area
13 that otherwise faces significant threats,
14 vulnerabilities, or consequences;

15 “(D) the extent to which grants will be uti-
16 lized to implement interoperability solutions—

17 “(i) consistent with the national strat-
18 egy and compatible with the national archi-
19 tecture; and

20 “(ii) more efficient and cost effective
21 than current approaches;

22 “(E) the number of jurisdictions within re-
23 gions participating in the development of inter-
24 operable communications systems, including the
25 extent to which the application includes all in-

1 incorporated municipalities, counties, parishes,
2 and tribal governments within the State or eli-
3 gible region, and their coordination with Fed-
4 eral and State agencies;

5 “(F) the extent to which a grant would ex-
6 pedite the achievement of interoperability in the
7 State or eligible region with Federal, State, and
8 local agencies;

9 “(G) the extent to which a State or eligible
10 region, given its financial capability, dem-
11 onstrates its commitment to expeditiously
12 achieving communications interoperability by
13 supplementing Federal funds with non-Federal
14 funds;

15 “(H) whether the State or eligible region is
16 on or near an international border;

17 “(I) the extent to which geographic bar-
18 riers pose unusual obstacles to achieving com-
19 munications interoperability; and

20 “(J) the threats, vulnerabilities, and con-
21 sequences faced by the State or eligible region
22 related to at-risk site or activities in nearby ju-
23 risdictions, including the need to respond to ter-
24 rorist attacks arising in those jurisdictions.

25 “(2) REVIEW PANEL.—

1 “(A) IN GENERAL.—The Secretary shall
2 establish a review panel under section 871(a) to
3 assist in reviewing grant applications under this
4 section.

5 “(B) RECOMMENDATIONS.—The review
6 panel established under subparagraph (A) shall
7 make recommendations to the Secretary regard-
8 ing applications for grants under this section.

9 “(C) MEMBERSHIP.—The review panel es-
10 tablished under subparagraph (A) shall include
11 individuals with technical expertise in commu-
12 nications interoperability as well as emergency
13 response providers and other relevant State and
14 local officials.

15 “(3) AVAILABILITY OF FUNDS.—Any grant
16 funds awarded that may be used to support inter-
17 operability shall, as the Secretary may determine, re-
18 main available for up to 3 years, consistent with sec-
19 tion 7303(e) of the Intelligence Reform and Ter-
20 rorism Prevention Act of 2004 (6 U.S.C. 194(e)).

21 “(4) ALLOCATION.—

22 “(A) IN GENERAL.—In awarding grants
23 under this subsection, the Secretary shall en-
24 sure that each State receives, for each fiscal
25 year, the greater of—

1 “(i) 0.55 percent of the amounts ap-
2 propriated for grants under this section; or

3 “(ii) the eligible State’s sliding scale
4 baseline allocation of 28.62 percent of the
5 amounts appropriated for grants under
6 this section.

7 “(B) OTHER ENTITIES.—Notwithstanding
8 subparagraph (A), the Secretary shall ensure
9 that for each fiscal year—

10 “(i) the District of Columbia receives
11 0.55 percent of the amounts appropriated
12 for grants under this section;

13 “(ii) the Commonwealth of Puerto
14 Rico receives 0.35 percent of the amounts
15 appropriated for grants under this section;
16 and

17 “(iii) American Samoa, the Common-
18 wealth of the Northern Mariana islands,
19 Guam, and the Virgin Islands each receive
20 0.055 percent of the amounts appropriated
21 for grants under this section.

22 “(C) POSSESSIONS.—Except as provided in
23 subparagraph (B), no possession of the United
24 States shall receive a baseline distribution
25 under subparagraph (A).

1 “(g) DEFINITIONS.—As used in this section, the fol-
2 lowing definitions apply:

3 “(1) ELIGIBLE REGION.—The term ‘eligible re-
4 gion’ means—

5 “(A) 2 or more contiguous incorporated
6 municipalities, counties, parishes, Indian tribes
7 or other general purpose jurisdictions that—

8 “(i) have joined together to enhance
9 communications interoperability between
10 first responders in those jurisdictions and
11 with State and Federal officials; and

12 “(ii) includes the largest city in any
13 metropolitan statistical area, as defined by
14 the Office of Management and Budget; or

15 “(B) any other area the Secretary deter-
16 mines to be consistent with the definition of a
17 region in the national preparedness guidance
18 issued under Homeland Security Presidential
19 Directive 8.

20 “(2) INTEROPERABLE COMMUNICATIONS AND
21 COMMUNICATIONS INTEROPERABILITY.—The terms
22 ‘interoperable communications’ and ‘communications
23 interoperability’ mean the ability of emergency re-
24 sponse providers and relevant Federal, State, and
25 local government agencies to communicate with each

1 other as necessary, utilizing information technology
2 systems and radio communications systems, and to
3 exchange voice, data, or video with one another on
4 demand, in real time, as necessary.

5 “(3) OFFICE.—The term ‘office’ refers to the
6 Office of Domestic Preparedness of the Office of
7 State and Local Government Preparedness and Co-
8 ordination within the Department of Homeland Se-
9 curity.

10 “(4) SLIDING SCALE BASELINE ALLOCATION.—
11 The term ‘sliding scale baseline allocation’ means
12 0.0001 multiplied by the sum of—

13 “(A) the value of a State’s population rel-
14 ative to that of the most populous of the 50
15 States of the United States, where the popu-
16 lation of such States has been normalized to a
17 maximum value of 100; and

18 “(B) $\frac{1}{4}$ of the value of a State’s popu-
19 lation density relative to that of the most dense-
20 ly populated of the 50 States of the United
21 States, where the population density of such
22 States has been normalized to a maximum
23 value of 100.

1 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
 2 are authorized to be appropriated to carry out the pur-
 3 poses of this section—

4 “(1) \$400,000,000 for fiscal year 2006;

5 “(2) \$500,000,000 for fiscal year 2007;

6 “(3) \$600,000,000 for fiscal year 2008;

7 “(4) \$800,000,000 for fiscal year 2009;

8 “(5) \$1,000,000,000 for fiscal year 2010; and

9 “(6) such sums as may be necessary for each
 10 subsequent fiscal year.”.

11 **SEC. 6. TECHNICAL AND CONFORMING AMENDMENTS.**

12 The table of contents in section 1(b) of the Homeland
 13 Security Act of 2002 (6 U.S.C. 101) is amended—

14 (1) by inserting after the item relating to sec-
 15 tion 313 the following new item:

“Sec. 314. Interoperability assessment and report.”

16 ; and

17 (2) by adding at the end the following new
 18 item:

“TITLE XVIII—DEDICATED FUNDING TO ACHIEVE
 INTEROPERABILITY

“Sec. 1801. Interoperability grants.”.

19 **SEC. 7. SOURCE OF FUNDS.**

20 Amounts appropriated to carry out this Act shall be
 21 made available from funds available for—

- 1 (1) reeducations in the Millennium Challenge
- 2 Account;
- 3 (2) the Export-Import Bank;
- 4 (3) the Overseas Private Investment Corpora-
- 5 tion; and
- 6 (4) the International Trade Administration.

7 **SEC. 8. TERMINATION.**

8 This Act and the amendments made by this Act shall

9 terminate on the date that is five years after the date of

10 the enactment of this Act.

