

amended, which is classified principally to this chapter. Subtitle B of title XI of the Act is classified principally to part B (§531 et seq.) of subchapter XI of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 101 of this title and Tables.

CODIFICATION

Section was enacted as part of the Homeland Security Act Amendments of 2003 and also as part of the Consolidated Appropriations Resolution, 2003, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

§ 553. Terminations

Except as otherwise provided in this chapter, whenever all the functions vested by law in any agency have been transferred pursuant to this chapter, each position and office the incumbent of which was authorized to receive compensation at the rates prescribed for an office or position at level II, III, IV, or V, of the Executive Schedule, shall terminate.

(Pub. L. 107-296, title XV, §1513, Nov. 25, 2002, 116 Stat. 2311.)

REFERENCES IN TEXT

Levels II, III, IV, and V, of the Executive Schedule, referred to in text, are set out in sections 5313, 5314, 5315, and 5316, respectively, of Title 5, Government Organization and Employees.

§ 554. National identification system not authorized

Nothing in this chapter shall be construed to authorize the development of a national identification system or card.

(Pub. L. 107-296, title XV, §1514, Nov. 25, 2002, 116 Stat. 2311.)

§ 555. Continuity of Inspector General oversight

Notwithstanding the transfer of an agency to the Department pursuant to this chapter, the Inspector General that exercised oversight of such agency prior to such transfer shall continue to exercise oversight of such agency during the period of time, if any, between the transfer of such agency to the Department pursuant to this chapter and the appointment of the Inspector General of the Department of Homeland Security in accordance with section 113(b) of this title.

(Pub. L. 107-296, title XV, §1515, Nov. 25, 2002, 116 Stat. 2311.)

§ 556. Incidental transfers

The Director of the Office of Management and Budget, in consultation with the Secretary, is authorized and directed to make such additional incidental dispositions of personnel, assets, and liabilities held, used, arising from, available, or to be made available, in connection with the functions transferred by this chapter, as the Director may determine necessary to accomplish the purposes of this chapter.

(Pub. L. 107-296, title XV, §1516, Nov. 25, 2002, 116 Stat. 2311.)

§ 557. Reference

With respect to any function transferred by or under this chapter (including under a reorga-

nization plan that becomes effective under section 542 of this title) and exercised on or after the effective date of this chapter, reference in any other Federal law to any department, commission, or agency or any officer or office the functions of which are so transferred shall be deemed to refer to the Secretary, other official, or component of the Department to which such function is so transferred.

(Pub. L. 107-296, title XV, §1517, Nov. 25, 2002, 116 Stat. 2311.)

REFERENCES IN TEXT

The effective date of this chapter, referred to in text, is 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107-296, set out as an Effective Date note under section 101 of this title.

SUBCHAPTER XIII—EMERGENCY COMMUNICATIONS

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.

§ 571. Office of Emergency Communications

(a) In general

There is established in the Department an Office of Emergency Communications.

(b) Director

The head of the office shall be the Director for Emergency Communications. The Director shall report to the Assistant Secretary for Cybersecurity and Communications.

(c) Responsibilities

The Director for Emergency Communications 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; and

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

(d) Performance of previously transferred functions

The Secretary shall transfer to, and administer through, the Director for Emergency Communications 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 Director for Emergency Communications 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 report 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.

(Pub. L. 107-296, title XVIII, §1801, as added Pub. L. 109-295, title VI, §671(b), Oct. 4, 2006, 120 Stat. 1433.)

CODIFICATION

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

CHANGE OF NAME

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.”

§ 572. National Emergency Communications Plan

(a) In general

The Secretary, acting through the 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, de-

velop 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.)

CODIFICATION

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

AMENDMENTS

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

§ 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 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 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 Department of Defense, a mobile communications capability, modeled on the Army Signal Corps, that could be deployed to support emergency communications at the site of natural disasters, acts of terrorism, or other man-made disasters.

(Pub. L. 107-296, title XVIII, § 1803, as added Pub. L. 109-295, title VI, § 671(b), Oct. 4, 2006, 120 Stat. 1437.)

CODIFICATION

Another section 1803 of Pub. L. 107-296 was renumbered section 1903 and is classified to section 593 of this title.

§ 574. Coordination of Department emergency communications grant programs**(a) Coordination of grants and standards programs**

The Secretary, acting through the Director for Emergency Communications, shall ensure that grant guidelines for the use of homeland security assistance administered by the Department relating to interoperable emergency commu-

nications are coordinated and consistent with the goals and recommendations in the National Emergency Communications Plan under section 572 of this title.

(b) Denial of eligibility for grants**(1) In general**

The Secretary, acting through the Assistant Secretary for Grants and Planning, and in consultation with the Director for Emergency Communications, may prohibit any State, local, or tribal government from using homeland security assistance administered by the Department to achieve, maintain, or enhance emergency communications capabilities, if—

(A) such government has not complied with the requirement to submit a Statewide Interoperable Communications Plan as required by section 194(f) of this title;

(B) such government has proposed to upgrade or purchase new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards and has not provided a reasonable explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed such standards; and

(C) as of the date that is 3 years after the date of the completion of the initial National Emergency Communications Plan under section 572 of this title, national voluntary consensus standards for interoperable emergency communications capabilities have not been developed and promulgated.

(2) Standards

The Secretary, in coordination with the Federal Communications Commission, the National Institute of Standards and Technology, and other Federal departments and agencies with responsibility for standards, shall support the development, promulgation, and updating as necessary of national voluntary consensus standards for interoperable emergency communications.

(Pub. L. 107-296, title XVIII, § 1804, as added Pub. L. 109-295, title VI, § 671(b), Oct. 4, 2006, 120 Stat. 1438.)

CODIFICATION

Another section 1804 of Pub. L. 107-296 was renumbered section 1904 and is classified to section 594 of this title.

§ 575. Regional emergency communications coordination**(a) In general**

There is established in each Regional Office a Regional Emergency Communications Coordination Working Group (in this section referred to as an “RECC Working Group”). Each RECC Working Group shall report to the relevant Regional Administrator and coordinate its activities with the relevant Regional Advisory Council.

(b) Membership

Each RECC Working Group shall consist of the following:

(1) Non-Federal

Organizations representing the interests of the following:

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

- (A) State officials.
- (B) Local government officials, including sheriffs.
- (C) State police departments.
- (D) Local police departments.
- (E) Local fire departments.
- (F) Public safety answering points (9-1-1 services).
- (G) State emergency managers, homeland security directors, or representatives of State Administrative Agencies.
- (H) Local emergency managers or homeland security directors.
- (I) Other emergency response providers as appropriate.

(2) Federal

Representatives from the Department, the Federal Communications Commission, and other Federal departments and agencies with responsibility for coordinating interoperable emergency communications with or providing emergency support services to State, local, and tribal governments.

(c) Coordination

Each RECC Working Group shall coordinate its activities with the following:

- (1) Communications equipment manufacturers and vendors (including broadband data service providers).
- (2) Local exchange carriers.
- (3) Local broadcast media.
- (4) Wireless carriers.
- (5) Satellite communications services.
- (6) Cable operators.
- (7) Hospitals.
- (8) Public utility services.
- (9) Emergency evacuation transit services.
- (10) Ambulance services.
- (11) HAM and amateur radio operators.
- (12) Representatives from other private sector entities and nongovernmental organizations as the Regional Administrator determines appropriate.

(d) Duties

The duties of each RECC Working Group shall include—

- (1) assessing the survivability, sustainability, and interoperability of local emergency communications systems to meet the goals of the National Emergency Communications Plan;
- (2) reporting annually to the relevant Regional Administrator, the Director for Emergency Communications, the Chairman of the Federal Communications Commission, and the Assistant Secretary for Communications and Information of the Department of Commerce on the status of its region in building robust and sustainable interoperable voice and data emergency communications networks and, not later than 60 days after the completion of the initial National Emergency Communications Plan under section 572 of this title, on the progress of the region in meeting the goals of such plan;
- (3) ensuring a process for the coordination of effective multijurisdictional, multi-agency emergency communications networks for use during natural disasters, acts of terrorism,

and other man-made disasters through the expanded use of emergency management and public safety communications mutual aid agreements; and

- (4) coordinating the establishment of Federal, State, local, and tribal support services and networks designed to address the immediate and critical human needs in responding to natural disasters, acts of terrorism, and other man-made disasters.

(Pub. L. 107-296, title XVIII, §1805, as added Pub. L. 109-295, title VI, §671(b), Oct. 4, 2006, 120 Stat. 1439.)

CODIFICATION

Another section 1805 of Pub. L. 107-296 was renumbered section 1905 and is classified to section 595 of this title.

§ 576. Emergency Communications Preparedness Center

(a) Establishment

There is established the Emergency Communications Preparedness Center (in this section referred to as the “Center”).

(b) Operation

The Secretary, the Chairman of the Federal Communications Commission, the Secretary of Defense, the Secretary of Commerce, the Attorney General of the United States, and the heads of other Federal departments and agencies or their designees shall jointly operate the Center in accordance with the Memorandum of Understanding entitled, “Emergency Communications Preparedness Center (ECPC) Charter”.

(c) Functions

The Center shall—

- (1) serve as the focal point for interagency efforts and as a clearinghouse with respect to all relevant intergovernmental information to support and promote (including specifically by working to avoid duplication, hindrances, and counteractive efforts among the participating Federal departments and agencies)—

- (A) 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
- (B) interoperable emergency communications;

- (2) prepare and submit to Congress, on an annual basis, a strategic assessment regarding the coordination efforts of Federal departments and agencies to advance—

- (A) 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
- (B) interoperable emergency communications;

- (3) consider, in preparing the strategic assessment under paragraph (2), the goals stated in the National Emergency Communications Plan under section 572 of this title; and

- (4) perform such other functions as are provided in the Emergency Communications Pre-

paredness Center (ECPC) Charter described in subsection (b)(1).¹

(Pub. L. 107-296, title XVIII, § 1806, as added Pub. L. 109-295, title VI, § 671(b), Oct. 4, 2006, 120 Stat. 1440.)

CODIFICATION

Another section 1806 of Pub. L. 107-296 was renumbered section 1906 and is classified to section 596 of this title.

§ 577. Urban and other high risk area communications capabilities

(a) In general

The Secretary, in consultation with the Chairman of the Federal Communications Commission and the Secretary of Defense, and with appropriate State, local, and tribal government officials, shall provide technical guidance, training, and other assistance, as appropriate, to support the rapid establishment of consistent, secure, and effective interoperable emergency communications capabilities in the event of an emergency in urban and other areas determined by the Secretary to be at consistently high levels of risk from natural disasters, acts of terrorism, and other man-made disasters.

(b) Minimum capabilities

The interoperable emergency communications capabilities established under subsection (a) shall ensure the ability of all levels of government, emergency response providers, the private sector, and other organizations with emergency response capabilities—

- (1) to communicate with each other in the event of an emergency;
- (2) to have appropriate and timely access to the Information Sharing Environment described in section 485 of this title; and
- (3) to be consistent with any applicable State or Urban Area homeland strategy or plan.

(Pub. L. 107-296, title XVIII, § 1807, as added Pub. L. 109-295, title VI, § 671(b), Oct. 4, 2006, 120 Stat. 1441.)

§ 578. Definition

In this subchapter, the term “interoperable” has the meaning given the term “interoperable communications” under section 194(g)(1) of this title.

(Pub. L. 107-296, title XVIII, § 1808, as added Pub. L. 109-295, title VI, § 671(b), Oct. 4, 2006, 120 Stat. 1441.)

§ 579. Interoperable Emergency Communications Grant Program

(a) Establishment

The Secretary shall establish the Interoperable Emergency Communications Grant Program to make grants to States to carry out initiatives to improve local, tribal, statewide, regional, national and, where appropriate, international interoperable emergency communications, including communications in collective

response to natural disasters, acts of terrorism, and other man-made disasters.

(b) Policy

The Director for Emergency Communications shall ensure that a grant awarded to a State under this section is consistent with the policies established pursuant to the responsibilities and authorities of the Office of Emergency Communications under this subchapter, including ensuring that activities funded by the grant—

- (1) comply with the statewide plan for that State required by section 194(f) of this title; and
- (2) comply with the National Emergency Communications Plan under section 572 of this title, when completed.

(c) Administration

(1) In general

The Administrator of the Federal Emergency Management Agency shall administer the Interoperable Emergency Communications Grant Program pursuant to the responsibilities and authorities of the Administrator under subchapter V.

(2) Guidance

In administering the grant program, the Administrator shall ensure that the use of grants is consistent with guidance established by the Director of Emergency Communications pursuant to section 194(a)(1)(H) of this title.

(d) Use of funds

A State that receives a grant under this section shall use the grant to implement that State’s Statewide Interoperability Plan required under section 194(f) of this title and approved under subsection (e), and to assist with activities determined by the Secretary to be integral to interoperable emergency communications.

(e) Approval of plans

(1) Approval as condition of grant

Before a State may receive a grant under this section, the Director of Emergency Communications shall approve the State’s Statewide Interoperable Communications Plan required under section 194(f) of this title.

(2) Plan requirements

In approving a plan under this subsection, the Director of Emergency Communications shall ensure that the plan—

- (A) is designed to improve interoperability at the city, county, regional, State and interstate level;
- (B) considers any applicable local or regional plan; and
- (C) complies, to the maximum extent practicable, with the National Emergency Communications Plan under section 572 of this title.

(3) Approval of revisions

The Director of Emergency Communications may approve revisions to a State’s plan if the Director determines that doing so is likely to further interoperability.

(f) Limitations on uses of funds

(1) In general

The recipient of a grant under this section may not use the grant—

¹ So in original. Subsection (b) of this section does not contain a paragraph (1).

- (A) to supplant State or local funds;
- (B) for any State or local government cost-sharing contribution; or
- (C) for recreational or social purposes.

(2) Penalties

In addition to other remedies currently available, the Secretary may take such actions as necessary to ensure that recipients of grant funds are using the funds for the purpose for which they were intended.

(g) Limitations on award of grants

(1) National emergency communications plan required

The Secretary may not award a grant under this section before the date on which the Secretary completes and submits to Congress the National Emergency Communications Plan required under section 572 of this title.

(2) Voluntary consensus standards

The Secretary may not award a grant to a State under this section for the purchase of equipment that does not meet applicable voluntary consensus standards, unless the State demonstrates that there are compelling reasons for such purchase.

(h) Award of grants

In approving applications and awarding grants under this section, the Secretary shall consider—

- (1) the risk posed to each State by natural disasters, acts of terrorism, or other manmade disasters, including—
 - (A) the likely need of a jurisdiction within the State to respond to such risk in nearby jurisdictions;
 - (B) the degree of threat, vulnerability, and consequences related to critical infrastructure (from all critical infrastructure sectors) or key resources identified by the Administrator or the State homeland security and emergency management plans, including threats to, vulnerabilities of, and consequences from damage to critical infrastructure and key resources in nearby jurisdictions;
 - (C) the size of the population and density of the population of the State, including appropriate consideration of military, tourist, and commuter populations;
 - (D) whether the State is on or near an international border;
 - (E) whether the State encompasses an economically significant border crossing; and
 - (F) whether the State has a coastline bordering an ocean, a major waterway used for interstate commerce, or international waters; and
- (2) the anticipated effectiveness of the State's proposed use of grant funds to improve interoperability.

(i) Opportunity to amend applications

In considering applications for grants under this section, the Administrator shall provide applicants with a reasonable opportunity to correct defects in the application, if any, before making final awards.

(j) Minimum grant amounts

(1) States

In awarding grants under this section, the Secretary shall ensure that for each fiscal year, except as provided in paragraph (2), no State receives a grant in an amount that is less than the following percentage of the total amount appropriated for grants under this section for that fiscal year:

- (A) For fiscal year 2008, 0.50 percent.
- (B) For fiscal year 2009, 0.50 percent.
- (C) For fiscal year 2010, 0.45 percent.
- (D) For fiscal year 2011, 0.40 percent.
- (E) For fiscal year 2012 and each subsequent fiscal year, 0.35 percent.

(2) Territories and possessions

In awarding grants under this section, the Secretary shall ensure that for each fiscal year, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each receive grants in amounts that are not less than 0.08 percent of the total amount appropriated for grants under this section for that fiscal year.

(k) Certification

Each State that receives a grant under this section shall certify that the grant is used for the purpose for which the funds were intended and in compliance with the State's approved Statewide Interoperable Communications Plan.

(l) State responsibilities

(1) Availability of funds to local and tribal governments

Not later than 45 days after receiving grant funds, any State that receives a grant under this section shall obligate or otherwise make available to local and tribal governments—

- (A) not less than 80 percent of the grant funds;
- (B) with the consent of local and tribal governments, eligible expenditures having a value of not less than 80 percent of the amount of the grant; or
- (C) grant funds combined with other eligible expenditures having a total value of not less than 80 percent of the amount of the grant.

(2) Allocation of funds

A State that receives a grant under this section shall allocate grant funds to tribal governments in the State to assist tribal communities in improving interoperable communications, in a manner consistent with the Statewide Interoperable Communications Plan. A State may not impose unreasonable or unduly burdensome requirements on a tribal government as a condition of providing grant funds or resources to the tribal government.

(3) Penalties

If a State violates the requirements of this subsection, in addition to other remedies available to the Secretary, the Secretary may terminate or reduce the amount of the grant awarded to that State or transfer grant funds previously awarded to the State directly to the appropriate local or tribal government.

(m) Reports**(1) Annual reports by State grant recipients**

A State that receives a grant under this section shall annually submit to the Director of Emergency Communications a report on the progress of the State in implementing that State's Statewide Interoperable Communications Plans required under section 194(f) of this title and achieving interoperability at the city, county, regional, State, and interstate levels. The Director shall make the reports publicly available, including by making them available on the Internet website of the Office of Emergency Communications, subject to any redactions that the Director determines are necessary to protect classified or other sensitive information.

(2) Annual reports to Congress

At least once each year, the Director of Emergency Communications shall submit to Congress a report on the use of grants awarded under this section and any progress in implementing Statewide Interoperable Communications Plans and improving interoperability at the city, county, regional, State, and interstate level, as a result of the award of such grants.

(n) Rule of construction

Nothing in this section shall be construed or interpreted to preclude a State from using a grant awarded under this section for interim or long-term Internet Protocol-based interoperable solutions.

(o) Authorization of appropriations

There are authorized to be appropriated for grants under this section—

- (1) for fiscal year 2008, such sums as may be necessary;
- (2) for each of fiscal years 2009 through 2012, \$400,000,000; and
- (3) for each subsequent fiscal year, such sums as may be necessary.

(Pub. L. 107-296, title XVIII, § 1809, as added Pub. L. 110-53, title III, § 301(a), Aug. 3, 2007, 121 Stat. 296.)

§ 580. Border interoperability demonstration project**(a) In general****(1) Establishment**

The Secretary, acting through the Director of the Office of Emergency Communications (referred to in this section as the "Director"), and in coordination with the Federal Communications Commission and the Secretary of Commerce, shall establish an International Border Community Interoperable Communications Demonstration Project (referred to in this section as the "demonstration project").

(2) Minimum number of communities

The Director shall select no fewer than 6 communities to participate in a demonstration project.

(3) Location of communities

No fewer than 3 of the communities selected under paragraph (2) shall be located on the

northern border of the United States and no fewer than 3 of the communities selected under paragraph (2) shall be located on the southern border of the United States.

(b) Conditions

The Director, in coordination with the Federal Communications Commission and the Secretary of Commerce, shall ensure that the project is carried out as soon as adequate spectrum is available as a result of the 800 megahertz rebanding process in border areas, and shall ensure that the border projects do not impair or impede the rebanding process, but under no circumstances shall funds be distributed under this section unless the Federal Communications Commission and the Secretary of Commerce agree that these conditions have been met.

(c) Program requirements

Consistent with the responsibilities of the Office of Emergency Communications under section 571 of this title, the Director shall foster local, tribal, State, and Federal interoperable emergency communications, as well as interoperable emergency communications with appropriate Canadian and Mexican authorities in the communities selected for the demonstration project. The Director shall—

- (1) identify solutions to facilitate interoperable communications across national borders expeditiously;
- (2) help ensure that emergency response providers can communicate with each other in the event of natural disasters, acts of terrorism, and other man-made disasters;
- (3) provide technical assistance to enable emergency response providers to deal with threats and contingencies in a variety of environments;
- (4) identify appropriate joint-use equipment to ensure communications access;
- (5) identify solutions to facilitate communications between emergency response providers in communities of differing population densities; and
- (6) take other actions or provide equipment as the Director deems appropriate to foster interoperable emergency communications.

(d) Distribution of funds**(1) In general**

The Secretary shall distribute funds under this section to each community participating in the demonstration project through the State, or States, in which each community is located.

(2) Other participants

A State shall make the funds available promptly to the local and tribal governments and emergency response providers selected by the Secretary to participate in the demonstration project.

(3) Report

Not later than 90 days after a State receives funds under this subsection the State shall report to the Director on the status of the distribution of such funds to local and tribal governments.

(e) Maximum period of grants

The Director may not fund any participant under the demonstration project for more than 3 years.

(f) Transfer of information and knowledge

The Director shall establish mechanisms to ensure that the information and knowledge gained by participants in the demonstration project are transferred among the participants and to other interested parties, including other communities that submitted applications to the participant in the project.

(g) Authorization of appropriations

There is authorized to be appropriated for grants under this section such sums as may be necessary.

(Pub. L. 107-296, title XVIII, § 1810, as added Pub. L. 110-53, title III, § 302(a), Aug. 3, 2007, 121 Stat. 300.)

SUBCHAPTER XIV—DOMESTIC NUCLEAR
DETECTION OFFICE

CODIFICATION

This subchapter is comprised of title XIX, formerly title XVIII, of Pub. L. 107-296, as added by Pub. L. 109-347, title V, § 501(a), Oct. 13, 2006, 120 Stat. 1932, and renumbered title XIX by Pub. L. 110-53, title I, § 104(a)(1), Aug. 3, 2007, 121 Stat. 294.

§ 591. Domestic Nuclear Detection Office**(a) Establishment**

There shall be established in the Department a Domestic Nuclear Detection Office (referred to in this subchapter as the “Office”). The Secretary may request that the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Attorney General, the Nuclear Regulatory Commission, and the directors of other Federal agencies, including elements of the Intelligence Community, provide for the reimbursable detail of personnel with relevant expertise to the Office.

(b) Director

The Office shall be headed by a Director for Domestic Nuclear Detection, who shall be appointed by the President.

(Pub. L. 107-296, title XIX, § 1901, formerly title XVIII, § 1801, as added Pub. L. 109-347, title V, § 501(a), Oct. 13, 2006, 120 Stat. 1932; renumbered title XIX, § 1901, Pub. L. 110-53, title I, § 104(a)(1), (2), Aug. 3, 2007, 121 Stat. 294.)

§ 592. Mission of Office**(a)¹ Mission**

The Office shall be responsible for coordinating Federal efforts to detect and protect against the unauthorized importation, possession, storage, transportation, development, or use of a nuclear explosive device, fissile material, or radiological material in the United States, and to protect against attack using such devices or materials against the people, territory, or interests of the United States and, to this end, shall—

(1) serve as the primary entity of the United States Government to further develop, acquire, and support the deployment of an enhanced domestic system to detect and report on attempts to import, possess, store, transport, develop, or use an unauthorized nuclear explosive device, fissile material, or radiological material in the United States, and improve that system over time;

(2) enhance and coordinate the nuclear detection efforts of Federal, State, local, and tribal governments and the private sector to ensure a managed, coordinated response;

(3) establish, with the approval of the Secretary and in coordination with the Attorney General, the Secretary of Defense, and the Secretary of Energy, additional protocols and procedures for use within the United States to ensure that the detection of unauthorized nuclear explosive devices, fissile material, or radiological material is promptly reported to the Attorney General, the Secretary, the Secretary of Defense, the Secretary of Energy, and other appropriate officials or their respective designees for appropriate action by law enforcement, military, emergency response, or other authorities;

(4) develop, with the approval of the Secretary and in coordination with the Attorney General, the Secretary of State, the Secretary of Defense, and the Secretary of Energy, an enhanced global nuclear detection architecture with implementation under which—

(A) the Office will be responsible for the implementation of the domestic portion of the global architecture;

(B) the Secretary of Defense will retain responsibility for implementation of Department of Defense requirements within and outside the United States; and

(C) the Secretary of State, the Secretary of Defense, and the Secretary of Energy will maintain their respective responsibilities for policy guidance and implementation of the portion of the global architecture outside the United States, which will be implemented consistent with applicable law and relevant international arrangements;

(5) ensure that the expertise necessary to accurately interpret detection data is made available in a timely manner for all technology deployed by the Office to implement the global nuclear detection architecture;

(6) conduct, support, coordinate, and encourage an aggressive, expedited, evolutionary, and transformational program of research and development to generate and improve technologies to detect and prevent the illicit entry, transport, assembly, or potential use within the United States of a nuclear explosive device or fissile or radiological material, and coordinate with the Under Secretary for Science and Technology on basic and advanced or transformational research and development efforts relevant to the mission of both organizations;

(7) carry out a program to test and evaluate technology for detecting a nuclear explosive device and fissile or radiological material, in coordination with the Secretary of Defense and the Secretary of Energy, as appropriate,

¹ So in original. No subsec. (b) has been enacted.