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PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS GRANTS:

HEARING

BEFORE THE

SUBCOMMITTEE ON EMERGENCY COMMUNICATIONS, PREPAREDNESS, AND RESPONSE

OF THE

COMMITTEE ON HOMELAND SECURITY HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

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ARE THE DEPARTMENTS OF HOMELAND SECURITY AND COMMERCE EFFECTIVELY COORDINATING TO MEET THE NATION'S EMERGENCY COMMUNICATION NEED?

Wednesday, March 14, 2007

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
SUBCOMMITTEE ON EMERGENCY COMMUNICATIONS,
PREPAREDNESS, AND RESPONSE,
Washington, DC.

The subcommittee met, pursuant to call, at 10:07 a.m., in Room 311, Cannon House Office Building, Hon. Henry Cuellar [chairman of the subcommittee] presiding.

Present: Representatives Cuellar, Lowey, Etheridge, and Thompson.

Mr. CUELLAR. [Presiding.] The subcommittee will come to order.

This subcommittee meeting today is to do oversight over the interoperable communications grant programs and receive testimony from the Office of Grants and Training and the Department of Homeland Security and the National Telecommunications and Information Administration at the Department of Commerce on the question of whether they are coordinating effectively to meet our nation's emergency communications needs.

In addition, we will hear from a representative of the New York City Police Department to receive a local perspective on the best way to utilize the grants.

And again, for the witnesses, I certainly want to say welcome for being here with us.

The only thing I do ask you is we do have a committee rule about getting the testimony 48 hours before, and again, it is just for the purposes to allow the members to have it beforehand and have staff an opportunity to review. So I know we are all pressed with time, but I would ask that next time that we get that information at least within the 48 hours to meet our committee rules.

Again, good morning, and I want to thank all of you all for being here. And on behalf of the members and our chairman of our full committee, Mr. Thompson, we want to welcome you to this committee and certainly welcome our panel here.

We are glad that you are here to discuss the MOU between the Office of Grants and Training at DHS and the National Telecommunications and Information Administration at the Department of Commerce to administer the $1 billion public safety interoperable communications grant program.

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We are also glad that we have a representative of the New York Police Department communications division who is here to give us a local perspective on the interoperability problem and give us guidance as to whether the federal government is helping to facilitate solutions.

It is unsettling that even after the devastating Oklahoma City bombing, the 9/11 attacks, the London and the Madrid bombing, and the devastation that we had of Katrina, the hurricane Katrina, the interoperable communications still remains a problem across the nation.

The 9/11 Commission report made it clear that this type of communication is critical yet until recently we made a little bit of progress. However, I believe that we are starting to see positive developments at the Department of Homeland Security, and I want to thank you for the progress that we have been seeing.

And I am hoping that we are seeing the light at the end of the tunnel, and I do appreciate the hard work that your department has been putting in.

The tactical interoperable communications scorecards recently released by the department assess the maturity of the tactical interoperable communications capabilities in 75 metropolitan areas. The scorecards will help the department focus technical assistance programs and target specific areas of improvement in communications interoperability.

Additionally, through the efforts of this committee and our chairman, Congress created a new Office of Emergency Communications at the department as part of the Katrina reform bill.

The goal of this new emergency communications entity is to develop a national emergency communications strategy. It will be used to coordinate efforts by federal, state and local government emergency responders and the private sector to achieve interoperability and promote emergency communications operability.

Finally, this Congress has begun to allocate real dollars to state and local governments aimed at funding interoperability solutions. In 2006, Congress authorized a $1 billion interoperability grant program as part of the Deficit Reduction Act, which authorized the auction of some of the spectrum in the 700 megahertz band.

Most recently, Democrats steered the passage of H.R. 1, the Implementing the 9/11 Commission Recommendations Act of 2007. Title 2 of the bill will create a standalone emergency communications grant program at the Department of Homeland Security.

It appears that the Senate version of the 9/11 Commission includes the similar grant programs. Therefore, we are hopeful that this provision will become law in the near future.

So I would like to once again thank the witnesses for their testimony that they are about to provide us members, and I look forward to a productive discussion on this very, very critical issue.

The chair now recognizes the ranking minority member of the subcommittee, the gentleman from Pennsylvania, Mr. Dent, for any statements that he might have at this time.

Mr. DENT. Thank you, Mr. Chairman.

And I am really pleased that today we have officials from the Department of Homeland Security and the Department of Commerce

here today to discuss this new $1 billion Public Safety Interoperable Communications grant program that was approved previously.

I am also pleased that we are going to be hearing from Charles Dowd, Deputy Chief of the New York City Police Department. I look forward to hearing the NYPD's perspective on this grant program and to listening to any questions or concerns regarding the disbursement of grant funds and the application process.

I was also pleased to hear that the long-awaited memorandum of understanding between DHS and Commerce was signed last month. I was particularly pleased to hear that the Department of Homeland Security will be playing a significant role in the administration of these funds.

This Committee played an integral role last Congress in ensuring that the Department of Homeland Security will help manage this important new grant program to support first responder emergency communications.

DHS, in my view, is the logical choice to administer this new program, given its role directly supporting and interacting with first responders through grant programs, technical assistance, training, and exercises.

The NTIA, at least as I understand it, has little experience in distributing or administering grant funds, nor does it have experience working closely with state and local first responders.

It is my understanding that DHS plans to integrate the new Public Safety Interoperable Communications grants with other existing programs like the State Homeland Security Grant Program.

I also look forward to hearing how this will affect grant guidance, the application process, and the distribution of interoperability grant funds. For instance, how will these grant funds be distributed? If the grants are to be distributed based on risk, what will be the distribution formula?

I also look forward to hearing more about the development of the grant guidance for this particular program. Many areas of the country have invested billions of dollars of their own monies in interoperable communication systems that do not utilize spectrum in the 700 megahertz range.

In the Commonwealth of Pennsylvania, Pennsylvania State Police recently began using an 800-megahertz system to modernize and integrate communications among emergency services across the Commonwealth.

And so my question is how will the grant guidance for the new $1 billion program ensure that agencies like the Pennsylvania State Police are not penalized for their past investments.

And how will the grant program leverage interoperability investments that have already been made or that are under way across the country?

So I do look forward to discussing these and other issues with the panelists today, and I certainly will welcome your testimony. And again, thank you all for being here.

And I thank you, Mr. Chairman, for conducting this hearing.

Mr. CUELLAR. Thank you, Mr. Dent.

The chair now recognizes the chairman of the full committee, the gentleman from Mississippi, Mr. Thompson, for an opening statement.

And, Mr. Chairman, we want to thank you for the leadership that you provided, and I know that you made it very clear to this subcommittee that this is a critical issue, that we need to get to a solution, a practical solution, as soon as possible.

Mr. Chairman?

Mr. THOMPSON. Thank you very much, Chairman Cuellar.

And I welcome the witnesses here today.

As you know, we had a hearing on February 9th before the full committee, and I had to remind Secretary Chertoff that the MOU hadn't been completed at that time, and I am happy, based on comments made earlier, to see that it is, in fact, in place.

Though a little late, it is nonetheless in place. The fact that two acts of Congress couldn't get it done—we still got it done, so I am happy with that.

The $1 billion is real important to the process. Congress has made a commitment because interoperability—from our vantage point, this a really serious problem.

During 9/11, Hurricane Katrina and Rita—if everybody involved in those three disasters could have had on-time communication, all of us are certain that a number of lives could have been saved.

So we are committed to doing it. I am concerned a little bit that sometimes vendors get out ahead of the strategy and the plan, and so what happens may be like Pennsylvania or other states who are moving forward.

I want to know, how will we now compensate or coordinate states who have been proactive or cities that have been proactive in this interoperability situation to bring it into an overall strategy?

So, Mr. Chairman, I look forward to the testimony.

And again, I thank the witnesses for their testimony they are about to give.

I yield back.

Mr. CUELLAR. Thank you, Mr. Chairman.

Other members of the subcommittee are reminded that, under the committee rules, opening statements may be submitted for the record.

I now welcome the panel of witnesses.

Our first witness is Mr. Corey Gruber, who is the acting assistant secretary from the Office of Grants and Training for the Department of Homeland Security. Mr. Gruber has served in that capacity since October of 2006 and has over 15 years of experience in the areas of emergency planning, programming and response.

Our second witness is Mr. John Kneuer, who is the assistant secretary for communications and information for the National Telecommunications Information Administration, also known as the NTIA. Mr. Kneuer oversees and directs the NTIA, which represents the executive branch in both domestic and international telecommunications and information policy activities. The NTIA also manages the federal use of spectrum and performs telecommunications research and engineering, including resolving technical issues for the federal government and the private sector.

Again, thank you for being here.

And our third witness is Chief Charles Dowd, who is the commanding officer for the New York Police Department Communications Division. Chief Dowd has a special appreciation of the impor-

tance of interoperability in that he has served for 27 years in the New York Police Department.

And, Chief, thank you very much for being here with us.

We are all pleased that all of you all here are present.

Without objection, the witnesses' full statements will be inserted in the record.

And I now ask each witness to summarize his statement for 5 minutes, beginning with Mr. Gruber.

STATEMENT COREY GRUBER, ACTING ASSISTANT SECRETARY FOR GRANTS AND TRAINING, OFFICE OF GRANTS AND TRAINING, DEPARTMENT OF HOMELAND SECURITY

Mr. GRUBER. Chairman Cuellar, Ranking Member Dent, Chairman Thompson and members, my name is Corey Gruber, and I serve as the acting assistant secretary in the Office of Grants and Training.

On behalf of the secretary and the entire department, it is my pleasure to appear before you this morning and to discuss the strong partnership we formed with the Department of Commerce to co-administer the public safety interoperable communications grant program.

I know, as you are aware, grants and training is responsible for preparing the nation against terrorism by assisting states and local jurisdictions, tribes and regional authorities as they prevent, deter and respond to terrorist acts.

And this support, of course, includes grants, coordinated training, exercises, equipment acquisition and technical assistance.

From fiscal year 2003 to 2006, DHS has provided more than $2.9 billion for interoperable communications initiatives, making it the largest category of expenditure in our homeland security grant program.

Through 2006, we worked with 75 urban and metropolitan areas to develop tactical interoperable communications plans, test these plans through full-scale exercises, and assess the results through the development of the tactical interoperable communications scorecards.

The scorecards were released in January of this year, and they provided a tailored assessment and specific recommendations on how best to improve an area's capability in the near term using its existing technology.

We have relied heavily on our interoperable communications technical assistance program to support grantees. That program provides assistance and training at no cost to first responders in conjunction with communications equipment purchased with grant funding.

Since its inception in 2003, that program has provided assistance to more than 65 urban and metropolitan areas, and that support has proved critical in all the interoperability efforts we have administered.

As outlined in the memorandum of understanding, grantee technical assistance will continue to be a key component of this program as we support the development of the statewide plans and implementation of the grants.

Section 3006 of the Deficit Reduction Act directed that NTIA, in consultation with us, help to establish the program and administer it to assist public safety agencies in their acquisition, deployment and training related to the use of interoperable communications systems.

The Call Home Act also helped to describe how we would administer this program, again together, and instructed us to award the grants no later than September 30, 2007.

So in support of the Deficit Reduction and the Call Home Acts, we established a partnership with commerce to develop and implement the program. The MOU was signed on February 16th. It authorized commerce to transfer funds to DHS, and we would administer the grant program.

The Department of Commerce retains ultimate approval authority over all aspects of the program.

Achieving the program goals requires building on many efforts that are under way regarding interoperability. The use of the funds, of course, will be linked to forthcoming statewide interoperable communications plans as well as recommendations that were provided during the tactical interoperable communications planning effort.

A portion of these funds, up to 5 percent, will be used by states to support their statewide planning efforts. The remainder of the funds will be conditioned on the acceptance of the statewide plans and the supporting investment justifications. We will award all the funding by September 30th as required in the Call Home Act.

Keeping with established grant processes, as advocated by many of our state and local public safety associations, these funds will be allocated using a modified version of our 2007 risk methodology.

DHS and the Department of Commerce are currently working to determine those specific allocations. They will be distributed via the state administrative agencies in the 56 states and territories.

Both departments are currently developing the program application and guidance materials in line with the SAFECOM guidance, as directed in the Call Home Act. The guidance supports all lanes of the SAFECOM interoperability continuum, with allowable costs for planning, technology procurement, exercises and training.

Regarding technology, the Deficit Reduction Act stated that funding should be used for systems that utilize forthcoming spectrum in the 700 megahertz band or provide interoperability with future systems.

We believe it is important to support interoperability beyond 700 megahertz to ensure we can meet public safety agencies' unique requirements.

Interoperable communications have been a longstanding priority for the administration and that is now supported by a strong partnership under the leadership of our colleagues at commerce.

We are committed to ensuring we achieve baseline interoperability across the nation that can accommodate scaling seamlessly from localized incidents to large national responses.

I look forward to answering any questions you have. Thank you, sir, for your time.

[The statement of Mr. Gruber follows:]

PREPARED STATEMENT OF COREY GRUBER

INTRODUCTION

Chairman Cuellar, Ranking Member Dent, and Members of the Committee, my name is Corey Gruber, and I serve as the Acting Assistant Secretary of the Department of Homeland Security's Office of Grants and Training (G&T). It is my pleasure to appear before you today to discuss the Department's progress on interoperable communications. Specifically my goal is to provide information on the Public Safety Interoperable Communications (PSIC) Grant Program and the way we are coordinating with the Department of Commerce's National Telecommunications and Information Administration (NTIA) to implement the program.

As you are aware, G&T is responsible for supporting the Department's broader efforts to assist State, local, tribal, and territorial authorities in preventing, deterring, and responding to terrorist acts. G&T interacts directly with State and local jurisdictions and provides a broad array of support to America's State, territorial, and local governments. G&T's support includes grants, coordinated training, exercises, equipment acquisition, and technical assistance. G&T's grant programs were initiated in 1998, and currently provide funds to all 50 States, the District of Columbia, the territories, high-risk Urban Areas, public safety entities, non-governmental and academic institutions, and the private sector.

As you know, G&T will re-align and report to the Administrator of FEMA beginning on March 31st. This will strengthen our service support role to DHS components and our external partners across the full spectrum of homeland security activities.

PROGRESS TOWARD INTEROPERABILITY

From fiscal year (FY) 2003 through FY 2006, G&T has provided more than $2.9 billion for communications interoperability initiatives, making it the largest category of expenditure through the Homeland Security Grant Program due in part to it being one of eight National Priorities under the National Preparedness Goal. We have learned through our partnership with state and local emergency responders that addressing interoperable communications is about more than simply purchasing equipment. In December, the SAFECOM program at DHS completed a comprehensive National Baseline assessment of thousands of state and local emergency response agencies. In addition, throughout 2006 we worked with 75 urban and metropolitan areas to develop tactical interoperable communications plans (TICP), test these plans through full-scale exercise, and assess the results through the development of Tactical Interoperable Communications Scorecards. These scorecards, released in January 2007, provide a tailored assessment of the progress each urban and metropolitan area has individually achieved with its available resources, as well as provide recommendations on how to best improve an area's capabilities in the immediate future using its existing technologies.

In both the Baseline and Scorecard efforts, the findings have shown that interoperable communications equipment is only as effective as the governance structure planning, operating procedures, and training programs within which it is used. Specific findings and recommendations of the Tactical Scorecard report include:

Governance—Areas with mature governance structures have advanced further in implementing shared systems/solutions that facilitate regional communications. Regionalized strategic plans are largely not in place and should be developed for communications interoperability with careful consideration for how investments can be shared across the region.

Standard Operating Procedures (SOP)—For many of the urban areas, the DHS TICP assistance developed provided the first formal, region-wide communications interoperability SOPs. Additional steps should be taken to ensure that these procedures (as well as those outlined in the National Incident Management System) are fully instituted at the command and responder levels.

Usage—The proficiency in the use of communications interoperability equipment and accompanying procedures varies by the types of equipment used and is increasingly complex as additional agencies are included in response efforts. In addition, almost no region had completed a communications-focused exercise before the DHS TICP validation exercise, which meant that the areas had no specific practice using their interoperable communications capabilities in a region-wide context.

Throughout the TICP and Scorecard efforts, we have relied heavily on the Interoperable Communications Technical Assistance Program (ICTAP) to support our grantees. ICTAP provides technical assistance and training at no cost to first responders in conjunction with communications equipment purchased with grant funding. This program ensures that first responders understand the scope of their interoperability needs and how to fully utilize new technology. Since its inception

in 2003, ICTAP has grown to provide assistance to more than 65 urban and metropolitan areas, and this support proved absolutely critical in the success of the TICP initiative. As outlined in the Memorandum of Understanding (MOU) between DHS and NTIA, grantee technical assistance will continue to be a key component of the PSIC Grant Program as we support the development of statewide plans and the implementation of communications interoperability grants.

INCORPORATING LESSONS LEARNED

As we strive to develop the most effective PSIC Grant Program, DHS initiatives like the Baseline Assessment and TICP Initiative have provided critical data that will be incorporated into the PSIC Grant Program. For example, the use of PSIC funds will be based on a comprehensive planning effort by the state and local agencies, and must provide the flexibility to leverage the tens of billions of dollars in existing communications infrastructure already in place.

Need for Planning: Building on the success of the TICP efforts for local planning, validation and improvement efforts, DHS has developed a statewide planning approach, which each State will be implementing throughout 2007. These statewide plans and the criteria set forth for their development must be the foundation for effective equipment and system purchases.

Flexibility with Use of Funds: The Baseline Assessment and TICP Initiative have also documented that a wide range of communications technologies are currently in use at the State and local levels. The Deficit Reduction Act references interoperability with newly assigned 700 megahertz (MHz) spectrum. DHS and Commerce believe that the Act's language does not limit the grant funds only to 700 MHz systems investments. Rather, we are committed to exploring the use of all available technologies to advance overall public safety interoperability, as long as those technologies will enable first responders to interoperate with the 700 MHz bands in the future.

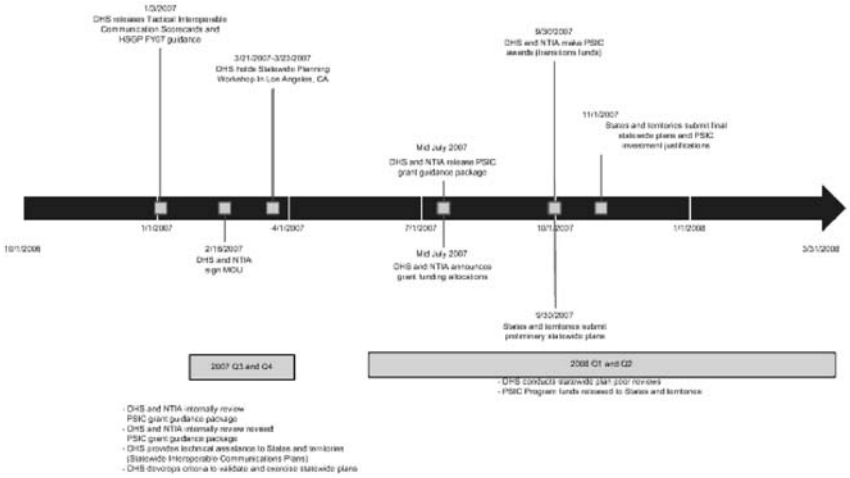
In developing the program plan upon which the MOU was signed, we have taken a thoughtful and developed approach to incorporate the multiple legislative directives and guidance that has been received over the last year, as well as feedback from practitioners and these lessons learned. Specifically, we have worked to reconcile timelines, guidance, and allocation methodologies to meet the goals of making meaningful improvements to public safety interoperable communications.

PSIC GRANT PROGRAM BACKGROUND

Section 3006 of the Deficit Reduction Act of 2005 directed NTIA, in consultation with DHS, to establish a $1 billion grant program. The purpose of the grant program is to assist public safety agencies in the acquisition of, deployment of, and training for the use of interoperable communications systems that use or enable interoperability with communications systems that use the reallocated public safety spectrum in the 700 MHz band. The Call Home Act of 2006 further amended how the PSIC Grant Program shall be administered by requiring NTIA, in consultation with DHS, to award the PSIC grant funds by no later than September 30, 2007.

Through the Deficit Reduction and Call Home Acts, a partnership was established between DHS and NTIA to develop and implement the PSIC Grant Program. This partnership was affirmed in an MOU signed by each agency on February 16, 2007. Through the MOU, NTIA will transfer PSIC funds to DHS and NTIA will obtain the grant administrative services and expertise of DHS. DHS will support the administration of those funds while NTIA will retain ultimate approval authority over all aspects of the PSIC Grant Program. Through our strong working relationship with NTIA, we outlined a program plan and aggressive schedule of activities for meeting the Call Home Act deadline and as depicted in the timeline below.

Figure 1. PSIC Timeline of 2007 Activities



PSIC GOALS AND ADMINISTRATION

The PSIC Grant Program is a one-time opportunity to target specific funds and resources toward improving interoperability with respect to voice and data communications. The goals of the program are two-fold. First, the PSIC Grant Program will support public safety agencies in their acquisition, deployment, and training on interoperable communications systems that use or enable interoperability with communications systems that use the reallocated public safety spectrum in the 700 MHz band. Second, PSIC funds will be used to promote cost—and spectrum-efficient technology solutions so long as those technologies will enable first responders to interoperate with the 700 MHz band in the future. Working together, DHS and NTIA are committed to ensuring that these goals are met as we develop the guidance, criteria, and evaluation processes for the PSIC Grant Program.

As part of our coordinated planning activities, we have determined that achieving these goals requires that PSIC funds build upon the many efforts that DHS, Commerce, as well as state and local agencies themselves, have in motion regarding interoperability. This means that the use of PSIC funds need to be linked to objectives identified in the forthcoming statewide interoperable communications plans, as well as linked to implementing the recommendations that were provided to local areas through the TICP process. We are ensuring these linkages, and therefore believe that we are avoiding any unnecessary duplication of efforts or requirements on state and local agencies, by providing a portion (up to 5%) of PSIC funds to states to support their statewide planning efforts related to the requirements of Section 3006 of the Deficit Reduction Act for the PSIC Grant Program. The remainder of the funds will be conditioned on the acceptance of the statewide plans and supporting investment justifications that clearly map state priorities to uniform planning criteria. All PSIC funding will be awarded by September 30, 2007 as required in the Call Home Act of 2006.

Also keeping with known grant processes, as advocated by many state and local public safety associations, and in order to comply with the deadline set forth in the Call Home Act, PSIC funds will be allocated using a modified version of the DHS FY 2007 risk methodology. Currently DHS and NTIA are working to determine the specific allocation to be distributed to States and local public safety agencies via the State Administrative Agencies in the 56 States and territories.

We are also currently developing the PSIC grant criteria in line with the SAFECOM guidance. The PSIC Grant Program will assist public safety agencies in the acquisition of, deployment of, and training for the use of interoperable communications systems that use or enable interoperability with communications systems that use the reallocated spectrum in the 700 MHz band. Moreover, the Program will assist public safety agencies in exploring the use of all available technologies to advance overall public safety interoperability, so long as those technologies enable interoperability with the 700 MHz band in the future. However, Federal funding is only part of the overall strategy to improve interoperable communication capabili-

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ties across the Nation. State and local community leaders are making interoperability a priority and leveraging their resources. Ultimately, solving interoperability is a complex issue that rests on leadership at the State and local level. Leadership through improved governance, dedicated funding, and commitment to working with neighboring jurisdictions will only succeed with sustained support at the local, State, and Federal level.

Although the PSIC funding provides substantial assistance to State and local agencies in addressing and meeting their interoperable communications needs, more work will need to be done. Funding from programs such as the PSIC must work in concert with planning and program management activities at the State and local levels. We will work with our State and local partners to maximize the effectiveness of PSIC funding and continue our assistance to other planning and program management activities.

CONCLUSION

Interoperable communications remains a priority issue for the Administration, for DHS, and for our NTIA partners. DHS remains committed to improving interoperable communications capabilities in every State to ensure that our Nation's first responders have the ability to communicate when the next disaster strikes. In closing, the DHS mission is critical; its responsibilities are great; and its commitment to protecting the citizens of this Nation is unwavering. I will gladly respond now to any questions that you and the Members of the Committee may have. Thank you.

Mr. CUELLAR. Thank you again for your testimony.

I now recognize Mr. Kneuer to summarize your statement for 5 minutes.

STATEMENT OF JOHN KNEUER, ASSISTANT SECRETARY, NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION, DEPRTMENT OF COMMERCE

Mr. KNEUER. Thank you, Chairman Cuellar, Chairman Thompson, Ranking Member Dent, for inviting me here to testify at NTIA and our responsibilities related to the public safety interoperable communications.

As you are aware, the Deficit Reduction Act created the public safety interoperable communications grant program. This program, established within the Department of Commerce, is to be administered by NTIA in coordination with the Department of Homeland Security.

The act directs NTIA, in consultation with DHS, to develop grant program policies, procedures and regulations to be awarded.

I also note that the Call Home Act accelerated this grant program that all funds need to be awarded by the end of this fiscal year, as Mr. Gruber alluded to.

Shortly after the signing of the act, we at NTIA began leveraging our expertise in the area of public safety interoperable communications and our relationships with the public safety community in order to implement the grant program.

This program will assist public safety agencies in the acquisition of, deployment of, or training for the use of interoperable communications systems that can utilize or enable interoperability with reallocated public safety spectrum in the 700-megahertz band.

Getting to your point, Mr. Dent, with regard to 800 systems and others, we received communications from the city of New York with regards to their concerns from Mayor Bloomberg. Based on that, I traveled to New York. I have been with Chief Dowd in New York.

Their focus is on consolidating at UHF, the point being—and Pennsylvania and other states focused on 800—we clearly recognize that we should not be administering this program in a way that

creates any disincentive to leverage existing resources and existing infrastructure to solve the interoperability communications program.

I note that in New York, in consolidating at UHF, they also will have the ability to interoperate with a future 700-megahertz system, so should Connecticut or New Jersey or another neighboring jurisdiction have a 700-megahertz system, their UHF system does have the ability to reach out.

That would make them qualified for this grant program the way we are interpreting it in partnership with DHS. So I wanted to make that part reasonably clear at the outset.

As we noted, on February 16th NTIA and the Office of Grants and Training executed our MOU—it is attached to my testimony—to implement the $1 billion PSIC grant program.

In consultation with the Office of Grants and Training, we will develop program policies, procedures and regulations to implement the program, will approve final grant awards and provide funding for the Office of Grants and Training for administrative costs and grant awards.

The Office of Grants and Training, in cooperation with us, will provide administrative services and its considerable expertise to implement the PSIC grant program.

In developing the PSIC grant program policies, NTIA will rely heavily on the expertise of our Institute of Telecommunications Science laboratories in Boulder, Colorado. ITS has been actively involved in the standard-setting process for public safety communications.

We have partnered with agencies such as the National Institute of Standards and Technologies, Office of Law Enforcement Standards, various DHS offices including SAFECOM and the chief information officer's Wireless Management Office, the Department of Justice's Offices of Community Oriented Policing Services, the International Association of Chiefs of Police, the International Association of Fire Chiefs, the Association of Public Safety Communications Officers, and others.

As directed by the conference report accompanying the Deficit Reduction Act, the PSIC grant program will be administered consistently with the recommended federal grant guidance, public safety communications interoperability grants from fiscal year 2007 developed by SAFECOM.

In addition, our grants will be administered in a manner consistent with the urban area tactical interoperable communications plans, statewide interoperable communications plans, state and urban area homeland security strategies, and the national preparedness goals.

Finally, NTIA and DHS will utilize existing application programmatic and administrative processes and resources to minimize the administrative burden on applicants as well as the non-grant management and administrative costs of the PSIC grant program.

The program plan associated with the MOU sets forth a schedule of major activities regarding administration of the grant program, and the budget plan delineates the amounts of funds to be transferred between fiscal year 2007 and fiscal year 2011 for specific activities.

Grants will be awarded after the grant guidance is completed, and grant application information and eligibility requirements will also be released at that time.

Over the past year we have worked very closely with DHS to implement this program. In the months ahead, we intend to use our collective expertise to explore all available technologies that are available to first responders to advance overall interoperable communications.

Thank you again for inviting me, and I look forward to your questions.

[The statement of Mr. Kneuer follows:]

PREPARED STATEMENT OF JOHN M.R. KNEUER

Thank you, Chairman Thompson, Ranking Member King, and Members of the Committee, for inviting me here today to testify about the National Telecommunications and Information Administration (NTIA) and our responsibilities to administer the Public Safety Interoperable Communications (PSIC) Grant Program created and funded by the Deficit Reduction Act of 2005, Pub. L. No. 109–171, and our coordination with the Department of Homeland Security (DHS) to implement this program. My name is John Kneuer, and I serve as the Assistant Secretary for Communications and Information and Administrator of NTIA.

NTIA serves as the President's principal adviser on telecommunications and information policy issues, and in this role frequently works with other Executive Branch agencies. NTIA also manages the federal government's use of the radio spectrum. The intersection of telecommunications policy and spectrum management has been the key focus of NTIA, including public safety communications and interoperability issues. Spectrum enables communications for military operations and first responders in support of response and recovery efforts for natural disasters and terrorist attacks. At the same time, spectrum for communications contributes to innovation, job creation, and economic growth. Wireless technologies and services that depend on spectrum provide critical support to federal agency missions that serve the American people, and support to a wide array of commercial and non-federal government applications. These applications provide economic benefits, and protect lives and property.

Additionally, NTIA's Institute for Telecommunication Sciences has been actively involved in the standards-setting process for public safety communications. We have partnered with agencies and programs such as the National Institute of Standards and Technology's Office of Law Enforcement Standards, DHS's Office for Interoperability and Compatibility (OIC) and the SAFECOM Program, the Department of Justice's Office of Community Oriented Policing Services, the Federal Partnership for Interoperable Communications, and DHS Chief Information Officer's Wireless Management Office. NTIA is working daily with prominent members of the public safety community, including representatives of the International Association of Chiefs of Police, International Association of Fire Chiefs, the Association of Public Safety Communication Officials International, the National Association of State Emergency Medical Services Directors, the National Public Safety Telecommunications Council, the National Governors Association, and the National League of Cities. Our work is centered on developing a long-term standardized approach for nationwide communications interoperability and information sharing among local, State, and Federal public safety agencies, and short-term interim solutions to facilitate communications while the long-term approach is being completed.

NTIA's long-term approach is based on an accelerated, yet structured, process that includes the public safety community to produce a comprehensive qualitative and quantitative statement of requirements for public safety communications (OIC's Public Safety Statement of Requirements), an architecture framework that describes the current and required future states of interoperability (OIC's Public Safety Architecture Framework), and interface standards that define the elements and performance of the interoperability architecture (Project 25 (P25) standards). Short-term, interim solution work is focused on testing and evaluating products and services offered currently to the community to determine if they can enable higher degrees of immediate interoperability effectively and economically. All segments of the NTIA program begin and end with practitioner input and acceptance. NTIA and its federal partners continue to work alongside practitioners to complete the remaining interface standards for P25, the digital narrowband solution that federal departments,

such as Homeland Security, Justice and Defense, and many State and local entities have adopted.

Within a few short weeks of the President signing the Deficit Reduction Act into law, NTIA began leveraging its expertise in the area of public safety interoperable communications and its relationships with the public safety community in order to implement the PSIC Grant Program. The program, which covers public safety agencies in all 50 states, the District of Columbia, Puerto Rico and four U.S. territories, will assist public safety agencies in the acquisition of, deployment of, or training for the use of interoperable communications systems that can utilize or enable interoperability with reallocated public safety spectrum in the 700 MHz band for radio communication. NTIA does not view this language to limit the grant funds only to 700 MHz systems investments. Rather, NTIA is committed to exploring the use of all available technologies to advance overall public safety interoperability, as long as those technologies will enable first responders to interoperate with the 700 MHz bands in the future.

The Act directs NTIA, in consultation with DHS, to develop the Grant Program policies, procedures and regulations of the grants to be awarded. As required in the recently enacted Call Home Act of 2006 (Pub. L. No. 109–459), the grants will be awarded by September 30, 2007.

Accordingly, on June 1, 2006, NTIA entered into an agreement with the Department of Treasury to allow NTIA to borrow necessary funds to implement the program as of October 1, 2006. On February 5, 2007, we hired an additional Communication Program Specialist to focus exclusively on the implementation of the PSIC Grant Program.

On February 16, 2007, NTIA and DHS's Office of Grants and Training signed the attached Memorandum of Understanding (MOU) to implement the $1 billion PSIC Grant Program to help state, local and federal first responders better communicate during a natural or man-made disaster. NTIA, in consultation with the Office of Grants and Training, will develop PSIC Grant Program policies, procedures, and regulations to implement the program; will approve final grant awards; and will provide funding to the Office of Grants and Training for administrative costs and the grant awards. The Office of Grants and Training, in cooperation with NTIA, will provide administrative services and its considerable technical expertise to implement the PSIC Grant Program. Consistent with the Deficit Reduction Act, I am the deciding official on PSIC Grant Program guidance and all grant awards.

The PSIC Grant Program will be administered consistently with the *Recommended Federal Grant Guidance: Public Safety Communications and Interoperability Grants, Fiscal Year (FY) 2007* developed by the DHS SAFECOM Program. Grants are to be administered in a manner consistent with urban area Tactical Interoperable Communication Plans, Statewide Interoperable Communications Plans, state and urban areas homeland security strategies, the National Preparedness Goal, and accompanying guidance. NTIA and DHS will utilize existing application, programmatic, and administrative processes and resources to minimize the administrative burden on applicants as well as the non-grant management and administrative costs of the PSIC Grant Program.

The PSIC Grant Program will be designed to complement funds that have been awarded through other grant programs—such as the Homeland Security Grant Program and the Infrastructure Protection Program—that include interoperable communications funds. The program guidance and application process will emphasize leveraging grants, contracts or state/local budgets to build and sustain intrastate and interstate regional capabilities and identified needs.

The Program Plan sets forth the schedule of major activities regarding administration of the PSIC Grant Program and the Budget Plan delineates the amount of funds to be transferred between FY 2007 and FY 2011 for specific activities. Grants will be awarded after grant guidance is completed in the third quarter of FY 2007 and grant application information, and eligibility requirements also will be released, at this time.

Over the past year, NTIA has worked closely with DHS to implement this program. In a few weeks, NTIA will participate with SAFECOM and the Office of Grants and Training in a workshop held in partnership with the National Governor's Association Center for Best Practices on *Statewide Planning for Public Safety Communications Interoperability.* In the months ahead, NTIA intends to use its expertise to explore all available technologies that are available to first responders to advance overall interoperability. We are committed to designing this one-time grant opportunity to achieve a meaningful improvement in the state of public safety communications systems with a minimum of impact to our replacement of existing state, tribal, and local radio communications assets.

During these days of heightened security and awareness, public safety agencies are required and expected to serve their citizens as effectively as possible. The Department of Commerce is committed to improving the state of communications interoperability within the United States, and NTIA is working vigorously on various interoperability issues to assist public safety agencies in meeting these expectations.

Mr. Chairman, once again, I thank you for inviting me here today to speak to you and the Committee. This concludes my remarks and I would be glad to answer any question you or Committee members may have.

Mr. CUELLAR. Thank you, Mr. Kneuer.

Thank you again, both of you all. We have one more witness, and then we will go into questions.

I now recognize Chief Dowd to summarize your statement for 5 minutes.

STATEMENT OF DEPUTY CHIEF CHARLES DOWD, COMMANDING OFFICER, NEW YORK POLICE DEPARTMENT COMMUNICATIONS DIVISION

Chief DOWD. Good morning, Chairman Cuellar and members of the committee. I am Deputy Chief Charles Dowd, commanding officer of the New York City Police Department's communications division.

With me today is Assistant Commissioner for Wireless Services Steve Hart from the New York City Department of Information Technology and Telecommunications.

On behalf of Commissioner Raymond W. Kelly and Mayor Michael R. Bloomberg, I am pleased to be here today to provide you with some areas of concern with regards to interoperable communications grant program.

Let me begin by commending the House Homeland Subcommittee on Emergency Communications, Preparedness and Response and the Department of Commerce for your ongoing efforts to address our concerns with regards to the $1 billion public safety interoperability grant program.

New York City has a growing population of more than eight million residents. Our emergency 911 system received approximately 11 million calls for service in 2006 and dispatched police, fire and medical responders to over 6.4 million 911 calls. Our city's population is so large that it exceeds the population of 39 states.

I mention these figures so you can more clearly understand that any major public safety technology changes have the potential to place an incredible financial burden on the city.

Scored as one of the top-tiered cities involving threats of terrorism, New York City has been diligently working on its interoperable communications program since September 11th, 2001 and has invested more than $1 billion in our own public safety infrastructure.

This includes a commitment of well over $500 million to upgrade our interoperable voice and data networks.

The city of New York believes that the funding received from this grant should be directly allocated to the local municipalities that understand the needs and technologies that are required for first responders.

Unfortunately, under the existing plan, the funds will be shifted away from high-risk terrorist targets such as New York City and designated elsewhere.

Furthermore, the requirement that funds be distributed to states only ensures that the communications needs of state agencies will be given preference over the needs of local municipal agencies, which are, in fact, the first responders to all urban emergencies.

Fulfilling the communications needs of public safety first responders should be the goal. In order to fully understand the actual needs for interoperable communication, it is crucial that you listen to the first responders that are using the technology at these incidents and to avoid what experience has shown us is a tendency for communications technology to become vendor-driven.

We believe our challenge is to look at how we can leverage the power and redundancy of existing and costly infrastructures. With prioritization for emergencies and multinetwork access, we can exploit the potential of these multiple existing networks and their cutting-edge technology for the benefit of public safety communications.

We need to avoid stovepipe solutions that don't easily integrate with other systems, have limited capability, are not future-proof and have closed standards.

We need to ensure that public safety is afforded the flexibility to explore new technologies such as I.P., Internet protocol-based systems, for interoperable solutions, through existing voice and data public safety networks and commercial systems, as well as cutting-edge communication technologies for high-rise buildings and subways, both prime terrorist targets.

New York City is currently exploring how to expand its communications systems to include multiple communications layers with the use of both public safety and, to a certain degree, commercial systems.

To obtain the highest standard of public safety, it is critical that agencies such as the NYPD and FDNY not be restricted in how we use grant funding.

In the mid 1990s, the Federal Communications Commission granted the city license rights to Channel 16, which we utilized to build out a substantial interoperable infrastructure.

At the beginning of this grant process, the city was faced with the restriction of using grant funding for a 700-megahertz system, which would have cost hundreds of millions of dollars and been absolutely unnecessary.

It is gratifying to note that the Department of Homeland Security and the Department of Commerce have taken action to allow interoperable funds to be used for other than 700-megahertz solutions.

We have and will continue improving our interoperability capabilities with state and federal public safety agencies. It is the hope of the city of New York that we see continued coordination of effort taking place between the Department of Commerce, Department of Homeland Security and the Federal Communications Commission.

Working together will enable every top-tiered city to gain the necessary funding and flexibility that is required to build a multi-layered interoperable communications system, ultimately allowing first responders to communicate more reliably and save many more lives.

The city of New York's public safety agencies are available to discuss this extremely important grant program upon your request.

And in conclusion, I would like to reiterate the importance of this funding to the city of New York and the need for flexibility in both how it is allocated and spent.

Thank you for the opportunity to address these important issues. I am pleased to answer any questions you might have.

[The statement of Chief Dowd follows:]

PREPARED STATEMENT OF DEPUTY CHIEF CHARLES F. DOWD

Good morning Chairman Cuellar and members of the Committee. I am Deputy Chief Charles Dowd, the Commanding Officer of the New York City Police Department Communications Division. On behalf of Police Commissioner Raymond W. Kelly and Mayor Michael R. Bloomberg, I am pleased to be here today to provide you with some areas of concern with regards to The Interoperable Communications Grant Program. Let me begin by commending the House Homeland Subcommittee on Emergency Communications, Preparedness and Response and the Department of Commerce for your ongoing efforts to address our concerns with regards to the one billion dollar Public Safety Interoperability Grant Program.

New York City has a growing population of more than 8 million residents. Our emergency 911 system received approximately 11 million calls for service in 2006 and dispatched Police, Fire and Medical responders to over 6.4 million 911 calls. Our CITY'S population is so large that it exceeds the populations of 39 STATES. I mention these figures so you can more clearly understand that any major public safety technology changes have the potential to place an incredible financial burden on the city.

Scored as one of the top tiered cities involving *threats of terrorism,* New York City has been diligently working on its Interoperable Communications program since September 11, 2001 and has invested more than $1 billion in our own public safety infrastructure. This includes a commitment of well over one half billion dollars to upgrade our interoperable voice and data networks.

The City of New York believes that the funding received from this grant should be directly allocated to the local municipalities that understand the needs and technologies that are required for first responders. Unfortunately under the existing plan the funding will be shifted away from high-risk terrorist targets such as New York City and designated elsewhere. Furthermore, the requirement that funds be distributed to states only ensures that the communications needs of state agencies will be given preference over the needs of local municipal agencies, which are in fact the first responders to all urban emergencies.

Fulfilling the communications needs of public safety first responders should be the goal. In order to fully understand the actual needs for interoperable communication it is crucial that you listen to the first responders that use the technology at these incidents and to avoid, what experience has shown us is the tendency for communications technology to become vendor driven.

We believe our challenge is to look at how we can leverage the power and redundancy of existing (and costly) infrastructures. With prioritization for emergencies and multi network access, we can exploit the potential of these multiple existing networks and their cutting edge technology, for the benefit of public safety communications. We need to avoid "stove pipe" solutions that don't easily integrate with other systems, have limited capability, are not "future proof", and have closed standards.

We need to ensure that public safety is afforded the flexibility to explore new technologies such as I.P. (Internet Protocol) for interoperable solutions through existing voice and data public safety networks and commercial systems, as well as cutting edge communications technologies for high rise buildings and subways, both prime terrorist targets.

New York City is currently exploring how to expand its communication systems to include multiple communications layers with the use of both public safety and commercial systems. To attain the highest standard of public safety, it is critical that agencies such as NYPD and FDNY not be restricted in how we use grant funding.

In the mid—90's the Federal Communications Commission granted the city the license rights to channel 16, which we utilized to build out a substantial interoperable infrastructure. At the beginning of this grant process the City was faced with the restriction of using grant funding for a 700 MHz system which would have cost

hundreds of millions of dollars and been absolutely unnecessary. It is gratifying to note that the Department of Homeland Security and the Department of Commerce have taken action to allow interoperable funds to be used for other than 700 MHz solutions. We have and will continue improving our interoperability capabilities with state and federal public safety agencies.

It is the hope of the City of New York that we see continued coordination of effort taking place between the Department of Commerce, the Department of Homeland Security and the Federal Communications Commission. Working together will enable every top tiered city to gain the necessary funding and flexibility that is required to build a multi-layered interoperable communication system ultimately allowing first responders to communicate more reliably and save many more lives.

The City of New York's Public safety agencies are available to discuss this extremely important grant program upon your request. In conclusion I would like to reiterate the importance of this funding to the City of New York and the need for flexibility in both how it is allocated and spent. Thank you for the opportunity to address these important issues; I will be pleased to answer any questions you may have.

Mr. CUELLAR. Thank you, Chief, for being here with us.

And again, I thank all the witnesses for being here with us and, again, for providing us the testimony.

At this point, members how have an opportunity to ask witnesses questions. I will remind each member that he or she will have 5 minutes each for questions.

I will now recognize myself for questions.

The first question will go to Mr. Gruber. Your testimony states that $2.9 billion has been obligated to state and local governments to improve interoperability equipment and other projects.

Are millions really "stuck" in the pipeline as some have argued? Or is funding sent to the states really obligated to a recipient and factors such as equipment back orders lead to a delayed expenditure of funds?

And I guess, you know, the thrust of the question is how do we get the dollars from Washington down to New York City, or somewhere in Pennsylvania, or Mississippi, New York, North Carolina. How do we get those dollars down there as soon as possible?

Because it is an issue that we know exists, but how do we get it moving as soon as possible?

Mr. GRUBER. Thank you, Mr. Chairman. Excellent question.

You know that we have been looking at this issue for quite some time. There was a funding task force that Secretary Ridge, during his tenure, had commissioned to help us look at this.

And in general, there is a distinction between—we often hear a term, draw-down. About 88 percent of the total monies awarded in grants have been, we believe, obligated.

The challenge oftentimes, as you alluded to, is if they are for perhaps specialized equipment, and there are perhaps delays on behalf of a vendor. Or in other instances where state legislatures or county meet episodically or periodically, and they have to meet to approve or endorse a budget, those often times contribute to those delays.

But we are confident—because we have daily contact with our grantees, we do annual monitoring, we have reporting consistently over the course of the year—that we are very carefully tracking this, and again, we think about 88 percent of the total money has been obligated. But there are challenges, as you noted.

Mr. CUELLAR. Okay.

Mr. Kneuer, you are familiar with the interoperability continuum brochure that is produced by SAFECOM.

Mr. KNEUER. Yes.

Mr. CUELLAR. Okay. Are you aware of the fact that it is the blueprint by which statewide interoperability plans are designed?

Mr. KNEUER. Yes.

Mr. CUELLAR. Okay. And you are familiar with the five pillars of the continuum and their meaning?

Mr. KNEUER. Yes.

Mr. CUELLAR. —which is governance standards for operating procedures, technology, training and exercises, and usage.

Are you also aware that the interoperability continuum brochure was a key measuring tool for the baseline study as well as the scorecard that was produced by the Department of Homeland Security?

Mr. KNEUER. Yes.

Mr. CUELLAR. Okay. Now, for the record, it is your understanding that the grantees under this interoperability grant program can use dollars pursuant to each of the columns that are a basis for an effective interoperability system?

Mr. KNEUER. Actually, no.

Mr. CUELLAR. Okay.

Mr. KNEUER. There are several?

Mr. CUELLAR. Yes, okay. If you can give us an explanation of why not.

Mr. KNEUER. Sure. Because there are explicit limits in the statute on what these monies can be spent for, and so clearly, the interoperable communications plans, the scorecards, the various planning activities absolutely must take into account all of the lanes of the continuum, whether it is governance, training, protocols.

Technology is just a piece, and communications equipment is just a piece, but it is, in fact, a critical piece. There are other existing—as Assistant Secretary Gruber referred to, there has already been $2.9 billion devoted. There will be continuing access to funds for those other components.

This statute and these monies are focused on the technology coms piece of it, which is why it is very, very important for us to be working as closely as we are so that we can integrate this program into the ongoing programs to make sure that the states and localities and cities are making all the progress across all of the lanes of the continuum.

This program, however, is focused on the one lane.

Mr. CUELLAR. Okay.

Mr. Gruber, if I can just ask you, does this deviate from the practice that has been under the basis of the grant application under UASI in the state homeland security grant program?

Mr. GRUBER. We certainly have followed the guidance of the SAFECOM grant guidance and all the aspects of the continuum, so the other grant programs, all of which, with the exception of one, allow or have allowable costs for interoperable communications, are complementary to this effort.

Just one example is that all states are asked to have a multiyear exercise and training plan, so in the course of that plan we would

like to make sure that when they are testing interoperable communications that they are a key component of that exercise plan.

So we think there is a high complementary effort here between all the programs. But as we write the guidance and the application kits, we are going to make sure that we haven't left any aspect of the continuum out.

Mr. CUELLAR. For both gentlemen, do we need to do anything to help you all on this? Because I want to make sure that we are all marching in the same direction on this, and if there is a different interpretation of the statute, I just want to make sure that we are all marching in the right direction.

Is there anything we can do to help you?

Mr. KNEUER. I think, you know, given the time constraints that we have under the Call Home Act, we are moving forward very rapidly. We are going to have our grant guidance out and have the monies awarded this year.

The gaps that have been identified in the UASI scorecards, the gaps that will be identified under the state plans, will include gaps that go beyond communications equipment. These monies will be devoted toward filling in the communications equipment gaps. There are other monies that are available to fill in the other gaps.

We just need to make sure that everybody understands how they can leverage these two programs to meet the one objective.

Mr. CUELLAR. Okay. Could I ask both gentlemen, will you please tell your staff to be in contact with our staff here to just keep us informed? If there is any gaps or anything that we can help you with, just let us know so we are not surprised a year from now. We certainly just want to work with you.

Last question, to the chief: Chief, have both departments reached out to you, the Department of Homeland Security and the Department of Commerce, seeking your input in the administration of this public safety interoperability communications grant program?

I mean, do we need to do anything else to work with you? Because you know, having served in the state legislature for 14 years and understanding the local basis, we just want to make sure that we provide each other the input so we can work together with you.

Chief DOWD. Yes, absolutely. And as Mr. Kneuer pointed out earlier in his testimony, he did come up to New York and he spent an entire day with us going through the—that is the kind of thing that, you know, quite frankly, goes a long way on the local level, even in a city the size of New York, you know, when you have people listening and understanding what your specific issues are.

You know, and again, we have made substantial infrastructure investments over the last 10 years because of the concerns over our radio spectrum, and we were given Channel 16 in the 400 UHF range, which was a great thing for us. I mean, we built out a tremendous infrastructure on that. So one of the concerns, obviously, that came up was when we started reading the requirements on this grant money, we kept seeing 700 megahertz, 700 megahertz.

Well, you know, we invited Mr. Kneuer up, and he was gracious enough to come up and speak to us and listen to the fact that, you know, there is no reason for us to be ripping out, you know, $2 billion worth of infrastructure to put in another $2 billion worth of infrastructure.

Mr. CUELLAR. Good.

Chief DOWD. You know, there are other ways to skin that cat. If we need to be interoperable with people that build 800 systems, or have VHF systems, or are building, you know, 700 systems—which is a great thing. Don't get me wrong. To free up spectrum for public safety is a great thing.

It is just that, you know, we don't want to be told you have to use this spectrum. You know, that is not going to help us.

Mr. CUELLAR. Good. Well, thank you.

And I appreciate all three gentlemen—you know, departments. Make sure that you all continue working together.

Mr. GRUBER. Sir, if I might just add—

Mr. CUELLAR. Yes.

Mr. GRUBER. —we will be up on Friday all day talking about all of our grant programs, but we will have an opportunity to meet with the city and the state as well that is coming down for a session on Friday.

Mr. CUELLAR. Good. Well, that relationship between the state and the federal and the local is so important, so thank you for—both of you all continue doing that. Thank you.

At this time, I recognize the ranking member of the subcommittee, the gentleman from Pennsylvania, Mr. Dent, for questions.

Mr. DENT. Thank you, Mr. Chairman.

And to follow up, Mr. Kneuer, on what was just stated by Mr. Dowd, I wanted to point out something to you. It would probably go a long way, too, in Pennsylvania if somebody came up and sat down with our State Police and put on that same show that you did with New York City.

And I think if I understood you correctly that states like Pennsylvania that are using 800 megahertz or New York City that is using something other than 700 megahertz—that these communities are not going to be penalized in any way, is that correct?

Mr. KNEUER. That is clearly our intention.

Mr. DENT. Okay, because that is very important to us, and I would appreciate if you would perform a similar program for the Pennsylvania State Police.

Mr. KNEUER. Yes, I would be happy to travel to Pennsylvania and meet a—in fact, in a prior life—I don't know if Don Appleby is still in the state police in Pennsylvania who had responsibility for these systems.

We worked with the—in my prior life, I worked closely with the state of Pennsylvania in allocating and coordinating those 800 megahertz frequencies to build out that statewide system, so I am very familiar with what they are doing in Pennsylvania.

Mr. DENT. Good. Well, that goes a long way. And the grant program—I guess the other question was how will the grant program leverage interoperability investments that have already been made or that are underway across the country?

In other words, I want to make sure that we are not going to have to rip out the hundreds of millions of dollars in investments that New York has made or Pennsylvania has made. We just want to make sure that everything is compatible and dovetails nicely.

Mr. KNEUER. Absolutely. I think the value that we bring from the Department of Commerce, our experience with our laboratories in Boulder, the work we have done with federal public safety entities and agencies—our experience and our expertise in communications technologies writ large.

It is enormously valuable to go and see what they do in New York, and likewise to travel to Pennsylvania, because you get an appreciation that there are different existing communications infrastructures in different cities, in different states, in different localities, and a one-size federal solution is not going to be effective to solving this problem.

They need to have the flexibility to take advantage of the infrastructure they have on the ground and pursue effective, efficient timely solutions to the interoperability problem based on the existing communications systems they have.

So we want to incentivize and enable them to make the best investments that are most suited to their particular existing situation.

Mr. DENT. Good. I will take that as that—you are absolutely giving us an assurance that these areas that are not utilizing 700-megahertz systems or these interoperable communications systems at 700 megahertz—those areas will be eligible for funding.

Mr. KNEUER. That is right.

Mr. DENT. Okay.

Mr. KNEUER. The linkage that I do draw there, though, is that as you are pursuing interoperable solutions for your existing infrastructure, that solution shouldn't wall you off from a future 700 system.

As you are fixing your current problem, keep mindful that there are going to be new spectra available at 700 to make sure that you can link up in the future with those systems should they be deployed.

Mr. DENT. Okay. Thank you.

And one other thing, too, to Mr. Gruber. It is my understanding that the Department plans to improve the real-time tracking of homeland security grant funds.

Could you please discuss the steps the Department is taking to better track, manage, and oversee grant funds once they are allocated and distributed?

Mr. GRUBER. Of course, sir. We have a rigorous program under way. One of the things that we have done recently that I am sure you are familiar with is we have established an office of grant operations which is very key to make sure that financially we are tracking that.

That is linked very closely with our program staff to make sure that we understand all the financial aspects of those grants as well as that they are meeting the objectives and goals of state strategies, statewide interoperable plans.

We do annual monitoring. We have a series of reporting requirements, quarterly fiscal requirements. We do visits with our monitoring staff. We have preparedness officers that are out communicating with our grantees.

We have just started a process where we are out physically visiting with each of the tier one urban area security initiatives, again to talk about how we can be more transparent in that process.

And I am going to talk to Bud Larson in the Office of Management and Budget in New York City and others to help us understand how we can better do that.

Mr. DENT. And to Mr. Kneuer, in your response to Chairman Cuellar's questions on standards and the use of funds, it sounds as if there are going to be two standards that guide the use of grant funds for interoperability. Is that correct?

Mr. KNEUER. I didn't mean to create that impression, no.

Mr. DENT. Oh, okay, because our concern was that that would appear to be contrary to existing requirements that all grant funds adhere to the SAFECOM guidance.

Mr. KNEUER. Absolutely.

Mr. DENT. Okay.

Mr. KNEUER. We want to do nothing that is inconsistent with the SAFECOM guidance.

Mr. DENT. Okay. Well, thank you.

I will yield back, Mr. Chairman. I see my time is up.

Mr. GRUBER. Sir, if I might add, in March, March 21st through the 23rd, SAFECOM has a conference in Los Angeles which we will all be participating in that is looking specifically at the criteria for the statewide planning process.

And they will have, I think, stakeholders from every state and the urban areas there as well.

Mr. DENT. Okay. Well, thank you.

And I see my time is up. I will yield back now.

Mr. CUELLAR. Thank you, Mr. Dent.

At this time, the chair recognizes the chairman of the full committee, the gentleman from Mississippi, Mr. Thompson, for questions.

Mr. THOMPSON. Thank you very much, Mr. Chairman.

Chief Dowd, it is almost like our testimony mirrored each other. I am concerned about vendors. I am concerned about training. I am concerned that we target resources where the greatest risk happened to be.

Congressman Lowey over here has been a champion of this whole notion of interoperability on this committee and has taken any a number of steps, including filing freestanding legislation to force Congress to do that.

And I am happy to see this MOU put together. But the one thing I want to try to clear up is this notion that it is only limited to technology. Is that the interpretation of the MOU, that, you know, it is only limited to technology?

Mr. GRUBER. Well, sir, I can—the budget specifically has amounts allotted in there for technical assistance and for the management and administrative functions, development of grant guidance and the supporting and associated documentation.

So there is a component of the budget that supports technical assistance, but it is obviously in our interest to leverage the resources that we have across all our grant programs to make sure they are complementary.

So the budget—and I think John put the memorandum of understanding with his testimony—spells out in the program plan in the budget that there is some money, a limited amount of money, for technical assistance.

Mr. KNEUER. The issue is the statute. The statute defines what the money can be spent on, and the language is, "acquisition of, deployment of or training for the use of interoperable communications systems that can utilize or enable interoperability with reallocated public safety spectrum in the 700 megahertz band for radio communication." So the statute explicitly defines what the monies can be spent on.

Now, we are interpreting the language "enable communications with future 700" expansively so that we do not make the error of separating this money from existing infrastructure that is in place.

But the plain language of the statute makes it fairly clear that the other lanes of the continuum—all these other activities that are going on that are critical and inseparable components of interoperable public safety systems—they are fundable from the other programs, but this is a separate program that has explicit limitations in the statute that focuses it on radio communications systems.

Mr. THOMPSON. But I guess the definition of how you see technology versus somebody else might be our conflict here, because as I understood what you just read, it actually goes a little further than just technology, the statute.

But are you saying to us the interpretation by the department is that it will solely be limited to technology?

Mr. KNEUER. That is the reading of our lawyers in the department, is that the limitations on this program are for interoperable communications systems, and, in fact, radio systems—writ largely, whether or not the overall components of those radio systems include other things.

But I don't believe we have the flexibility to use these funds for things like governance plans and the other lines of the continuum that aren't technology related.

Mr. THOMPSON. Mr. Chairman, I think what we should do is probably after the hearing get the department together with our committee staff to make sure that we all are on the same page. There is a little difference of opinion.

And I want to make sure we leave with a general understanding as to what the funds can be used for, because a lot of communities will be coming to us saying, "I see we have this $1 billion pot over there." Of course, New York wouldn't come, but maybe somebody else.

But we need to clear it up, and so I would think at some point we would need to do that.

I, too, went to New York—wonderful facility. The leadership that Commissioner Kelly and others have taken, not just in communication but in the whole homeland security field—you are to be complimented.

And to some degree, we kind of copy what you do and take credit for it, but you know, such is Washington.

But we do appreciate the good job that you do.

Chief DOWD. Thank you.

Mr. THOMPSON. I yield back.

Mr. CUELLAR. Thank you, Mr. Chairman.

And we will go ahead and follow up with the department, because I believe there was a meeting where the staff had said something a little different, is that correct—on what day? February 22nd, I think, staff had said something a little different, so certainly we will follow up on that, just so we can all get on the same page. And that is what we are trying to do.

Mr. KNEUER. We are happy to do that, and we will make—I will be available and the rest of our lawyers, both NTIA and the department, to get a sense—to make sure that we understand—

Mr. CUELLAR. Do we need lawyers on this one? Oh, yes, I am just kidding. Just kidding.

Mr. KNEUER. Unavoidable.

Mr. CUELLAR. I am an attorney, so it is unavoidable. All right. We will do that.

We will go ahead, Mr. Chairman, and do that.

The chair will now recognize other members for questions they may wish to ask the witnesses, and again, in accordance with our committee rules and practices, I will recognize members who were present at the start of the hearing based on the seniority on the subcommittee, alternating between majority and minority.

And we have got only Charlie here, so, Charlie, we are going to go with some of the members over here. And then those members coming in later will be recognized in the order of their arrival.

The chair recognizes for 5 minutes the gentleman from North Carolina, Mr. Etheridge, for questions at this time.

Mr. ETHERIDGE. Thank you, Mr. Chairman.

Let me continue to follow up on the $1 billion that Chairman Thompson talked about, because that is money that was allocated in 2007. And it is obvious some of that will be moved forward.

But my question is a little different, I think, than the chairman's was, because we really are—when we talk about interoperability or we talk about operability, we really—at the end of the day, we have got all the bells and whistles and all the equipment, but if we don't take care of the men and women who are doing the job, we don't get the job done. It really is about the people on the front line.

And the very people working on the technology for interoperability have told me this as well, because in Katrina we saw what happened. We lost all the basic—there was no communication. All the operability was gone. So if you lose your operability, it is kind of hard to have interoperability. You don't have the basic needs.

And we have a lot of departments across this country—fire departments, police departments, emergency medical response teams—that are still struggling just to have the basics, depending on where they are in this country.

So my question, Mr. Gruber, is this. And it ties somewhat into what the chairman said, because we get caught up up here and forget that people really do live down here. We need interoperability, but we have got to have the other stuff.

So my question is what is being done to ensure that the basic needs for infrastructure are met in the face of the cuts of the infrastructure grants, because they are being cut in the budget, because

we talk about the numbers, but we are talking about rolling dollars forward, and they are cut.

And secondly, is it possible to use these grants to target the development of operable communication grants?

Mr. GRUBER. Thank you, sir. I think you are exactly right. The way we characterize this program and many is it is really—the sequence is people, product, process and then technology. We have got to have people with the right training and the operating procedures and governance structures to support all these systems that we are talking about here to be effective.

And so we work very hard over the course of all the years of our grant programs looking at—again, with that investment we have made over six or more years, to look at ensuring that, again, across the whole spectrum—the interoperability continuum and all the other things that we do in terms of planning, training and exercising, to make sure we are proficient in all our critical tasks.

All of those contribute to getting to where I think you want us to be, which is to make sure we have that basic operability, the processes, the products, and then the technology and systems we need to support that.

Mr. ETHERIDGE. All right. Let me follow that up, because in your prepared testimony you spoke of how the PSIG is designed to complement other programs.

So my question is this. Do other homeland security grants allow for this type of expenditure? You know, are you penalized if you make the other grants? And would applicants be able to link together these different types of grants to meet their unique special needs across the country?

Because obviously, if you are in New Mexico, it may not be the same thing it is, obviously, in New York or North Carolina.

Mr. GRUBER. Yes, sir. That is an excellent question, and yes, the other grant programs do provide allowable costs for interoperable communications, I think with the exception of the Metropolitan Medical Response System.

So we very much have said from the start of this process we want to make sure all those programs are complementary. That is obviously in the best interest of the urban areas and the states.

The state planning process, working with urban area working groups to make sure that the programs—all the efforts, as I mentioned in my oral testimony—all the efforts are already under way—are synchronized with what we are doing—

Mr. ETHERIDGE. To make it work.

Mr. GRUBER. Yes, sir.

Mr. ETHERIDGE. All right. Let me finally, before my time runs out—let me ask one other question, because as I talk to first responders across North Carolina, whether they be fire fighters, police officer, emergency personnel, in a lot of cases it is not a technological issue, it is a jurisdictional issue. And you are aware of what I am talking about.

So my question is this. How do we address it? Because these are the people in the front line of our public safety across this country. They aren't going to call Washington. You know, if you are in New York, you are going to call 911 and it is just going to ring downtown, and the same is true across America.

So my question is, how will you address this issue in the structure of requests for proposals and awarding of grants? And is the availability of new technology going to be enough to help these different groups with unique hierarchies so they can work together and communicate?

And I think that is really what we are trying to get to.

Mr. GRUBER. Sir, you identified exactly what we found when we did the technical interoperable communications planning effort with the 75 urban areas. One of the things that we found—and it wasn't, obviously, news to the urban areas and the states, because they work with this every day—but that it really is that cross-jurisdictional, regional effort here that is important to this process.

One of the things that Secretary Chertoff has said is we have to build the baseline interoperability that can be scaled from a localized event all the way up to a multijurisdictional national-scale response, and that has to work seamlessly.

So we are very cognizant of that issue about how we build the system that can be scaled up to support catastrophic events but also have applicability day to day and get the usage day to day that we want those people to have.

Mr. ETHERIDGE. Thank you, Mr. Chairman. I yield back.

Mr. CUELLAR. Thank you, Mr. Etheridge.

At this time, I will go ahead and recognize the gentlewoman from New York, Ms. Lowey, for 5 minutes of questions.

And it was good seeing you late last night. We were both working late last night.

Mrs. LOWEY. With your lovely sandwich.

Mr. CUELLAR. Eleven o'clock at night, working late.

Mrs. LOWEY. Like every night.

Well, I thank the chairman for your leadership and the big chairman, who left the room, for acknowledging all the years of work we have put in on interoperability.

And I am glad to see and hear the witnesses' presentation. I am very pleased that NTIA and the Department of Homeland Security are interpreting the Deficit Reduction Act such that those who already are outside the 700 megahertz span will be eligible.

But because I wanted to be sure—and as you know, I have been working with Mayor Bloomberg on this issue. I anticipate, because it is not totally public yet—I anticipate that the supplemental will include language that I requested to allow for public safety agencies that are currently operating on existing systems to be eligible for funds.

So, Chief, we appreciate that you interpret it that way, but for those of us who have been here a while, we want to see it in print.

Chief DOWD. Thank you for your help with that.

Mrs. LOWEY. So I anticipate it will be included. It is not all public as yet. And I thank you for the work you have done.

We have had many hearings with the mayor and Ray Kelly, and we can really be proud of our police department in New York. And I know that my colleagues from around the country will acknowledge that.

And with great respect to the department and all those who have been working on this issue, when there have been some differences of opinion, most of us will say if it is good enough for Ray Kelly,

it is good enough for all of us. So thank you very much for the work that you have all done.

As you know, the chairman referenced my focus on interoperability as a New Yorker. It is a massive challenge, and it can't be resolved in a year or even 2 years. It requires federal, state, local and private sector cooperation.

But most of all, it requires a serious commitment and a willingness to invest the necessary resources to get the job done. Yesterday I sat down with SAFECOM director Dr. Boyd, who is very helpful and knowledgeable on this issue.

And when he went through a good deal of his information with me, he mentioned that it could take 8 years from the time a local public safety agency solicits stakeholder input, secures the funding, plans a system, builds infrastructure, acquires the equipment, trains first responders, tests until it has a fully operational interoperability system.

So PSIC, in my judgment, is not a solution. It is simply a first step toward providing our first responders with the tools they need to do their jobs.

So my first question, gentlemen, is do you expect that these grants will significantly improve the scorecards issued from the tactical interoperability communications initiative?

And if the program proves to be successful, would you join me in supporting an ongoing dedicated grant program so people can really predict the future with their investments?

Mr. KNEUER. I certainly believe that this program and these resources will go a long way toward filling the gaps identified in the tactical interoperable coms scorecards and the plans.

I think one of the challenges we have had in addressing this problem, which is clearly identified—every time we have a major event, you can identify the lack of communications—but we hadn't very accurately measured the extent of that problem.

What are the capabilities in various localities and regions? What are the gaps that need to be filled? The work of DHS has now gone a very, very long way to identifying existing capabilities and identifying the gaps where we can devote resources to fill in those identified gaps.

I think this program, as it is designed—the grant guidance coming out conditioned upon a showing that the state plans are in place, that the state plans feed into the tactical plans, that the state plans take into account everything that has been going on in the cities, and that these monies are driven down to the cities and localities where the actual needs are—I am confident at the end of this program, we will have significantly raised the level of tactical communications across the country.

But I likewise agree with you that that will move us forward on one arm of the continuum. The continuum moves out into the future. And as there are future deployments, and in the ordinary life cycle we do new things, and based on our better understanding, this is an ongoing process for us.

Mrs. LOWEY. Yes.

Mr. GRUBER. Ma'am, if I might add, first of all, we completed the scorecards at the end of last year, and I know, because we hear

every day, how much work is going on. It didn't stop, obviously, when we went out and visited and did the scorecards.

There is tremendous improvements that are already taking place, so this will complement and build on that. And that was our intent.

As I mentioned before, really 28 percent, roughly, of our grant monies are spent on interoperable communications. This is our largest expenditure.

And so we think that the best way to serve those needs is to make sure the grant programs are integrated, much like we are trying to do here, as opposed to a separate and dedicated program, because as we just talked about with Mr. Etheridge, all of those aspects—governance, SOPs, the planning process—we want to see that as a fully integrated effort. So that would be our perspective on that issue.

Mrs. LOWEY. And would you support an ongoing grant program?

Mr. GRUBER. Well, we obviously have ongoing grant programs that cover interoperable communications, almost all of them, and so we—I don't think, based certainly on what Dave Boyd told you, that we are going to, you know, get to the finish line here.

We are trying to get to that minimum baseline that our secretary has talked about, to have that command level voice capability. But because of the complexities you alluded to, you know how much of a challenge this is.

I think we all acknowledge it is going to be a multiyear endeavor.

Mrs. LOWEY. Thank you.

And my time may be up. Let me just say that I see a greater focus on this than ever before, so I am much more optimistic. New York shows it can be done, and we learned the hard way that it had to be done.

I can remember when I first started talking about this, Mr. Chairman, with Secretary Ridge, asking for standards. He said, "Oh, we will have them for you in 6 months." Well, a couple years went by. We still didn't have standards.

I am very concerned about—someone mentioned the vendor-driven communications equipment and how we keep hold of that. It seems to me we have to have clear standards in place. And obviously, you are not going to recommend that everyone buy the same cell phone.

But if it is coming from the bottom up, as you mentioned, and Dr. Boyd mentioned that, too, we still have some—have to have, I assume, some standards so that we can have real interoperable communications.

So I thank you. And again, I salute New York City for your leadership.

Thank you.

Mr. CUELLAR. Thank you. And I thank the gentlewoman from New York.

Members, if it is okay, we will go into a second round of questions. And I will go ahead and recognize myself at this time, and then recognize Mr. Dent, and then Mr. Etheridge, and Ms. Lowey, if you have any further questions.

Mr. Gruber and, I guess, both of you all, according to the PSIC grant program plan submitted to the committee, a grant "will be

awarded in fiscal year 2007 to public safety agencies within all of the 56 states and territories, in coordination with the urban and metropolitan areas therein."

Can you explain to the committee what you mean by "coordination with the urban areas"? And will states be required to pass through specific amounts to the large metropolitan areas? Or will each state determine how much funding is allocated?

Mr. GRUBER. I will be happy to start off addressing that.

And, sir, I know you know; you looked at the program plan—that there is specific guidance in there in terms of the pass-through, and of course we are still working out the details on this, and we will have a focus group of stakeholders that will help us make sure we meet the tenets that the chief has talked about.

Mr. CUELLAR. And by a focus group, you are talking about local folks?

Mr. GRUBER. Yes, sir.

Mr. CUELLAR. Okay, good.

Mr. GRUBER. In the program plan, we spelled out specifically that we want to have a focus group to help us make sure we get the guidance right.

But we did say in there that pass-through requirements had to meet the PSIC guidance, had to make sure they got the level of effectiveness we want, that they support the statewide plan, but, more importantly, that they incorporate the scorecard results that we found, because we have now very current and very fresh information from 75 urban areas, so we have every expectation, when we get those plans, and we get the investment justifications, and we do the peer review of this, again with stakeholders, that we will see that linkage to the urban areas and the metropolitan areas.

Mr. KNEUER. I think Chief Dowd mentioned in his testimony that they would have preferred that we deliver the grants directly to the cities and localities.

Given the timing from the Call Home Act, and just administrative efficiency, to get awards out in the time frame that we are dictated, we get efficiencies by going to the state administrative agencies.

That being said, we clearly recognize that the needs are in the cities and the localities where the existing infrastructure is, where all the work is. So we will condition those grants on the state plans having a process to drive that money down where it is needed, the cities and localities.

How precisely, what that formula may be—there is a formula that was included, I guess, in legislation on the Senate side, but our intention would be to work through it, share it with, you know, a focus group of relevant stakeholders at the state level and the city and local level, figure out how best we can accomplish that.

But that will be part of the guidance and the conditions on the grants actually being distributed.

Mr. CUELLAR. Okay. Thank you.

Chief?

Chief DOWD. Yes. And I have discussed this with Mr. Kneuer, but you know, again, our position is pretty clear.

We would like to see the money come directly to the cities, because our experience in the past in these types of things, not just

on the federal level but also on the state level, is that certain monies that are—like, for example, in New York State, for many years there has been a 911 surcharge on telephone bills.

And you know, you would expect that, you know, an appropriate percentage relative to population and workload of that would end up in New York City, and you know, we found from experience—this is just one example—that that wasn't the case.

So again, you know, we would prefer to see that money come directly to us. That is clear. The mayor has made that case on a number of occasions. The police commissioner has as well.

If it doesn't happen, we are going to watch very carefully just exactly what piece of that ends up, say, for example, in New York City.

Mr. CUELLAR. Okay. As we go in and follow up on that, if you can just, again, keep us—because I think we are all very interested in this, how the money will get down to localities.

Let me just ask—and I will just follow up what Ms. Lowey said a few minutes ago. And I think all the members have seen this. I think the typical scenario would be something like this. You will have a sheriff, or a policeman, or a state trooper department. Federal agency said, "Hey, we all need to communicate with each other. Are we in agreement?" "Yes, we need to do that."

And then somebody runs off up there, and they know a vendor, and the vendor will say, "I have got you the right equipment." And then they buy it, and they spend a whole bunch of dollars, and then the city will say—or, you know, the county will say, "You know what, city, what you just bought doesn't work with us, we have to do this," et cetera, et cetera, et cetera.

I think that would be probably the typical almost vendor-driven type of situation that Ms. Lowey, I think Mr. Thompson, and I am sure Mr. Dent are all concerned about, that if we don't set those guidelines—because keep in mind that if you talk to a local sheriff or local police, they probably won't be able to recite what your national plan or what your coordination will be on that.

So I just ask you to just keep that typical scenario in mind, because if that is happening in Laredo, Texas, I am sure it is happening in Pennsylvania. I am sure it is happening in other parts of the country. So I would just ask you to keep that in mind, that those type of dynamics are happening every single day as we are trying to develop this.

So as soon as you can get everything in order, let's try to move on this, because that is a typical—I saw it in Laredo last year, and they were talking. I was listening to them. And you know, the city had bought something. The sheriff says, "Well, that doesn't work for me." And then the state said the same thing, and the federal government said the same thing.

So just keep that typical scenario that I am sure you are very familiar with as you work focus groups and all that.

At this time, I will recognize the gentleman from Pennsylvania, Mr. Dent.

Mr. DENT. Thank you, Mr. Chairman.

The draft grant guidance is due to the House Committee on Energy and Commerce and the Senate Committee on Commerce, Science, and Transportation by March 31st. Given the Department

of Homeland Security's involvement in the administration of these grant funds—the draft guidance should be given simultaneously to the Committee on Homeland Security.

And I guess my question is to both Mr. Gruber and Mr. Kneuer. Will you send that draft guidance to this Committee when it is sent to other congressional committees?

Mr. KNEUER. Absolutely.

Mr. DENT. Okay, thank you.

And my next question, then, to you, Mr. Kneuer: The memorandum of understanding states that the National Telecommunications and Information Administration, NTIA, will retain approximately $11 million of the total of $1 billion in grant funding for the program.

Why is this funding being withheld for administrative purposes? And how much funding will be withheld by both departments for administrative purposes? Is this typical in the administration of a program such as this?

Mr. KNEUER. Those numbers are typical for a program of this size. That being said, given the way we are planning on operating the program—that we are going to be going to the states, that we do have—it is going to be more formulaic than it might have otherwise been had we done more of a competitive program, which would have increased administrative costs—that is a cap.

And I would expect that we will ultimately be delivering more money into the grant pool. We have reserved that as sort of a rough budgetary tool as we were planning this out. I don't think—well, it is a contract—acquisition of our services.

I don't think they are going to spend $30 million either. I think the total amount of monies that we have reserved for administrative resources is a cap that was sort of in line with overall administrative expenses of a grant program this size.

But I am reasonably confident at the end of the day of that total $40 million, we will be putting a considerable amount of that back into the grant pool.

Mr. DENT. Do you believe that the—

Mr. GRUBER. I was just going to add to that we will obviously carefully shepherd and husband those resources.

But that management administration cost is associated, of course, with developing the program applications and guidance, making sure we can do the focus groups, have the stakeholders involved, all of those processes that we think are very important to making sure this program is managed effectively and delivers the outcome that you want to see.

Mr. DENT. Do you believe that the administrative costs would be lower if only one department or agency were responsible?

Mr. KNEUER. I don't know. I wouldn't necessarily think so. The people on my team that I have working on this in our offices here in Washington, in our laboratories in Boulder, are bringing an enormous amount of value to this program.

The fact of the matter is before this program was in place, our laboratories in Boulder did much of the technical work for SAFECOM through the NIST OLIS offices.

So to come up with a program that is going to be mindful of the power of technology to address this problem, to be mindful of the

broad experiences across the federal government, we should be working together, and we are going to do it as efficiently as possible.

But having it in these two places—we are not duplicating effort. We have got complementary efforts going forward.

Mr. DENT. Okay. And I have a quick series of questions I wanted to ask you both, Mr. Kneuer and Mr. Gruber.

The MOU that was signed last month by DHS and Congress lays out certain roles and responsibilities but does not go into any great detail on how the funds may be used or how they will be distributed.

When do you anticipate that the grant guidance and application kits are going to be released?

Mr. KNEUER. According to the work plan, the grant guidance?I believe we are supposed to have that done by the end of March time frame, and then, as I said, we will share that with the Congress.

We will circulate that with the ultimate pool of grantees and then later in the summer get the final grants out.

Mr. DENT. When will the applications be due, then? The applications would be due when?

Mr. GRUBER. We will put out the guidance in the July time frame. At the end of September, you know, we would make the allocations—at the end of September we are asking them to submit preliminary statewide plans to help look at those, much like we are doing now with our grant applications. We are giving a midterm review of those.

And then on 1 November, the statewide plan and their investment justifications are due to us.

Mr. DENT. And then when would the award notifications be expected, then?

Mr. GRUBER. Well, we will have a peer—well, the award notifications are coming out prior to—we will make sure that the September 30th date—

Mr. DENT. Okay, September 30th.

Mr. GRUBER. —in the act—yes, sir.

Mr. DENT. All right. The MOU also indicates that up to 5 percent of the total available funds will be distributed in fiscal year 2007. Will each state and territory receive funds in fiscal year 2007, do you believe?

Mr. KNEUER. Yes.

Mr. DENT. Okay.

Mr. KNEUER. That 5 percent is intended to help them in their statewide planning.

Mr. DENT. Okay. Thank you.

I yield back.

Mr. CUELLAR. Thank you, Mr. Dent.

Mr. Etheridge, questions?

Mr. ETHERIDGE. Thank you, Mr. Chairman.

Mr. Gruber, the baseline assessment study that was released in December of 2006 and the tactical interoperability scorecard that was released in January of 2007 found that governance and planning, similar to what I was talking about earlier, were the biggest challenges for multijurisdictional units.

In fact, the studies and assessments for the Department of Homeland Security's own understanding is that technology is not the problem, as you indicated earlier.

So my question is this. Why, then, does NTIA think that the $1 billion should be used for technology and not for core areas that have been identified for needed improvement—mainly governance and standard of operation?

Mr. KNEUER. I think it is the plain language of the statute that established the PSIC program directs these funds toward the interoperable communications equipment. I agree that the challenge—the technology piece of the continuum is the easiest understood.

That does not mean it is one that does not need additional resources. So there are clearly a need for resources. I don't think the chief would say, you know, "Give us money for guidance and planning—or governance and planning, we don't need money for communications."

The equipment side is the easiest understood and the easiest to fulfill, but it still needs resources.

Mr. ETHERIDGE. Mr. Gruber?

Mr. GRUBER. Yes, sir. I might add, as I mentioned earlier, we think, again, that is why we have the continuum, and why it covers all those areas, and why for years our other grant programs have addressed interoperable communications.

And I might also add that our national preparedness goal now for the first time identifies interoperable communications as a national priority and also regional collaboration, which gets to the issue you brought up.

Mr. ETHERIDGE. Okay. Let me follow that up. One more point before I get to the chief.

Mr. Kneuer, you have stated that the attorneys at NTIA think the problem is technology.

You made that in your statement. However, as I said earlier, the Department of Homeland Security's baseline studies and the tactical interoperable scorecard found that governance and standard of operation are the biggest challenge.

So just share with us why and how the MOU was signed if there are these fundamental misunderstandings of how we ought to apply the grants.

Mr. KNEUER. Yes. No, I shouldn't have created the misperception that our analysis of the limitations of the statute is a judgment of the continuum or which of the parts of the continuum are the most challenging, which are the most difficult.

The legal analysis is one of statutory construction, not of the constituent parts of the interoperable communications problem. As a matter of the plain language of the statute, it identifies what these funds can be spent on. And it is fairly straightforward.

And our reading is that it would not include the funding of large-scale plans?large-scale exercises that don't include a communications component or the drafting of interagency, interjurisdictional governance documents.

The statute says it is for the equipment that utilizes or enables communication with.

Mr. ETHERIDGE. Okay.

Mr. KNEUER. The statute is pretty straightforward.

Mr. ETHERIDGE. Chief, earlier I asked a question and I didn't give you a chance to respond as it related to the real challenges facing our first responders—our police, our fire, our medical personnel and emergency teams—that the issue is really—obviously, there is a technological issue, and we recognize that.

But it really is a bigger jurisdictional issue. I would be interested in your comments on this issue, because you have a unique situation. New York is different than probably any other place in the country, even though we have other large cities, as a special place. And I would be interested in your comments on that.

Chief DOWD. You know, New York is not that dissimilar from a lot of places. And you make a very good point, and it is a point that I have spoken to at a number of conferences around the country.

And when you talk about this, it is that technology is only one component of the issue here. Just as big is the operational side of things.

And one of the things that Police Commissioner Ray Kelly has been adamant about over the last couple of years is training and drills that utilize these tools so that operational commanders, when faced with a situation, understand what tools are available and what those tools will do for them.

They don't need to know whether it is 700 megahertz. They don't need to know whether it is UHF or VHF. But they have to know what the stuff can do. And the only way that happens is through training and drilling. And that is not a one-shot thing. That has to be an ongoing effort. And they have to be tested on it.

You know, homeland security came to us recently—I know Steve Hart from DUIT worked very hard on his tactical interoperability plan. You know, these things need to be tested. You know, we are not expecting money and then you not expecting results from it. There have to be results from it.

So the only way you find out if you are doing it right is by testing it. And I can tell you that, you know, from the NYPD's perspective, the police commissioner leads that effort. And that is, I think, where the effort has to come through.

It has to come from the executive in charge, you know, whether it is a county executive, a police department executive, a city executive. They have to be directly involved with ensuring that those tools are getting used the right way.

Mr. ETHERIDGE. I yield back.

Mr. CUELLAR. Thank you. And I thank the gentleman from North Carolina.

At this time, I recognize the gentlewoman from New York, Ms. Lowey.

Mrs. LOWEY. Thank you, Mr. Chairman.

As we know, in its short history, DHS has made serious mistakes when distributing grant funds, and this has been the subject of several hearings. And in fact, Secretary Chertoff has even admitted that the fiscal year 2006 allocation had problems.

And I was delighted. I took this as a real welcome sign that in the fiscal year 2007 allocation improvements would be made. However, the fiscal year 2007 grant guidance inexplicably limits urban area security initiative funding for the six most high-risk cities to 55 percent of the total funds.

In fiscal year 2006, these six regions received approximately 53 percent of total funds. I am concerned about that. In my judgment, I am not thrilled to be a New Yorker and be number one in every risk-based analysis.

But it seems to me it is imperative that areas that face the highest risk of attack receive the much-needed funds.

We know what happened on September 11th. I don't have to repeat that. New York remains the most likely target of a terrorist attack. And New York and the other areas that are likely to experience the most significant emergencies should be the main beneficiaries of the grant program.

It shouldn't be distributed as pork. There are a lot of other programs in the federal government that can address local concerns throughout the country.

But if this was set up for the purpose of directing funds to those communities that are high risk, it would seem that the formula should reflect that.

So will the PSIC program place an artificial and unnecessary limit on these metropolitan areas that need interoperability the most? And, gentlemen, could you detail for us your plan in allocating the grants?

Mr. GRUBER. Well, ma'am, I will go ahead and start. And thank you. And we certainly appreciate—we came up to talk to the subcommittee about the fiscal year 2007 risk formulas, and I know the secretary has talked about this a lot, and we have had a high degree of leadership involvement in that fiscal year 2007 process.

There is a balance that needs to be struck in terms of relative risk and ensuring that, again, we target those areas with the highest risk but we also make sure that we are striving to raise the baseline across the country. And that is a delicate balance. And Congress has helped us a lot to understand how to strike those balances.

I might mention that in this, we said that we would like to use the current formula, but we understand—and when we came up and talked with staff in the last several weeks—that we have to be appreciative of the fact that there may be other considerations that need to be integrated into the formula.

So right now we are having those discussions. Our staffs have been meeting frequently. Again, we are going up to the city on Friday. I am sure we will hear similar concerns from them. So we are taking those all into account as we look to strike the right balance in the methodology we will apply to this program.

But again, we also have a time constraint, so we are trying to do it as effectively as we can with the time we have allotted.

Mr. KNEUER. That is right. We want to use the existing formula as a starting point, but also take into account that there are other issues. And this program is not intended to be specifically focused on terror threats.

But it is, in fact, as Secretary Gruber pointed out, intended to raise the level of baseline interoperable communications across our country.

Mrs. LOWEY. Chief, do you have any comment on this?

Chief DOWD. You have spoken with Mayor Bloomberg, I am sure, on this subject, so you know our position.

We see this as an issue of ensuring that the money goes to the place where the greatest threat is. I mean, you know, the mayor has repeatedly made public statements, including testimony down here in Washington.

We know there are other concerns around the city—I am sorry, around the country. You know, Katrina was a tremendous catastrophe. But you know, this interoperability issue was driven by a terrorist event. And New York City is still and obviously the number one terror target.

So our belief is that, you know, allocations of these funds should be driven by that issue, terrorism.

Mrs. LOWEY. Thank you very much, Mr. Chairman. Again, I appreciate your holding this hearing. An I happen to feel, when we are dealing with homeland security, the funds should be focused on threat, risk, vulnerability.

And certainly billions of dollars have been directed toward Katrina. And I am totally supportive. But there are times, as I attend hearings and read reports on what is happening there, a lot of it is just plain incompetency at all levels and not necessarily the money that is being distributed.

We had a hearing just the other day, Mr. Chairman. I could barely believe it. They are still figuring out what to do with the excess trailers. In the meantime, we have a report that day that 200,000 veterans are homeless.

Well, Mr. Farr and I, who were sitting next to each other in the hearing, said, "How come we figured this out in 5 minutes?" Maybe they shouldn't be giving the trailers away at 40 percent of cost. Maybe they can give them to the 200,000 homeless veterans.

I have been in government for a very long time, and sometimes there just isn't a connect. People follow their pipeline responsibilities, and somehow we are not connecting at all.

So Katrina should get every single thing they need. But when it comes to interoperability, in my judgment, it should be based on risk, threat, vulnerability.

And I thank you, Mr. Chairman.

Mr. CUELLAR. Thank you. And I thank the gentlewoman from New York.

And I know for you all it is difficult. You know, you have got issues like New York, and then you have got issues like Katrina, and then you have got folks like me from the border where we have huge drug violence across the river.

And I know what is happening with the drug dealers?and of course, our border folks want to make sure that they can communicate with the state and the federal and the local folks and all that.

So I appreciate the difficult times—you know, difficult issues that you all have to look at, and we certainly want to work with you to help address some of those issues.

So I want to thank you all, all three witnesses, for being here, and thank the staff, both your staff and our staff, for getting this meeting together for us. And I want to thank you for your valuable testimony and the members for their questions.

And the members of the subcommittee may have additional questions for you, and we ask that you respond to them as expeditiously as possible in writing to those questions.

Hearing no further business, the hearing stands adjourned.

[Whereupon, at 11:36 a.m., the subcommittee was adjourned.]

APPENDIX—A

UNITED STATES DEPARTMENT OF COMMERCE
National Telecommunications and
Information Administration
Washington, DC 20230

April 16, 2007

The Honorable Bennie G. Thompson
Chairman
Committee on Homeland Security
House of Representatives
Washington, DC 20515

05-15-07A11:26 RCVD

Dear Chairman Thompson:

Thank you for the opportunity to clarify the remarks made during the March 14th hearing before the Committee regarding the scope of the National Telecommunications and Information Administration's (NTIA) authority to make grant funds available under the Public Safety Interoperable Communications (PSIC) Program consistent with Section 3006 of the Deficit Reduction Act of 2005, Pub. L. No. 109-171. As you know, NTIA has entered into an agreement with the National Preparedness Directorate, Federal Emergency Management Agency (FEMA), Department of Homeland Security (DHS), through which it has acquired grants-related administrative services. NTIA will use its in-house public safety interoperability expertise, in combination with the in-place grant processing operations at DHS, to ensure the timely award of PSIC grants to our Nation's first responders in a manner that complements existing DHS grant programs.

Section 3006 specifically directs NTIA, in consultation with DHS, to establish and implement a grant program "*to assist public safety agencies in the acquisition of, deployment of, or training for the use of interoperable communications systems that utilize, or enable interoperability with communications systems that can utilize, reallocated public safety spectrum for radio communications.*" During our joint testimony, NTIA and DHS shared the view that the statute requires PSIC grant funds to be focused on effective investment in, and deployment of, interoperable communications systems and training for the use of those systems, and therefore, emphasizes certain elements of the SAFECOM Interoperability Continuum. We agree, however, that effective deployment of interoperable communication technology solutions may involve aspects of all elements of the Continuum (i.e., Governance, Standard Operating Procedures, Technology, Training and Exercises, Usage). To ensure that the systems supported by the PSIC Program are indeed interoperable, DHS's Statewide Interoperable Communications Planning process will ensure that Statewide Plans address all elements of the Continuum. The gaps in interoperability identified in the Statewide Plans will serve as the basis for NTIA, in consultation with DHS, to assess whether to fund technology investments, as well as the training and other activities required for the effective deployment of that technology. More detailed guidance will be provided to eligible public safety agencies when the PSIC Program grant guidance is released in July.

The NTIA and DHS decided to permit up to five percent of awarded funds to be used so that Statewide Plans will consider the specific statutory requirements of the PSIC Program.

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Many States will have completed, or largely completed, their Statewide Plans prior to the issuance of PSIC Program grant guidance. As a result, many of the Statewide Plans might fail to take into account the availability of, and conditions on, the use of PSIC grant funds for investments in interoperable communications systems related to the reallocated public safety spectrum, but for the PSIC funding provided for that purpose.

NTIA and DHS share your commitment to improving the state of communications interoperability among our Nation's first responders. We look forward to working with the Committee on this very important issue. As requested, Jim Wasilewski, NTIA's Acting Director of Congressional Affairs, will contact the Committee staff shortly to schedule a meeting on this issue and the status of the PSIC Program grant guidance and application kit.

Sincerely,

John M. Kitzhaber
Assistant Secretary for Communications
and Information
Department of Commerce

Corey D. Gruber
Deputy Administrator for National
Preparedness
Federal Emergency Management Agency
National Preparedness Directorate

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APPENDIX—B

ADDITIONAL QUESTIONS AND RESPONSES

CHIEF CHARLES F. DOWD RESPONSES

QUESTIONS FROM HON. BENNIE G. THOMPSON

Question 1.: How do you think the Department of Homeland Security and Commerce should allocate funding under the Public Safety Interoperability Communications Grant program?

Response: The Department of Homeland and Commerce should allocate Interoperability Communications Grant based upon the threat level that exists within the applicant's jurisdiction.

Question 2.: Should each State get a minimum amount of funding?

Response: No, Department of Homeland Security and Department of Commerce grant awards should be based upon the need to protect strategic assets, the loss of which would have devastating consequences. The historical record of past attacks and thwarted attacks on these high value assets should also be considered. Grants should be awarded directly to the cities at greatest risk.

Question 3.: Should small and mid sized cities be eligible for funding?

Response: All cities should be eligible for grant funding, provided that they demonstrate that major terrorist targets are located within their jurisdiction or that there is a documented history of terrorist activity.

Question 4.: What are the three main questions or concerns that you and the New York City Police Department have regarding the Public Safety Interoperable Communications Program?

Response: Our three major concerns are:

1. That grant funding not be restricted to the 700 MHz. public safety frequency band but be awarded directly to tier one cities regardless of which frequency band they utilize for their public safety interoperable communications.
2. New York City should be given an higher priority when allocating grant funding, based upon the major financial assets located within the City, and the potential for a major disruption to the national economy should these assets be attacked. (I.e. New York Stock Exchange, American Stock Exchange, New York Federal Reserve Bank). New York City has been, and continues to be a major target for terrorism.
3. The FCC should finalize the rules for the 700 MHz. Public Safety band as expeditiously as possible, so that jurisdictions can better plan their Interoperable Communications strategy. In this regard, the FCC, the Department of Homeland Security and the Department of Commerce should bear in mind that data interoperability depends more upon the use of common protocols and software applications than the spectrum utilized to transport these applications.

Question 5.: Would you please describe your interaction with the Department of Homeland Security regarding interoperable emergency communications?

Response: The New York City Police Department Communications Division interacts directly with the NYPD Grants Unit and the U.S. Department of Justice Community Oriented Policing Services (COPS) office in implementing and monitoring the 2005 COPS grant awarded to NYPD. The New York City Police Department in concert with other New York City emergency responder agencies interacts with the Department of Homeland Security both directly and through the Urban Area Security Initiative (UASI) program.

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Question 6.: How does your office interact with the Department of Commerce regarding interoperable communications?

Response: The New York City Police department interacts with Department of Commerce and the National Telecommunications and Information Agency (NTIA) through visits by NYPD to Washington D.C. and by visits of NTIA officials to New York City. These interactions have been focused on explaining the NYPD operational and communications requirements to senior NTIA staff.

Question 7.: Would you please describe efforts underway to insure that City agencies are able to interoperate with regional and State first responder agencies? What frequency range is being used to achieve this level of interoperability?

Response: The New York City Police Department as well as other City and regional first responder agencies use the six New York Metropolitan Area Communications (NYMAC) interoperability channels. The New York City Police Department has been awarded a 2005 COPS grant to expand the use of these channels to surrounding jurisdictions. The NYMAC Interoperability channels are on the 482—488 MHz. band.

In addition, the New York City Police Department has the capability of enabling a patch (Gateway) to the Federal VHF interoperability channel which will allow Federal agencies operating on VHF channels to communicate with NYPD field units.

The New York City Department of Information and Telecommunications operates an 800 MHz. radio system. Designated users of this radio system have the capability of communicating on the National Public Safety 800 MHz. Mutual Aid channels.

New York City DOITT is in the process of deploying a wireless broadband data network which will operate on the band. The New York City Police Department as well as other City agencies will utilize this network to provide data interoperability once this network is installed and accepted.

Again, thank you for the opportunity to address the Committee on March 14, 2007, I considered it an honor.

RESPONSES FROM COREY GRUBER

QUESTIONS FROM HON. BENNIE G. THOMPSON

Question 1.: Will DHS use different risk methodology in allocating funding under the Public Safety Interoperable Communications Grant program than it does for its other homeland security grant programs?

Will the Department advocate a more regional and statewide approach for these grants?

Response: The guidance for the PSIC Grant Program is currently being developed jointly by the National Telecommunications and Information Administration (NTIA), Department of Commerce and Department of Homeland Security (DHS) and the funding allocation will be announced in mid-July. The allocation methodology and any potential changes to the current DHS formula for risk=threat x vulnerability x consequence methodology are also being discussed.

DHS currently advocates both regional and statewide solutions to promote interoperable communications. A priority in the National Preparedness Goal—"Strengthen Interoperable Communication Capabilities" also promotes collaboration at the regional and State level to improve communication capabilities. In addition, the FY 2006 and 2007 State Homeland Security Grant Program requires each State and territory to submit a Statewide Communications Interoperability Plan by November 2007. These plans will be peer reviewed, and investments for the Public Safety Interoperable Communications (PSIC) grant program will be tied to gaps in interoperable communications identified by the statewide plan.

QUESTIONS FROM HON. PETER T. KING

Question 2: Would you please discuss the Department's findings from the Tactical Interoperable Communications Program (TICP) scorecard process?

Does the Department plan to repeat this assessment? If so when?

Will the scorecard results play a role in determining the grant awards for the new Public Safety Interoperable Communications grants?

Response: Overall, the scorecard results show that areas have made significant, measurable progress in improving their tactical interoperable communications capabilities. The technology exists to permit interoperable communications, but solutions

are often not available regionally and are far from seamless in many areas. Continued training on available technical solutions and procedures for their use is critical to operational success. Even in areas that have demonstrated success at the tactical, command level of communications interoperability, there is still work to be done. agency communications have been addressed within many of these jurisdictions, but regionalizing the existing communications strategies to identify longer term interoperability goals across multiple jurisdictions and levels of government still needs to be addressed.

The scorecard evaluation focuses on

Standard Operating Procedures (SOPS)—For many of the urban areas, the Tactical Interoperable Communications Plans (TICP) developed through the Interoperable Communications Technical Assistance Program (ICTAP) provided the first formal, region-wide communications interoperability Additional steps should be taken to ensure that these procedures (as well as those outlined in the National Incident Management System) are fully instituted at the command and responder levels.

Usage—The proficiency in the use of communications interoperability equipment and accompanying procedures varies by the types of equipment used and is increasingly complex as additional agencies are included in response efforts. In addition, almost no region had completed a communications-focused exercise before the TICP validation exercise, which meant that the areas had no specific practice in testing and evaluating their interoperable communications capabilities.

Governance—Areas with mature governance structures have advanced in implementing shared that facilitate regional communications. Regionalized strategic plans are largely not in place and should be developed for communications interoperability with careful consideration for how investments can be shared across the region.

At this time DHS has not determined if the scorecard process will be repeated in the future. However, DHS is committed to using the information identified in the scorecards as a contributor to the Public Safety Interoperable Communications (PSIC) grant program. Investment justifications for the PSIC grant program will be based on the Statewide Communication Interoperability Plans. Each statewide plan must account for areas that participated in the Tactical Interoperability Communication Scorecards process. Final program guidance for the PSIC grant program is still being developed by NTIA and the Department of Homeland Security; and, once completed will further define how the and statewide plans will be incorporated into the PSIC grant program and future potential requirements for scorecards.

Question 3: If Public Safety Interoperable Communications (PSIC) funds will be distributed through the States, what requirements will States have to ensure that the funds are passed to the urban areas in a timely manner? How will this be enforced?

Will States and urban areas be able to use these grant funds to support operability as well as interoperability?

What kinds of technologies and equipment will States and urban areas receiving funds be able to purchase? Will the grant guidance attempt to encourage the purchase of next generation technologies such as IP-based systems?

Response: The guidance for the PSIC Grant Program is currently being developed jointly by the NTIA and Department of Homeland Security (DHS). Pass through procedures for urban areas are being discussed and will be released as part of the guidance in mid-July 2007. Enforcement of grant program guidance requirements will be conducted through robust on-site monitoring, as well as detailed grantee reporting requirements. NTIA and the Department of Homeland Security understand the need to support emergency communications operability as well as interoperability for our nation's first responders. While the obvious focus of the PSIC program is to improve interoperability among Federal, State and local public safety agencies, some interoperability solutions may also improve the state of operability in some circumstances. NTIA and DHS are committed to exploring the use of all available technologies that advance overall public safety interoperability, as long as those technologies will enable first responders to interoperabe with the 700 MHz band in the future. NTIA and DHS are in the process of drafting program guidance for the PSIC grant program which will further define allowable costs.

RESPONSES FROM JOHN M.R. KNEUER

QUESTIONS FROM HON. HENRY CUELLAR

Question: Interoperable data is as critical to first responders as interoperable voice communications. In fact, software and hardware for data communications currently being developed by the private sector today may form the backbone of tomorrow's interoperable systems. **Do you foresee making these grants available for developing interoperable data (as opposed to voice) communications?**

Response: Section 3006 of the Deficit Reduction Act of 2005, Pub. L. No. 109–171, defines interoperable communications systems as "communications systems which enable public safety agencies to share information amongst local, state, federal, and tribal public safety agencies in the same area via voice or data signals." In coordination with DHS' Office of Grants and Training, the DOC'S National Telecommunications and Information Administration will administer the PSIC Program consistent with this definition and will allow for both voice and data interoperability solutions for public safety.

Question: If Public Safety Interoperable Communications (PSIC) funds will bedistributed through the States, what requirements will States have to ensurethat the funds are passed to the urban areas in a timely manner? How will this be enforced?

Response: The guidance for the PSIC Grant Program is currently being developed by the Commerce Department's National Telecommunications and Information Administration (NTIA) and the Department of Homeland Security (DHS). Pass through requirements are currently being discussed and will be released as part of the grant guidance. Enforcement of the grant program guidance will be conducted through a robust on-site monitoring and detailed grantee reporting requirements.

Question: Will States and urban areas be able to use these grant funds to support operability as well as interoperability?

Response: NTIA understands the importance of operability, as well as interoperability, for our nations' first responders. While the obvious focus of the PSIC Program is to improve interoperability among federal, state, and local public safety agencies, some interoperability solutions may also improve the state of operability in some circumstances. As stated previously, NTIA and DHS are in the process of drafting program guidance which will further define allowable costs.

Question: What kinds of technologies and equipment will States and urban areas receiving funds be able to purchase? Will the grant guidance attempt to encourage the purchase of next generation technologies such as IP-based systems?

Response: NTIA is committed to exploring the use of all available technologies that advance overall public safety interoperability, as long as those technologies will enable first responders to interoperate with the 700 MHz bands in the future. NTIA and DHS are in the process of drafting program guidance which will further define allowable costs, including next generation technologies.

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