

To make this aid available to other Americans as they arrive from Lebanon, this bill temporarily lifts the \$1 million annual spending cap on the current HHS repatriation program. The Congressional Budget Office predicts this will allow about \$4 million in additional spending for the thousands of Americans evacuating Lebanon.

Additionally, today's action, while increasing aid, also increases program integrity and oversight. The bill requires that the HHS Inspector General report to Congress on how the money in the program is being spent and it requires congressional action for the continuation of this program beyond fiscal year 2007. Therefore, even with the one-time increase in the spending cap, CBO estimates that this bill will be cost neutral over the next 5 years and will achieve savings over 10 years.

Mr. Speaker, this bill is good policy that ensures the continuation of aid for Americans in need, while providing the opportunity to improve upon this program. It is timely and because of the ongoing situation in the Middle East, it is important that we act quickly.

I urge my colleagues to join me in supporting this legislation today and am hopeful that the Senate will consider this bill in short order so we can send it to the President for his signature.

Mr. McDERMOTT. Mr. Speaker, I yield back the balance of my time

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and pass the bill, H.R. 5865.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

21ST CENTURY EMERGENCY COMMUNICATIONS ACT OF 2006

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5852) to amend the Homeland Security Act of 2002 to enhance emergency communications at the Department of Homeland Security, and for other purposes.

The Clerk read as follows:

H.R. 5852

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "21st Century Emergency Communications Act of 2006".

SEC. 2. EMERGENCY COMMUNICATIONS.

(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following new title:

"TITLE XVIII—EMERGENCY COMMUNICATIONS

"SEC. 1801. OFFICE OF EMERGENCY COMMUNICATIONS.

"(a) IN GENERAL.—There is in the Department an Office of Emergency Communications.

"(b) ASSISTANT SECRETARY.—The head of the office shall be the Assistant Secretary for Emergency Communications.

"(c) RESPONSIBILITIES.—The Assistant Secretary for Emergency Communications shall—

"(1) assist the Secretary in developing and implementing the program described in section 7303(a)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(a)(1)), except as provided in section 314;

"(2) administer the Department's responsibilities and authorities relating to the SAFECOM Program, excluding elements related to research, development, testing, and evaluation and standards;

"(3) administer the Department's responsibilities and authorities relating to the Integrated Wireless Network program;

"(4) coordinate, as appropriate, regarding the administration of the National Communications System;

"(5) conduct extensive, nationwide outreach and foster the development of interoperable emergency communications capabilities by State, regional, local, and tribal governments and public safety agencies;

"(6) provide technical assistance to State, regional, local, and tribal officials with respect to use of interoperable emergency communications capabilities;

"(7) facilitate the creation of Regional Emergency Communications Coordination Working Groups under section 1805;

"(8) promote the development of best practices with respect to use of interoperable emergency communications capabilities for incident response and facilitate the sharing of information on such best practices (including from governments abroad) for achieving, maintaining, and enhancing interoperable emergency communications capabilities for such response;

"(9) coordinate the establishment of a national response capability with initial and ongoing planning, implementation, and training for the deployment of backup communications services in the event of a catastrophic loss of local and regional emergency communications services;

"(10) assist the President, the National Security Council, the Homeland Security Council, and the Director of the Office of Management and Budget in ensuring the operability of the telecommunications functions and responsibilities of the Federal Government, excluding spectrum management;

"(11) establish, in coordination with the Director of the Office of Interoperability and Compatibility, requirements for total and nonproprietary interoperable emergency communications capabilities for all public safety radio and data communications systems and equipment purchased using homeland security assistance administered by the Department;

"(12) review, in consultation with the Assistant Secretary for Grants and Training, all interoperable emergency communications plans of Federal, State, local, and tribal governments, including Statewide and tactical interoperability plans, developed pursuant to homeland security assistance administered by the Department, but excluding spectrum allocation and management related to such plans.

"(d) PERFORMANCE OF PREVIOUSLY TRANSFERRED FUNCTIONS.—There is transferred to the Secretary the authority to administer, through the Assistant Secretary for Emergency Communications, the following:

"(1) The SAFECOM Program, excluding elements related to research, development, testing, and evaluation and standards.

"(2) The responsibilities of the Chief Information Officer related to the implementation of the Integrated Wireless Network.

"(3) The Interoperable Communications Technical Assistance Program.

"(e) COORDINATION.—The Assistant Secretary shall coordinate, as appropriate, with the Director of the Office for Interoperability and Compatibility with respect to the responsibilities described in section 314.

"(f) SUFFICIENCY OF RESOURCES PLAN.—

"(1) REPORT.—Not later than days 60 days after the enactment of this section, the Secretary shall submit to Congress a report on the resources and staff necessary to carry out the responsibilities under this subtitle.

"(2) COMPTROLLER GENERAL REVIEW.—The Comptroller General shall review the validity of the report submitted by the Secretary under paragraph (1). Not later than 30 days after the date on which such report is submitted, the Comptroller General shall submit to Congress a report containing the findings of such review.

"SEC. 1802. NATIONAL EMERGENCY COMMUNICATIONS REPORT.

"(a) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Emergency Communications, shall, not later than one year after the completion of the baseline assessment under section 1803, and in cooperation with State, local, and tribal governments, Federal departments and agencies, emergency response providers, emergency support responders, and the private sector, develop a National Emergency Communications Report to provide recommendations regarding how the United States can accelerate the deployment of interoperable emergency communications nationwide.

"(b) CONTENTS.—The report shall—

"(1) include a national interoperable emergency communications inventory to be completed by the Secretary of Homeland Security, the Secretary of Commerce, and the Chairman of the Federal Communications Commission that—

"(A) identifies for each Federal department and agency—

"(i) the channels and frequencies used;

"(ii) the nomenclature used to refer to each channel or frequency used; and

"(iii) the types of communications system and equipment used;

"(B) identifies the interoperable emergency communications systems in use for public safety systems in the United States; and

"(C) provides a listing of public safety mutual aid channels in operation and their ability to connect to an interoperable communications system;

"(2) recommend, in consultation with the Federal Communications Commission and the National Institute of Standards and Technology, a process for expediting national voluntary consensus-based emergency communications equipment standards for the purchase and use by public safety agencies of interoperable emergency communications equipment and technologies;

"(3) identify the appropriate interoperable emergency communications capabilities necessary for Federal, State, local, and tribal governments to operate at all threat levels;

"(4) recommend both short-term and long-term solutions for deploying Federal, State, local, and tribal interoperable emergency communications systems nationwide, including through the provision of existing and emerging technologies that facilitate operability, interoperability, coordination, and integration among existing emergency communications systems;

"(5) identify how Federal Government departments and agencies that respond to acts of terrorism, natural disasters, and other emergencies can work effectively with State, local, and tribal governments, in all States, and with other entities;

"(6) include recommendations to identify and overcome obstacles to deploying interoperable emergency communications nationwide; and

"(7) recommend goals and timeframes for the deployment of an emergency, command-level communications system based on new and existing equipment across the United

States and develop a timetable for deploying interoperable emergency communications systems nationwide.

“SEC. 1803. ASSESSMENTS AND REPORTS.

“(a) **BASILINE OPERABILITY AND INTEROPERABILITY ASSESSMENT.**—Not later than one year after the date of the enactment of this section and not less than every 5 years thereafter, the Secretary, acting through the Assistant Secretary for Emergency Communications, shall conduct an assessment of Federal, State, local, and tribal governments, to—

“(1) define the range of operable and interoperable emergency communications capabilities needed for specific events;

“(2) assess the current capabilities to meet such communications needs; and

“(3) identify the gap between such current capabilities and defined requirements.

“(b) **PROGRESS REPORTS.**—Not later than one year after the date of enactment of this section and annually thereafter, the Secretary, acting through the Assistant Secretary for Emergency Communications, shall submit to Congress a report on the progress of the Department in implementing and achieving the goals of this subtitle, including—

“(1) a description of the findings of the most recent baseline assessment conducted under subsection (a);

“(2) a determination of the degree to which interoperable emergency communications has been achieved to date and ascertain the gaps that remains for interoperability to be achieved;

“(3) an assessment of the ability of communities to provide and maintain interoperable emergency communications among emergency managers, emergency response providers, emergency support providers, and government officials in the event of acts of terrorism, natural disasters, or other emergencies, including Incidents of National Significance declared by the Secretary under the National Response Plan, and where there is substantial damage to communications infrastructure;

“(4) a list of best practices among communities for providing and maintaining interoperable emergency communications in the event of acts of terrorism, natural disasters, or other emergencies; and

“(5) an evaluation of the feasibility and desirability of the Department developing, on its own or in conjunction with the Department of Defense, a mobile communications capability, modeled on the Army Signal Corps, that could be deployed to support emergency communications at the site of acts of terrorism, natural disasters, or other emergencies.

“SEC. 1804. COORDINATION OF DEPARTMENT EMERGENCY COMMUNICATIONS GRANT PROGRAMS.

“(a) **COORDINATION OF GRANTS AND STANDARDS PROGRAMS.**—The Secretary, acting through Assistant Secretary for Emergency Communications, shall ensure that grant guidelines for the use of homeland security assistance administered by the Department relating to interoperable emergency communications are coordinated and consistent with the goals and recommendations in the National Emergency Communications Report under section 1802.

“(b) **DENIAL OF ELIGIBILITY FOR GRANTS.**—

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

“(A) such government has not complied with the requirement to submit a Statewide Interoperable Communications Plan as required by section 7303(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(f));

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

“(C) as of the date that is three years after the date of the enactment of this section, national voluntary consensus standards for interoperable emergency communications capabilities have not been developed and promulgated.

“(2) **STANDARDS.**—The Secretary, in coordination with the Federal Communications Commission, the National Institute of Standards and Technology, and other Federal departments and agencies with responsibility for standards, shall support the development, promulgation, and updating as necessary of national voluntary consensus standards for interoperable emergency communications with the goal of having such standards in place to satisfy the requirements of paragraph (1)(C).

“SEC. 1805. REGIONAL EMERGENCY COMMUNICATIONS COORDINATION.

“(a) **IN GENERAL.**—There is in each Regional Office a Regional Emergency Communications Coordination Working Group (in this section referred to as an ‘RECC Working Group’).

“(b) **SUBJECT MATTER EXPERTS.**—The RECC Working Group shall consist of the following:

“(1) **NON-FEDERAL.**—Organizations representing the interests of the following:

- “(A) State officials.
- “(B) Local officials, including sheriffs.
- “(C) State police departments.
- “(D) Local police departments.
- “(E) Local fire departments.
- “(F) Public safety answering points (9-1-1 services).
- “(G) Communications equipment vendors (including broadband data service providers).
- “(H) Hospitals.
- “(I) Public utility services.
- “(J) Local exchange carriers.
- “(K) Local broadcast media.
- “(L) Wireless carriers.
- “(M) Satellite communications services.
- “(N) Emergency evacuation transit services.

- “(O) Ambulance services.
- “(P) HAM and amateur radio operators.
- “(Q) State emergency managers, homeland security directors, or representatives of State Administrative Agencies.
- “(R) Local emergency managers or homeland security directors.
- “(S) Cable operators.
- “(T) Other emergency response providers or emergency support providers as deemed appropriate.

“(2) **FEDERAL.**—Representatives from the Department and other Federal departments and agencies with responsibility for coordinating interoperable emergency communications with or providing emergency support services to State, local, and tribal governments.

“(c) **DUTIES.**—The duties of each RECC Working Group shall include—

“(1) assessing the survivability, sustainability, and interoperability of local emergency communications systems to meet the goals of the National Emergency Communications Report;

“(2) reporting annually to the Assistant Secretary for Emergency Communications on the status of its region in building robust and sustainable interoperable voice and data emergency communications networks and on the progress of the region in meeting the goals of the National Emergency Communications Report under section 1802 when such Report is complete;

“(3) ensuring a process for the coordination of the establishment of effective multijurisdictional, multi-agency emergency communications networks for use during acts of terrorism, natural disasters, and other emergencies through the expanded use of emergency management and public safety communications mutual aid agreements; and

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

“SEC. 1806. EMERGENCY COMMUNICATIONS PREPAREDNESS CENTER.

“(a) **ESTABLISHMENT.**—There is established the Emergency Communications Preparedness Center (in this section referred to as the ‘Center’).

“(b) **OPERATION.**—

“(1) **IN GENERAL.**—The Secretary, the Chairman of the Federal Communications Commission, the Secretary of Defense, the Secretary of Commerce, the Attorney General, and the heads of other Federal departments and agencies or their designees shall jointly operate the Center in accordance with the Memorandum of Understanding entitled, ‘Emergency Communications Preparedness Center (ECPC) Charter’.

“(2) **CHAIR.**—The Chair of the Center shall rotate every two years between the Secretary of Homeland Security, the Secretary of Defense, the Secretary of Commerce, the Attorney General, and the Chairman of the Federal Communications Commission.

“(c) **FUNCTIONS.**—The Center shall—

“(1) serve as the focal point for inter-agency efforts to address operable and interoperable communications;

“(2) serve as a clearinghouse with respect to all relevant information regarding inter-governmental efforts to achieve nationwide interoperable emergency communications capabilities;

“(3) ensure cooperation among the relevant Federal Government departments and agencies to improve effectiveness in the communication and implementation of the goals recommended in the National Emergency Communications Report under section 1802, including specifically by working to avoid duplication, hindrances, and counteractive efforts among the participating Federal departments and agencies;

“(4) prepare and submit to Congress, on an annual basis, a strategic assessment regarding the efforts of Federal departments and agencies to implement the National Emergency Communications Report under section 1802; and

“(5) perform such other functions as are provided in the ECPC Charter under subsection (b)(1).

“(d) **REPORT.**—Not later than 180 days after the date of the enactment of this section, the Chair shall transmit to the Congress a report regarding the implementation of this section, including a description of the staffing and resource needs of the Center.

“SEC. 1807. URBAN AND OTHER HIGH RISK AREA COMMUNICATIONS CAPABILITIES.

“(a) **IN GENERAL.**—The Secretary, in consultation with the Chairman of the Federal Communications Commission and the Secretary of Defense, and with appropriate State, local, and tribal government officials,

shall provide technical guidance, training, and other assistance, as appropriate, to support the rapid establishment of consistent, secure, and effective interoperable emergency communications capabilities in the event of an emergency in urban and other areas determined by the Secretary to be at consistently high levels of risk from acts of terrorism, natural disasters, and other emergencies.

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

“(1) to communicate with each other in the event of an emergency;

“(2) to have appropriate and timely access to the Information Sharing Environment described in section 1016 of the National Security Intelligence Reform Act of 2004 (6 U.S.C. 321); and

“(3) to be consistent with any applicable State or Urban Area homeland strategy or plan.”

(b) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) of such Act is amended by adding at the end the following:

“**TITLE XVIII—EMERGENCY COMMUNICATIONS**

“Sec. 1801. Office of Emergency Communications.

“Sec. 1802. National Emergency Communications Report.

“Sec. 1803. Assessments and reports.

“Sec. 1804. Coordination of Federal emergency communications grant programs.

“Sec. 1805. Regional emergency communications coordination.

“Sec. 1806. Emergency Communications Preparedness Center.

“Sec. 1807. Urban and other high risk area communications capabilities.

SEC. 3. OFFICE OF INTEROPERABILITY AND COMPATIBILITY.

(a) **IN GENERAL.**—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following: “**SEC. 314. OFFICE OF INTEROPERABILITY AND COMPATIBILITY.**

“(a) **CLARIFICATION OF RESPONSIBILITIES.**—The Director of the Office of Interoperability and Compatibility shall—

“(1) assist the Secretary in developing and implementing the science and technology aspects of the program described in subparagraphs (D), (E), (F), and (G) of section 7303(a)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(a)(1));

“(2) support the creation of national voluntary consensus standards for interoperable emergency communications;

“(3) establish a comprehensive research, development, testing, and evaluation program for improving interoperable emergency communications;

“(4) establish, in coordination with the Assistant Secretary for Emergency Communications, requirements for total and non-proprietary interoperable emergency communications capabilities for all public safety radio and data communications systems and equipment purchased using homeland security assistance administered by the Department;

“(5) carry out the Department’s responsibilities and authorities relating to research, development, testing, evaluation, or standards-related elements of the SAFECOM Program;

“(6) evaluate and assess new technology in real-world environments to achieve inter-

operable emergency communications capabilities;

“(7) encourage more efficient use of existing resources, including equipment, to achieve interoperable emergency communications capabilities;

“(8) test public safety communications systems that are less prone to failure, support new nonvoice services, use spectrum more efficiently, and cost less than existing systems; and

“(9) coordinate with the private sector to develop solutions to improve emergency communications capabilities and achieve interoperable emergency communications capabilities.

“(b) **COORDINATION.**—The Director shall coordinate with the Assistant Secretary for Emergency Communications with respect to the SAFECOM program.

“(c) **SUFFICIENCY OF RESOURCES.**—The Secretary shall provide the Office for Interoperability and Compatibility the resources and staff necessary to carry out the responsibilities under this section.”

(b) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) of such Act is amended by inserting at the end of the items relating to title III the following:

“Sec. 314. Office of Interoperability and Compatibility.”

SEC. 4. SENSE OF CONGRESS ON THE PROJECT 25 CONFORMITY ASSESSMENT PROJECT.

It is the sense of Congress that in carrying out the responsibilities and authorities of the Department of Homeland Security relating to the SAFECOM Program, the Assistant Secretary of Homeland Security for Emergency Communications and the Director of the Office of Interoperability and Compatibility should work with the National Institute of Standards and Technology for the purpose of implementing, as soon as possible, the Project 25 Compliance Assessment Program.

The **SPEAKER pro tempore.** Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentleman from Michigan (Mr. STUPAK) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and insert extraneous material on the bill.

The **SPEAKER pro tempore.** Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. UPTON. Mr. Speaker, I yield myself such time as I may consume. I rise in support of H.R. 5852, the 21st Century Emergency Communications Act of 2006.

I would especially like to commend Representative REICHERT for his authorship of this legislation. In addition, I want to recognize the efforts of both Chairman BARTON and Chairman KING in preparing this legislation for consideration on the floor today.

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Mr. Speaker, without a doubt, this Nation has endured significant domestic tragedies in the past 5 years, and of course, 9/11 and Hurricane Katrina stand out as most catastrophic.

While both were catastrophic, the causes were very different. The former a profoundly evil terrorist act, and the latter a terrible act of nature. But there at least is one common lesson that we learned from both tragedies: We learned how critically important interoperable communication is for our Nation’s first responders during crisis regardless of the cause. It really is a matter of life and death.

At its heart, H.R. 5852 is designed to improve interoperable communications among our Nation’s first responders. Of course, this Congress has already paved the way by providing for an orderly digital television transition to be completed by February 17, 2009, at which point 24 megahertz of spectrum in the upper 700 megahertz band will be returned by the broadcasters and provided to first responders to facilitate interoperable radio communications. That spectrum is ideally suited for this purpose. Congress also earmarked \$1 billion from upcoming spectrum auction proceeds to assist State and local governments in procuring interoperable communications equipment.

But the legislation before us today mandates a National Emergency Communications report to recommend goals and time frames for the achievement of redundant, sustainable, and interoperable emergency communication systems. It requires a baseline assessment of current emergency communications capabilities and periodic assessments on progress in filling existing gaps, and it accelerates the development of national voluntary consensus standards for emergency communications equipment. It requires State and local governments to establish effective statewide interoperable communication plans before being able to use DHS grant funds for emergency communications. It facilitates coordination on emergency communications by establishing regional working groups comprised of Federal, State, and local officials, first responders, and other relevant stakeholders. And it elevates the importance of emergency communications within the Department of Homeland Security, enhancing accountability and resources to ensure first responders on the ground that it can communicate with one another.

Mr. Speaker, H.R. 5852 is truly an excellent bill which builds on the work that this Congress has already done to ensure that our Nation’s first responders have the interoperable communications that they need to do their job of protecting our constituents in times of crisis. Again, I want to commend Representative REICHERT, Chairman BARTON, and Chairman KING for their excellent work. I would urge all of my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. STUPAK. Mr. Speaker, I yield myself such time as I may consume.

While I do not oppose the substance of H.R. 5852, the 21st Century Emergency Communications Act of 2006, I

strongly oppose the process by which this bill has been brought to the floor today.

H.R. 5852 was introduced July 20, 5 days ago, and was referred to the Energy and Commerce Committee. The committee has held no hearings on this bill nor did the subcommittee or full committee ever mark up this bill. The last hearing the committee held on this issue was September 2005, and the focus was public safety communications after Hurricane Katrina. Now, a month before the anniversary of Hurricane Katrina, the majority party is bringing up a bill that is not nearly enough to help our first responders on the ground.

This is no way to bring public safety legislation to the floor, and this process does a disservice to all our public safety officers throughout America.

Since the bill was not subject to any hearings in the Energy and Commerce Committee, I will not spend a lot of time talking about the bill's substance. I will say that the Department of Homeland Security should have taken these steps months and years ago. This bill gives the Department of Homeland Security the ability to deny grants to States and localities that don't have interoperability plans completed and don't meet minimum standards.

Let me be clear. I support accountability for the money spent from the Department of Homeland Security grant programs. However, we have not heard from the States and localities, because they did not have a hearing on this bill. I suspect that some States and localities may consider these provisions to be unfunded mandates.

The bill calls for periodic baseline surveys on the level of interoperability across the country. I support efforts to measure our progress towards interoperable public safety communications; however, I have little faith that the Department of Homeland Security is going to complete these surveys. We heard in committee that while the first survey was supposed to be finished by 2005, the Department had only recently agreed on methodology and had no start time in mind.

A bill that holds DHS's feet to the fire is a good thing. The administration could certainly use some prodding. DHS testified in September that it is the administration's goal to achieve interoperability within the next 20 years, by 2023. We don't have 20 years to become interoperable as a Nation. Our first responders are on the front lines in the war against terror today. They need the help now. Without adequate funding, the benchmarks and planning in this bill will not be implemented in our communities. Last year, the Republican Congress cut the DHS grant programs that fund interoperable communications by almost \$600 million and slashed the Department of Justice interoperability grant program by \$82 million, effectively eliminating it.

My colleagues may not know that this bill is based very closely on a bill

introduced by my colleague, Ms. Lowey, which has the support of Democrats. There is one glaring difference, Ms. Lowey's bill would have established an interoperability grant program at the Department of Homeland Security to help our communities. In the closed door negotiations, the Republican majority removed the grant program. No money, no program.

This has become a pattern of the majority: Take a good Democratic bill, copy it in theme only, rush it to the floor without any hearings, send out a press release, and then quietly never fund the program. We have seen this time and time again.

Mr. Speaker, we ask more of our first responders than ever before. They are on the front lines in the war against terror. They must be prepared to respond to chemical disasters, rail disasters, natural disasters. We saw during 9/11 and Hurricane Katrina that public safety communications are critical in any emergency, but without adequate funding, the bill's worthy goals may never be achieved.

Are new interoperable radios more important than replacing out-of-date fire trucks or creating a meth crime task force? These are the real choices that communities across this Nation must make every day, and they receive no help from Washington. Their choices are becoming harder and harder as the Bush administration and Republican budgets ask them to make more with less and less.

The real reason why I think the Republicans have brought the bill before us today is because they don't want to face any funding amendments that may come up. In committee last fall, I offered an amendment to create a \$5.8 billion trust fund for first responder communications. My amendment failed on a tie vote. Homeland Security Committee Democrats have forced similar votes. Why is this bill on suspension today? Because the majority wants to avoid votes on amendments that would invest in public safety communication grants for our communities.

My colleagues should vote for this bill because it will bring some accountability to the Department of Homeland Security and focus more attention on the urgent need of interoperable communications. But my colleagues should not be under any false illusion that this bill will make it easier for first responders to acquire modern equipment. This bill will not provide the necessary interoperable equipment this country needs.

Mr. Speaker, I reserve the balance of my time.

Mr. UPTON. Mr. Speaker, at this point I would yield as much time as he may consume to Sheriff Reichert, the sponsor of this legislation and the chairman of the Emergency Preparedness Subcommittee.

Mr. REICHERT. Mr. Speaker, I am proud to rise in support as a sponsor of H.R. 5852, the 21st Century Emergency Communications Act of 2006. Although

I appreciate the comments from the gentleman from Michigan, I would like to first address before I get into my formal statement some of his comments.

There have been several hearings, four hearings and a joint hearing, held on the issue of interoperability and operability under the umbrella of the Homeland Security Committee and, more specifically, through the Emergency Preparedness Subcommittee that I chair.

I have only been in Congress 18 months. I was a police officer for 33 years. The last 8 years of that I was the sheriff. So I know a little bit about interoperability. I know a little bit about the inability for police officers to communicate. I know a little bit about life and death, and the ability to be in touch with your communications center or not to be in touch with your communications center, or not to have a partner present, or wait for a partner when you are facing someone with a gun. And I understand, too, the gentleman from Michigan has some experience in law enforcement and hopefully understands the importance of this bill.

I would also like to point out that between 2003 and 2005, \$2 billion have been spent by the Federal Government across this Nation for interoperability without any national plan, without any national standards. And that is what this bill addresses today, and that is why it is so important for first responders across this country.

So there have been hearings. And not only have there been hearings, but these hearings have been held with people in attendance like firefighters, police officers, emergency management, people on the ground, people doing the job. We are not just hearing from politicians and mayors and CEOs of police departments and sheriff's offices, we are hearing from cops and firefighters, and they are supporting this bill 110 percent.

So, I would like to thank Mr. PASCRELL, my ranking member on my subcommittee, and I would like to thank Mr. THOMPSON, the ranking member of the full committee, and all those who serve on both committees, the Subcommittee on Emergency Preparedness, Science and Technology and the full Homeland Security Committee, who supported this bill.

When people look at Congress, they say what are we doing? Why are we not working together? On this particular issue, we did work together. This was a combined effort, this was a team effort, and it was congenial and it was an effort that was well respected by every member and every staff member on both the subcommittee and the committee.

Protecting our Nation should never be an issue where Democrats and Republicans cannot come together and recognize the need for our cooperation, especially on behalf of our first responders to ensure that our communities stay safe.

The Committee on Homeland Security did not just develop a bipartisan legislation overnight. Rather, it is the product of a series of hearings on the state of public safety energy communications. I presided over these hearings as chairman of the Subcommittee on Emergency Preparedness, Science and Technology, as well as held countless meetings on the topic with first responders, government officials, and other interested stakeholders. Last fall, Chairman KING appointed me to serve as the chairman of the Emergency Preparedness Subcommittee. I know the importance of finding solutions to this problem. That is precisely why I made interoperability the subcommittee's number one priority.

Until the events of September 11, 2001, many people in this Nation believed and assumed that first responders from different disciplines and jurisdictions could actually talk to each other. It wasn't happening. It is still not happening today. Unfortunately, that was not the case then, and, as demonstrated by the inadequate responses to Hurricane Katrina, that is not the case today. In fact, inability of first responders to communicate with one another effectively led to the loss of many lives in New Orleans and in other gulf coast communities. This is simply unacceptable. It is intolerable that our Nation's law enforcement, fire service, and emergency medical services personnel still confront many of the same emergency communication problems that I did as a rookie cop when I started in 1972.

To many, the word "interoperability" means little. It is a little confusing term that police officers, firefighters, and first responders use. But I want to just share a personal story.

Back in the early 1970s when I was a deputy in a police car, I responded to a call where a young man 17 years old was high on drugs and alcohol, and he was able to gain access to his father's .308 Winchester rifle and he came from his house and he began to shoot at the neighborhood. I was the first car to arrive. A shot was fired over my police car. He ran out the back door of his house. We lost him for a while. We were able to surround the area. I was one of the officers on the perimeter. My radio didn't work, and a neighbor who saw the young man with the rifle pointed at three Seattle police officers who were coming to help the sheriffs office in the south end of the county called the neighbor across the street because she was afraid to leave her house. The neighbor across the street ran across the street to my police car and told me what was going on, because the person saw this young man ready to fire on three police officers.

I grabbed my police radio and I tried to get through the communications center, and I couldn't. No one heard me. A rifle pointed at three police officers, and I could not communicate back in 1974, 1975.

□ 1115

Three police officers' lives are now in danger. The only choice I had was to holster my weapon because there were people in the house peaking out of the window, watching the young man with the rifle pointed at the police officers, and run across the yard. That is what I did, holstered my gun, radio would not work, ran across the yard, jumped on the back of the 17-year-old with the .308 Winchester rifle and now was in a fight for my life.

Interoperability is a life and death matter. This bill matters to the police officers, firefighters and first responders working in our country today.

As I said earlier, the legislation before us today is based on the record made during four separate hearings, and during those hearings, the subcommittee heard testimony from a wide variety of parties including first responders, public works, utilities, hospitals, State and local officials, standards-setting organizations, the Department of Homeland Security, the Department of Commerce, the Federal Communications Commission, and other Federal Departments.

During these hearings, the witnesses identified the same problems over and over again. We heard about the lack of an accountable senior-level official in the Department of Homeland Security to oversee interoperability. When I first came here, I was told at one of my first hearings that the Federal Government has been dealing with the problem of interoperability for 10 years; and as I have just shared with you, we have been dealing with it as police officers for over 30 years. Something needs to be done, and it needs to be done now.

The absence of national voluntary consensus standards to help State and local governments to make wise decisions when purchasing communications equipment is something we heard over and over again.

We also heard about the failure of the Department to condition the use of grant funds by State and local governments on approved statewide communications plans and the absence of effective coordination between Federal Departments with shared responsibility for emergency communications.

H.R. 5852 will solve these and other problems that hinder the rapid deployment of interoperable emergency communication systems in our Nation.

H.R. 5852 enjoys broad support from members of the Committee on Homeland Security. It is almost identical to the provisions of H.R. 5351, the National Emergency Management Reform and Enhancement Act of 2006, a comprehensive Katrina lessons-learned legislation that the Committee on Homeland Security passed 28-0.

Mr. Speaker, it is time for us to send a message to our Nation's first responders that we support them in their efforts to protect us. Passage of H.R. 5852 would send such a message. I urge my colleagues to vote in favor of H.R. 5852.

Mr. Speaker, before I conclude, I will include in the RECORD at this point letters exchanged between the Committee on Homeland Security and the Committee on Science regarding jurisdiction over this bill, and I thank the Science Committee and Energy and Commerce Committee for their input on this important legislation.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC, July 24, 2006.

Hon. PETER T. KING,
*Chairman, Committee on Homeland Security,
Ford House Office Building, Washington,
DC.*

DEAR MR. CHAIRMAN: I am writing to you concerning the jurisdictional interest of the Science Committee in matters being considered in H.R. 5852, the 21st Century Emergency Communications Act of 2006. The Science Committee acknowledges the importance of H.R. 5852 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over the bill, I agree not to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forgo a sequential referral waives, reduces or otherwise affects the jurisdiction of the Science Committee, and that a copy of this letter and of your response will be included in the Congressional Record when the bill is considered on the House Floor.

The Science Committee also asks that you support our request to be conferees on any provisions over which we have jurisdiction during House-Senate conference on this legislation.

Thank you for your attention to this matter.

Sincerely,
SHERWOOD BOEHLERT,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, July 24, 2006.

Hon. SHERWOOD BOEHLERT,
*Chairman, Committee on Science, House Office
Building, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your recent letter expressing the Science Committee's jurisdictional interest in H.R. 5852. I appreciate your willingness not to seek a sequential referral in order to expedite proceedings on this legislation. I agree that, by not exercising your right to request a referral, the Science Committee does not waive any jurisdiction it may have over H.R. 5852. In addition, I agree to support representation for your Committee during the possible House-Senate conference meetings on provisions determined to be within your Committee's jurisdiction.

As you have requested, I will include a copy of your letter and this response as part of the Congressional Record during consideration of the legislation on the House floor. Thank you for your cooperation as we work toward the enactment of H.R. 5852.

Sincerely,
PETER T. KING,
Chairman.

Mr. STUPAK. Mr. Speaker, I yield myself 30 seconds to just respond to the gentleman from Washington.

I repeat, I know you have been in Congress for a limited amount of time, but there have been no hearings in the Energy and Commerce Committee on this bill, the committee with primary jurisdiction.

You talked about your law enforcement career. Well, back when you were

deputy in the early 1970s, I was a city police officer, went on to Michigan State Police, where I served until I was injured in the line of duty.

I am the founder of the Law Enforcement Caucus, and I hope you will join our caucus someday.

Law enforcement and first responders, what we are doing here today is giving them false hope and promises. The gentleman from Washington claims interoperability is a life and death issue. Then let us fund interoperability and not put law enforcement with a death penalty because they did not get the equipment they need.

I yield 6 minutes to the gentleman from New Jersey (Mr. PASCRELL), the ranking member of the Energy Preparedness Subcommittee.

Mr. PASCRELL. Mr. Speaker, I rise in strong support of H.R. 5852, the 21st Century Emergency Communications Act.

As an original sponsor with my good friend Congressman REICHERT, this is long-overdue legislation. It is bipartisan legislation and really sends a message throughout the entire Congress of the United States that we can work together if we place the needs of our families and neighborhoods ahead of partisan politics.

When the 9/11 Commission released its final report, it found that the inability of our first responders to talk with each other and their commanders resulted in a loss of life. This is very, very important to America.

The 9/11 Commission identified a problem that has been in existence, Mr. Speaker, for decades. It identified a problem that many policymakers have known for some time.

In fact, in 1996, 10 years ago, Congress asked a blue ribbon committee, the Public Safety Wireless Advisory Committee, to examine the issue of interoperable communications. It concluded 10 years ago that public safety agencies did not have the sufficient interoperable communications ability to do their jobs.

Five years later, on September 11, 2001, public safety officers were still ill-equipped in this regard. Now, this is unconscionable. Five years after the 9/11 catastrophe, the 30 major cities in the United States of America still cannot communicate.

In 2002, the National Task Force on Interoperability convened several meetings with various national associations representing public safety officials to discuss the challenges of interoperable communications. They explicitly identified the key challenges that must be addressed if we are to move forward on the issue: incompatible aging equipment, fragmented planning in general, and a lack of coordination and cooperation from all the different stakeholders.

So we have known about the problems that exist, Mr. Speaker. Many have explored the possible remedies. Yet many in Congress sit, after 9/11, after Katrina, wondering why no real progress has been made.

And although I may take difference with my good friend and brother from Michigan, his point must be well taken, that these cannot be empty commitments. We must fund the very process that we have identified and voted on today.

The bottom line is that H.R. 5852 will improve the capability of first responders to communicate during times of emergencies. I am proud to work with a bipartisan allotment of Members. We have had hearings, and I am sorry that one of the major problems in this Congress is jurisdiction and we have not addressed that, and I hope that we can do this and not air our linen. I hope that we can come to agreement, but the fact is that homeland security is at the center of the stage in trying to make a terrible situation much better.

In an era when information can be sent instantaneously anywhere, it is utterly nonsensical that our Nation's police, the fire, and EMS personnel cannot consistently communicate with each other.

First, this bill elevates the importance of improved emergency communication. For the first time, we are going to finally have a central office within the Department of Homeland Security that does just that. We will create an Office of Emergency Communications within the Department where the Assistant Secretary for Emergency Communications is directed to force the development of interoperable emergency communications capabilities by States and territorial, local and tribal and public safety agencies. This is absolutely critical.

Elevating the status and standing, that standing of interoperability, within the Department is a key first step to ensuring the Department focuses at the proper time, has the staff, has the resources.

This office will be charged with a variety of long-overdue critical endeavors, including preparing a baseline report.

H.R. 5852 ensures that the appropriate staffing and resources are available to carry out the obligations charged.

Mr. Speaker, our legislation compels the Department of Homeland Security to create a national emergency communications plan. Common sense must prevail here. This bill, I know, does not address the grant funding; but it is interesting to note, and I would ask my brothers and sisters on both sides of the aisle just to listen to this one statement that I have if you listen to nothing else: a one-time expenditure, equivalent to 3 days of what we spend in the Iraq war, will do one thing. It will pay for making emergency radio systems interoperable 5 years after 9/11.

This bill is important, Mr. Speaker. This bill affects every American.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. MCCAUL).

Mr. MCCAUL of Texas. Mr. Speaker, I would like to thank Chairman

REICHERT for his outstanding leadership on this important piece of legislation, which, in my view, will ultimately save lives.

Following Hurricanes Katrina and Rita last year, the Nation witnessed emergency response problems at all levels of government, especially with interoperability between our first responders. After Katrina and Rita, like on September 11, first responders and military personnel on the scene could not communicate effectively with each other.

This crucial piece of legislation will work to improve interoperability for our first responders by bolstering the national standards for emergency communications equipment. The bill also gives incentives to the States to improve their emergency communications plans and creates regional working groups to help Federal first responders better coordinate with their State and local counterparts.

Prior to coming to Congress, I served as chief of terrorism and national security in the U.S. Attorney's office in Texas. I also led the joint terrorism task force charged with detecting, deterring and preventing terrorist activity. I have worked with first responders for most of my professional career and have learned through experience that the ability to communicate between the Federal, State and local levels means saving lives, whether it is a terrorist attack or destruction at the hands of Mother Nature.

The time to fix and improve communications for our first responders is now, and I urge my colleagues to vote for this important bill.

Mr. STUPAK. Mr. Speaker, can you tell us how much time we have remaining?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. STUPAK) has 8½ minutes remaining. The gentleman from Michigan (Mr. UPTON) has 5 minutes remaining.

Mr. STUPAK. Mr. Speaker, I yield 4 minutes to the gentleman from Mississippi (Mr. THOMPSON), a former first responder and a volunteer firefighter for 26 years.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise to speak in support of H.R. 5852, the 21st Century Emergency Communications Act of 2006.

As the ranking member of the House Committee on Homeland Security, I am proud to be an original cosponsor of this legislation. This bill amends the Homeland Security Act of 2002 to enhance and improve the capability of first responders to communicate during times of emergency. It does so by improving the coordination of Federal, State, territorial, local and tribal governments as it relates to voice, data and other emerging technologies.

Mr. Speaker, the Committee on Homeland Security has heard from more than 25 witnesses in the more

than six hearings held on the interoperable challenges of emergency communications. We heard from Governors, mayors, first responders, emergency support responders, the heads of Federal agencies with responsibilities for promulgating emergency communication capabilities, as well as experts in the technology sectors of interoperable emergency communications.

All in all, Mr. Speaker, the message from the witnesses was twofold: the need for leadership and funding for the deployment of an interoperable emergency communications system.

Today, Congress has finally decided to show one of these two things by placing this legislation on the calendar. The timing, days before Members go home before the August recess and only a couple of months before fall elections, does not escape me.

□ 1130

Despite the convenience of timing, I am grateful that we are moving forward and finally are doing something to help the men and women on the front lines of our homeland security efforts. This has been a long time coming.

When Air Florida Flight 90 crashed in the Potomac Basin in Washington, D.C. on January 13, 1982, Congress learned that there were no provisions for communication interoperability in place.

On April 19, 1995, when the white supremacist and homegrown terrorist Timothy McVeigh rammed his flammable truck into the Murrah Federal Building in downtown Oklahoma City, the post-investigation revealed that the 117 local, State, and Federal agencies, with more than 1,500 personnel on the scene, were forced to rely on runners to disseminate critical, time sensitive information.

Congress must respond. Now, in less than 2 months, this Nation will mark the fifth anniversary of September 11, 2001. On that fateful day, Americans learned that the Nation was vulnerable and unprepared for an attack that killed almost 3,000 people. Among the dead were 343 New York City Fire Department members and 23 New York City Police Department officers.

As a volunteer firefighter of 26 years, Mr. Speaker, my heart dropped when I heard of the radio communication failures of that day. Lack of interoperable communication impeded a lot of help that could have gone to those individuals.

Four years later, Mr. Speaker, as Hurricane Katrina and Rita struck the gulf coast, the same story emerged. Firefighters and police along the gulf coast didn't have the means to communicate.

This legislation will move us closer to fixing the interoperability crisis facing our Nation. As I noted earlier, leadership is only half the solution for the interoperability crisis. All our efforts here today will be for naught if we do not provide funding for the development and deployment of a nationwide

emergency communication system. My colleague, Representative NITA LOWEY of New York, has repeatedly raised this issue.

Mr. Speaker, I look forward to the passage of this legislation.

In less than two months, this Nation will mark the fifth anniversary of the Al Qaida's attack on the United States. On Tuesday, September 11, 2001, millions of Americans watched in shock and horror as American Airline Flight 11 and United Airline Flight 75 torpedoed into the Twin Towers of the World Trade Center in New York City at 8:46 AM and 9:20 AM respectively. Within 17 minutes, the public learned that American Airlines Flight 77 smashed into the Pentagon. Twenty-six minutes later, United Airlines Flight 93 plummeted into a field in Shankville, PA after passengers attempted to deter the terrorists' attempt to fly the plane to Washington, D.C. Al Qaida's villainous assault on American soil killed almost 3,000 people. Among the dead were 343 New York City Fire Department Firefighters and 23 New York City Police Department officers.

Americans were startled to learn of the United States' vulnerabilities and lack of preparedness on September 11th. As a former volunteer firefighter of 26 years, I understood instinctively the radio communication challenges the firefighters and police officers faced in New York City. As one who experienced the threat of collapsing buildings and other dangers in the line of duty, I was heartbroken to learn that New York City firefighters never received the police warning to evacuate the North Tower after the South Tower's collapse because their system was not interoperable with the police communication systems. Lack of interoperable communication also impeded the relay of the message that an open stairwell in the South Tower free of debris and obstruction could be used for evacuation.

Interoperable or emergency communication capabilities became catch-phrases to the public because of September 11th. However, first responders face the challenge of emergency communications in everyday emergencies and high-profiled public safety events. Members of Congress also know of these challenges. When Air Florida Flight 90 crashed in the Potomac Basin in Washington, D.C. on January 13, 1982, Congress learned that there were no provisions for communication interoperability in place. On April 19, 1995, when white supremacist Timothy McVeigh rammed his flammable truck into the Murrah Federal Building in downtown Oklahoma City, the post-investigation revealed that the 117 local, state, and federal agencies with more than 1,500 personnel on the scene were forced to rely on runners to disseminate critical, time sensitive information.

In 1996, the Public Safety Wireless Advisory Committee (PSWAC), a blue ribbon committee created by Congress to examine the issue of interoperable communication, concluded that public safety agencies did not have sufficient radio spectrum to communicate with each other when they responded to emergencies. Responding to the PSWAC report, Congress included a provision in the Balanced Budget Act of 1997 which called for the Federal Communications Commission to allocate portions of the 700 Mhz spectrum for public safety use by December 31, 2006.

The catastrophic Hurricanes Katrina and Rita demonstrated, yet again, the critical need

for operable and interoperable communication. Despite the high-profiled events and everyday challenges facing first responders, Congress extended the date for freeing the much-needed public safety spectrum to February 17, 2009.

Interoperability directly impacts the first responder community which consists of over 61,000 public safety agencies including 960,000 firefighters, 830,000 EMS personnel, and 710,000 Law Enforcement Officers. The U.S. Conference of Mayors (USCM) conducted a survey of 192 cities regarding their interoperable communications systems in 2004 and found:

—Of the cities with a major chemical plant, 97% reported that they did not have interoperable communications capability between the chemical plant, police, fire and emergency medical services;

—60% of the cities reported that they did not have interoperable communications capability with state emergency operations centers; and

—75% of the cities pointed out that limited funding was preventing achieving full interoperable communications capability.

Despite the pressing need for effective emergency communications capabilities, the Department of Homeland Security has incredibly assigned a full-time staff of only four to seven employees to provide grant guidance, develop standards and methodology, implement pilot programs and the expansion of the Rapidcom program, research and development, conduct a national interoperability baseline study, and disaster management and emergency communication at the Federal Emergency Management Agency (FEMA).

The 9/11 Commission said a rededication to preparedness is perhaps the best way to honor the memories of those we lost that day [September 11]. This is why I join my fellow original cosponsors to introduce the 21st Century Emergency Communications Act of 2006. H.R. 5852 will improve the country's preparedness and emergency communications capability by (1) creating, for the first time, a central office within the Department for the administration and policy consideration for emergency communications; (2) ensuring appropriate staffing and resources commitment to improve emergency communication capabilities; (3) compelling DHS to create a national emergency communications plan and inventory of the Nation's emergency communications system and capabilities; and, (4) seeking accountability regarding the use of DHS funds and governance.

The bill would establish an Office of Emergency Communications within the Department where the Assistant Secretary for Emergency Communications would be directed to foster the development of interoperable emergency communications capabilities by State, territorial, local, tribal, and public safety agencies. The Office would prepare a baseline report that provides a snapshot of the current state of emergency communications capabilities; follow-up with periodic assessment reports regarding Federal efforts to address existing gaps and identify best-practices models; coordinate the capability to deploy backup communications services in the event of system failures during an emergency; create regional working groups made up of public and private sector emergency communication experts that would assess and report on the state of emergency communication networks nationwide;

provide technical assistance to state and local governments; and, develop a plan to ensure the operability of the Federal governments communications systems.

The legislation would require the Secretary to report to Congress on the resources and staff necessary to carry out the responsibilities of the Office of Emergency Communications not later than 60 days after the enactment of the bill. Within 30 days of the Secretary's report to Congress, the Government Accountability Office (GAO) is to review, assess, and report on the findings submitted by the Secretary of Homeland Security.

The bill would also call a National Emergency Communications Strategy to expedite an effective nationwide emergency communications system and conduct a national inventory of the channels, frequencies, and the types of communication systems and equipments. The plan would also identify and make recommendations regarding both short-term and long-term obstacles and solutions to achieving emergency communication capabilities at all levels of government; set goals and timeframes for achieving nationwide emergency communication capabilities; and, accelerate the development of national standards for emergency communications equipment.

To improve the accountability and good governance, State and local governments would be required to establish effective statewide interoperable communications plans before being able to use Department of Homeland Security grant funds for emergency communications. The Department's grant guidelines would also have to be coordinated and consistent with the goals of the national strategy for emergency communications.

Finally, this legislation would establish an Emergency Communications Preparedness Center to act as a clearinghouse for the Federal Government's efforts to achieve nationwide interoperability; ensure cooperation among the relevant departments and agencies to implement the goals of the emergency communications strategy, and prepare and submit to Congress, on an annual basis, a strategic assessment regarding efforts of Federal departments and agencies to implement the emergency communications strategy.

The 21st Century Emergency Communications Act of 2006 will take substantial steps to provide the leadership that is needed on emergency communication. I hope this Congress moves quickly to pass this bill.

Mr. UPTON. Mr. Speaker, I reserve the balance of my time.

Mr. STUPAK. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. LOWEY), who really wrote this bill that the majority presents here today in theme only.

Mrs. LOWEY. I thank the gentleman, and I thank Ranking Member THOMPSON and Ranking Member PASCRELL. It is a pleasure for us to be here. And thank you, Chairman REICHERT, for bringing this bill to the floor. We have been talking about this issue for a very long time, and I rise in strong support of the legislation. I strongly support the emergency communications provisions, particularly the interoperability strategy I first proposed more than 2 years ago.

It is really unfortunate that we waited 6 years into the 21st century to

adopt the 21st Century Emergency Communications Act. Communications failures, as has been referenced by my colleagues on both sides of the aisle, plagued the response in Oklahoma City in 1995, Columbine in 1999, New York in 2001, and in the gulf region following Hurricane Katrina. In all of these cases, first responders had to use many of the same communications as Paul Revere.

The lack of interoperability was deadly on September 11. Of the 58 firefighters who escaped the north tower of the World Trade Center and gave oral histories to the Fire Department of New York, only three heard radio warnings that the north tower was in danger of collapse. Three. So as these brave firefighters were running up, the majority of people were coming down. And many of the 343 firefighters who died that day would have likely been saved had they carried effective, interoperable radios.

The interoperability strategy in this bill is desperately needed, as is an adequate number of employees at DHS to solve this crisis and to validate manufacturers' claims that equipment meets widely accepted standards. So I am pleased, and I thank the chairman and the ranking members for bringing this bill to the floor.

However, the bill has one critical flaw. Despite the testimony of the Director of the Office of Interoperability and Compatibility, Dr. David Boyd, that it will cost over \$100 billion to overhaul communication systems across the country, the bill does not provide any funding for State and local governments to plan, to implement, or to maintain communication networks.

However, while this bill is not perfect, the bill is a vast improvement over the lack of current policy. Right now, as we know, the Office of Interoperability and Compatibility has only five employees and a budget of less than one-half of 1 percent of the total DHS budget.

We cannot wait for the next disaster before we take action, and I urge your support.

Mr. UPTON. Mr. Speaker, who has the ability to close?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. UPTON) has the right to close.

Mr. STUPAK. How much time do we have remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. STUPAK) has 1½ minutes remaining.

Mr. STUPAK. I yield 30 seconds to Mr. PASCRELL.

Mr. PASCRELL. Mr. Speaker, I think that those who have come before us today have highlighted how critical this legislation is to the American people. In the Subcommittee on Science, Technology and Emergency Preparedness for our police, our fire and EMS, we believe that unless the Homeland Security Department puts more emphasis and boots on the ground than those people who are there every day

and every night, that we are never going to get this right in protecting America.

This bill seeks to do that, and, hopefully, within a very short period of time, we will look and find the funding, and I have suggested one place today, so that we will take care of those needs of homeland security and protecting our families.

Mr. STUPAK. Mr. Speaker, Democrats on this side, we will support the bill. It does create some accountability at the Department of Homeland Security. It will provide the cities and counties with guidance and standards 5 years after 9/11. But the real critical need is, we need funding.

Public safety interoperability should be an urgent priority for this country. As a former police officer, I understand clearly the importance of adequate funding for homeland security programs. The bill solves half the problem. We create the standards, but there is no funding. Let us provide funding and not continue to give false hope to our first responders that interoperability will finally arrive. It will never arrive until we provide adequate funding.

Mr. Speaker, I yield back the balance of my time.

Mr. UPTON. Mr. Speaker, I yield myself the balance of my time, and at this point I want to include a number of letters as part of the RECORD: Two from Chairman BARTON, one from Mr. BOEHLERT and one from Mr. YOUNG.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington, DC, July 24, 2006.

Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce,
Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the jurisdictional interest of the Transportation and Infrastructure Committee in matters being considered in H.R. 5852, the 21st Century Emergency Communications Act of 2006.

Our Committee recognizes the importance of H.R. 5852 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over a number of provisions in the bill, I do not intend to request referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forego the referral waives, reduces or otherwise affects the jurisdiction of the Transportation and Infrastructure Committee.

The Committee on Transportation and Infrastructure also asks that you support our request to be conferees on the provisions over which we have jurisdiction during any House-Senate conference. I would appreciate it if you would include a copy of this letter and of your response acknowledging our jurisdictional interest as part of the Congressional Record during consideration of the bill by the House.

Thank you for your cooperation in this matter.

Sincerely,

DON YOUNG,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, July 25, 2006.
Hon. SHERWOOD L. BOEHLERT,
Chairman, Committee on Science,
Washington, DC.

DEAR CHAIRMAN BOEHLERT: Thank you for your letter in regards to H.R. 5852, the 21st Century Emergency Communications Act of 2006.

I acknowledge and appreciate your willingness not to exercise your jurisdiction on the bill. In doing so, I agree that your decision to forgo further action on the bill will not prejudice the Committee on Science with respect to its jurisdictional prerogatives on this legislation or similar legislation. Further, I recognize your right to request conferees on those provisions within the Committee on Science's jurisdiction should they be the subject of a House-Senate conference on this or similar legislation.

I will include your letter and this response in the Congressional Record during consideration on the House floor.

Sincerely,

JOE BARTON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC, July 24, 2006.

Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce,
Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the jurisdictional interest of the Science Committee in matters being considered in H.R. 5852, the 21st Century Emergency Communications Act of 2006. The Science Committee acknowledges the importance of H.R. 5852 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over the bill, I agree not to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forgo a sequential referral waives, reduces or otherwise affects the jurisdiction of the Science Committee, and that a copy of this letter and of your response will be included in the Congressional Record when the bill is considered on the House Floor.

The Science Committee also asks that you support our request to be conferees on any provisions over which we have jurisdiction during House-Senate conference on this legislation.

Thank you for your attention to this matter.

Sincerely,

SHERWOOD BOEHLERT,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, July 26, 2006.

Hon. DON YOUNG,
Chairman, Committee on Transportation and
Infrastructure, House of Representatives,
Washington, DC.

DEAR CHAIRMAN YOUNG: Thank you for your letter in regards to H.R. 5852, the 21st Century Emergency Communications Act of 2006.

I acknowledge and appreciate your willingness not to exercise your referral on the bill. In doing so, I agree that your decision to forgo further action on the bill will not prejudice the Committee on Transportation and Infrastructure with respect to its jurisdictional prerogatives on this legislation or similar legislation. Further, I recognize your right to request conferees on those provisions within the Committee on Transportation and Infrastructure's jurisdiction should they be the subject of a House-Senate conference on this or similar legislation.

I will include your letter and this response in the Congressional Record during consideration on the House floor.

Sincerely,

JOE BARTON,
Chairman.

Mr. UPTON. Mr. Speaker, in closing, I would urge all my colleagues to support this bill. I would remind my colleagues that it was clearly a bipartisan bill. It passed 28-0. I want to particularly thank Mr. PASCRELL, Mr. THOMPSON, Mrs. LOWEY, and Mr. REICHERT. This has bipartisan spirit behind it from the start.

I would just note that interoperability is very important. We saw with 9/11 that our firefighters didn't get the message, they stayed in the buildings, and they died. With Katrina, we saw the Coast Guard folks couldn't communicate with the law enforcement folks at the bottom of the helicopter ladders.

It needs to change. That is why we reserved part of the spectrum, as part of the reconciliation bill earlier this year, to retrieve it from the broadcasters and to be able to sell it so that, in fact, that analog spectrum will be available. In addition, of course, we had \$1 billion that was part of that sale that was reserved specifically on matching grants to first responders across the country. It is very important.

It is not the end. We need to do more. I realize it, and we are prepared to do such. So I was pleased to see that legislation move forward. This is yet another step. It passed 28-0 in committee. I would like to think that when we have a vote on this later this afternoon, it might be able to pass 433-0, knowing that we have two vacancies in the House at this point.

Mr. ENGEL. Mr. Speaker, I rise today with mixed emotions. Almost three years ago, I joined Representative STUPAK and Representative FOSSELLA in offering legislation to create an interoperability trust fund. Mr. STUPAK is a former state trooper in Michigan. Mr. FOSSELLA and I are from the one place in the United States that has twice been a victim of terrorism. Furthermore, as members of the Telecommunications subcommittee we are well aware of the needs of our first responders for radio equipment that works seamlessly for police, fire, and medical personnel as well as for local, state, and federal officials.

So I am disheartened that this legislation has not followed regular procedure in that the Energy and Commerce Committee did not hold hearings or a markup on this bill. We are three Members of Congress that have spent a great deal of time working on this very issue and yet today we have a bill that we cannot try to improve. We can only vote Yes or No.

I will vote "yes." There are good things in this legislation. It has an emphasis on high level personnel at the Department of Homeland Security to do outreach, provide technical assistance and coordinate a national response capability that can provide backup services for lost local and regional services.

But I believe that with any legislation, if proper procedure were followed, this could be a better bill.

I see the most glaring omission is that there is no new money to aid our states and local-

ities. In the digital television transition provisions of the Budget Resolution, we included \$1 billion for Interoperability equipment grants to states and localities. We knew at the time that \$1 billion is a drop in the bucket. The estimates are more in the \$15 to \$20 billion range.

And before someone stands up and complains that I am just a Democrat looking to spend more money without having a way to pay for it, let me be clear—the Bush tax cuts are why the federal government doesn't have the resources it needs to fully fund programs like this. Reverse the tax cuts for the wealthiest among us so that we can secure our country.

So I rise in support of the bill, but believe that it could be better and urge my Chairman to convene hearings on this vital matter.

Mr. SHAYS. Mr. Speaker, I rise in strong support of H.R. 5852, the 21st Century Emergency Communications Act.

This legislation would create a new emergency communications office within the Department of Homeland Security (DHS) to develop a standardized radio system for first-responders during disasters.

Two years ago, the 9/11 Commission recommended placing all first-responders on the same radio frequencies to facilitate communications.

Similar provisions to this legislation are included in legislation CAROLYN MALONEY and I have introduced, H.R. 1794, the 9/11 Can You Hear Me Now Act. This legislation would instruct DHS to provide the New York Fire Department (FDNY) with a communication system that must be capable of operating in all locations and under the circumstances we know firefighters face and will continue to face when responding to an emergency in New York City.

Under the bill, a communication system including three components—radios, dispatch system and a supplemental communication device—would be required to work in all buildings and in all parts of the city, something that the radios unbelievably do not now do. This bill could and should serve as an example for what needs to be done on a Federal level.

We also introduced H.R. 5017, the Ensuring Implementation of the 9/11 Commission Report Act. H.R. 5017 brings renewed focus to the core recommendations of the 9/11 Commission and holds the Administration and relevant executive agencies accountable to carry out and document the successful implementation of the 9/11 Commission Report's policy goals.

Mr. Speaker, I urge my colleagues to support this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 5852, the "21st Century Emergency Communications Act of 2006." I support H.R. 5852 because it will improve the capability of first responders to communicate during times of emergency by improving the coordination of among Federal, State, territorial, local and tribal governments as it relates to voice, data, and other emerging technologies. I support H.R. 5852 for several reasons:

1. Elevates the importance of improved emergency communications by creating, for the first time, a central office within the Department for the administration and policy consideration for emergency communications.

H.R. 5852 creates an Office of Emergency Communications within the Department of

Homeland Security headed by an Assistant Secretary for Emergency Communications responsible for developing interoperable emergency communications capabilities by State, territorial, local, tribal, and public safety agencies. Among other things, the Office of Emergency Communications will:

Prepare a baseline report that provides a "snap shot" of the current state of emergency communications capabilities;

Follow-up with periodic assessment reports regarding Federal efforts to address existing gaps and identify best-practices models;

Coordinate the capability to deploy backup communications services in the event of system failures during an emergency;

Create regional working groups made up of public and private sector emergency communication experts that would assess and report on the state of emergency communication networks nationwide;

Provide technical assistance to State and local governments; and,

Develop a plan to ensure the operability of the Federal Government's communications systems

2. Ensures appropriate staffing and resources commitment to improve emergency communication capabilities.

H.R. 5852 requires the Secretary to report to Congress on the resources and staff necessary to carry out the responsibilities of the Office of Emergency Communications not later than 60 days after the enactment of the bill. Within 30 days of the Secretary's report to Congress, the Government Accountability Office (GAO) is to review, assess, and report on the findings submitted by the Secretary of Homeland Security.

3. Compels DHS to create a national emergency communications plan and inventory of the Nation's emergency communications system and capabilities.

H.R. 5852 adopts a "bottoms-up" approach by directing the Assistant Secretary for Emergency Communications to develop a national strategy to expedite an effective nationwide emergency communications system.

The strategy will be developed with the cooperation of State, local and tribal governments, Federal departments and agencies, emergency response providers, emergency support providers, and the private sector.

The plan will be developed within one year of the completion of the baseline study.

H.R. 5852 mandates a national inventory of the channels, frequencies, and the types of communication systems and equipment. The plan must:

Identify and make recommendations regarding short-term and long-term obstacles and solutions to achieving emergency communication capabilities at all levels of government;

Set goals and timeframes for achieving nationwide emergency communication capabilities; and

Accelerate the development of national standards for emergency communications equipment.

4. Seeks accountability regarding the use of DHS funds and governance.

H.R. 5852 requires State and local governments to establish effective statewide interoperable communications plans before being able to use DHS grant funds for emergency communications. In addition, H.R. 5852 requires that the Department's grant guidelines are coordinated and consistent with the goals

of the national plan for emergency communications.

H.R. 5852 establishes an Emergency Communications Preparedness Center to act as a clearinghouse for the Federal Government's efforts to achieve nationwide interoperability; ensure cooperation among the relevant departments and agencies to implement the goals of the emergency communications strategy, and prepare and submit to Congress, on an annual basis, a strategic assessment regarding efforts of Federal departments and agencies to implement the emergency communications strategy.

For these reasons, I support H.R. 5852 and urge my colleagues to support it also.

Mr. UPTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, H.R. 5852.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. UPTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

ADAM WALSH CHILD PROTECTION AND SAFETY ACT OF 2006

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 4472) to protect children, to secure the safety of judges, prosecutors, law enforcement officers, and their family members, to reduce and prevent gang violence, and for other purposes.

The Clerk read as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the "Adam Walsh Child Protection and Safety Act of 2006".

(b) *TABLE OF CONTENTS.*—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. In recognition of John and Revé Walsh on the occasion of the 25th anniversary of Adam Walsh's abduction and murder.

TITLE I—SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

Sec. 101. Short title.

Sec. 102. Declaration of purpose.

Sec. 103. Establishment of program.

Subtitle A—Sex Offender Registration and Notification

Sec. 111. Relevant definitions, including Amie Zyla expansion of sex offender definition and expanded inclusion of child predators.

Sec. 112. Registry requirements for jurisdictions.

Sec. 113. Registry requirements for sex offenders.

Sec. 114. Information required in registration.

Sec. 115. Duration of registration requirement.

Sec. 116. Periodic in person verification.

Sec. 117. Duty to notify sex offenders of registration requirements and to register.

Sec. 118. Public access to sex offender information through the Internet.

Sec. 119. National Sex Offender Registry.

Sec. 120. Dru Sjojin National Sex Offender Public Website.

Sec. 121. Megan Nicole Kanka and Alexandra Nicole Zapp Community Notification Program.

Sec. 122. Actions to be taken when sex offender fails to comply.

Sec. 123. Development and availability of registry management and website software.

Sec. 124. Period for implementation by jurisdictions.

Sec. 125. Failure of jurisdiction to comply.

Sec. 126. Sex Offender Management Assistance (SOMA) Program.

Sec. 127. Election by Indian tribes.

Sec. 128. Registration of sex offenders entering the United States.

Sec. 129. Repeal of predecessor sex offender program.

Sec. 130. Limitation on liability for the National Center for Missing and Exploited Children.

Sec. 131. Immunity for good faith conduct.

Subtitle B—Improving Federal Criminal Law Enforcement To Ensure Sex Offender Compliance With Registration and Notification Requirements and Protection of Children From Violent Predators

Sec. 141. Amendments to title 18, United States Code, relating to sex offender registration.

Sec. 142. Federal assistance with respect to violations of registration requirements.

Sec. 143. Project Safe Childhood.

Sec. 144. Federal assistance in identification and location of sex offenders relocated as a result of a major disaster.

Sec. 145. Expansion of training and technology efforts.

Sec. 146. Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking.

Subtitle C—Access to Information and Resources Needed To Ensure That Children Are Not Attacked or Abused

Sec. 151. Access to national crime information databases.

Sec. 152. Requirement to complete background checks before approval of any foster or adoptive placement and to check national crime information databases and State child abuse registries; suspension and subsequent elimination of Opt-Out.

Sec. 153. Schools Safe Act.

Sec. 154. Missing child reporting requirements.

Sec. 155. DNA fingerprinting.

TITLE II—FEDERAL CRIMINAL LAW ENHANCEMENTS NEEDED TO PROTECT CHILDREN FROM SEXUAL ATTACKS AND OTHER VIOLENT CRIMES

Sec. 201. Prohibition on Internet sales of date rape drugs.

Sec. 202. Jetseta Gage assured punishment for violent crimes against children.

Sec. 203. Penalties for coercion and enticement by sex offenders.

Sec. 204. Penalties for conduct relating to child prostitution.

Sec. 205. Penalties for sexual abuse.

Sec. 206. Increased penalties for sexual offenses against children.

Sec. 207. Sexual abuse of wards.

Sec. 208. Mandatory penalties for sex-trafficking of children.