

tional interoperable communications, as that term is defined under section 194(g)(1) of this title.

(Pub. L. 107–296, title XVIII, § 1802, as added Pub. L. 109–295, title VI, § 671(b), Oct. 4, 2006, 120 Stat. 1435; amended Pub. L. 110–53, title III, § 301(d), Aug. 3, 2007, 121 Stat. 300.)

#### CODIFICATION

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

#### AMENDMENTS

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

### § 573. Assessments and reports

#### (a) Baseline assessment

Not later than 1 year after October 4, 2006, and not less than every 5 years thereafter, the Secretary, acting through the Director for Emergency Communications, shall conduct an assessment of Federal, State, local, and tribal governments that—

(1) defines the range of capabilities needed by emergency response providers and relevant government officials to continue to communicate in the event of natural disasters, acts of terrorism, and other man-made disasters;

(2) defines the range of interoperable emergency communications capabilities needed for specific events;

(3) assesses the current available capabilities to meet such communications needs;

(4) identifies the gap between such current capabilities and defined requirements; and

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

(A) identifies for each Federal department and agency—

- (i) the channels and frequencies used;
- (ii) the nomenclature used to refer to each channel or frequency used; and
- (iii) the types of communications systems and equipment used; and

(B) identifies the interoperable emergency communications systems in use by public safety agencies in the United States.

#### (b) Classified annex

The baseline assessment under this section may include a classified annex including information provided under subsection (a)(5)(A).

#### (c) Savings clause

In conducting the baseline assessment under this section, the Secretary may incorporate findings from assessments conducted before, or ongoing on, October 4, 2006.

#### (d) Progress reports

Not later than one year after October 4, 2006, and biennially thereafter, the Secretary, acting through the Director for Emergency Communications, shall submit to Congress a report on the progress of the Department in achieving the goals of, and carrying out its responsibilities under, this subchapter, including—

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

(2) a determination of the degree to which interoperable emergency communications capabilities have been attained to date and the gaps that remain for interoperability to be achieved;

(3) an evaluation of the ability to continue to communicate and to provide and maintain interoperable emergency communications by emergency managers, emergency response providers, and relevant government officials in the event of—

(A) natural disasters, acts of terrorism, or other man-made disasters, including Incidents of National Significance declared by the Secretary under the National Response Plan; and

(B) a catastrophic loss of local and regional communications services;

(4) a list of best practices relating to the ability to continue to communicate and to provide and maintain interoperable emergency communications in the event of natural disasters, acts of terrorism, or other man-made disasters; and

(A)<sup>1</sup> an evaluation of the feasibility and desirability of the Department developing, on its own or in conjunction with the Department of Defense, a mobile communications capability, modeled on the Army Signal Corps, that could be deployed to support emergency communications at the site of natural disasters, acts of terrorism, or other man-made disasters.

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

#### CODIFICATION

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

### § 574. Coordination of Department emergency communications grant programs

#### (a) Coordination of grants and standards programs

The Secretary, acting through the Director for Emergency Communications, shall ensure that grant guidelines for the use of homeland security assistance administered by the Department relating to interoperable emergency communications are coordinated and consistent with the goals and recommendations in the National Emergency Communications Plan under section 572 of this title.

#### (b) Denial of eligibility for grants

##### (1) In general

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

<sup>1</sup> So in original. Probably should be “(5)”.

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

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

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

**(2) Standards**

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

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

CODIFICATION

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

**§ 575. Regional emergency communications coordination**

**(a) In general**

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

**(b) Membership**

Each RECC Working Group shall consist of the following:

**(1) Non-Federal**

Organizations representing the interests of the following:

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

(I) Other emergency response providers as appropriate.

**(2) Federal**

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

**(c) Coordination**

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

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

**(d) Duties**

The duties of each RECC Working Group shall include—

- (1) assessing the survivability, sustainability, and interoperability of local emergency communications systems to meet the goals of the National Emergency Communications Plan;
- (2) reporting annually to the relevant Regional Administrator, the Director for Emergency Communications, the Chairman of the Federal Communications Commission, and the Assistant Secretary for Communications and Information of the Department of Commerce on the status of its region in building robust and sustainable interoperable voice and data emergency communications networks and, not later than 60 days after the completion of the initial National Emergency Communications Plan under section 572 of this title, on the progress of the region in meeting the goals of such plan;
- (3) ensuring a process for the coordination of effective multijurisdictional, multi-agency emergency communications networks for use during natural disasters, acts of terrorism, and other man-made disasters through the expanded use of emergency management and public safety communications mutual aid agreements; and
- (4) coordinating the establishment of Federal, State, local, and tribal support services and networks designed to address the immediate and critical human needs in responding to natural disasters, acts of terrorism, and other man-made disasters.

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