

§ 577. Urban and other high risk area communications capabilities

(a) In general

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

(b) Minimum capabilities

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

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

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

§ 578. Definition

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

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

§ 579. Interoperable Emergency Communications Grant Program

(a) Establishment

The Secretary shall establish the Interoperable Emergency Communications Grant Program to make grants to States to carry out initiatives to improve local, tribal, statewide, regional, national and, where appropriate, international interoperable emergency communications, including communications in collective response to natural disasters, acts of terrorism, and other man-made disasters.

(b) Policy

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

- (1) comply with the statewide plan for that State required by section 194(f) of this title; and

- (2) comply with the National Emergency Communications Plan under section 572 of this title, when completed.

(c) Administration

(1) In general

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

(2) Guidance

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

(d) Use of funds

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

(e) Approval of plans

(1) Approval as condition of grant

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

(2) Plan requirements

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

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

(3) Approval of revisions

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

(f) Limitations on uses of funds

(1) In general

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

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

(2) Penalties

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

(g) Limitations on award of grants**(1) National emergency communications plan required**

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

(2) Voluntary consensus standards

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

(h) Award of grants

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

(1) the risk posed to each State by natural disasters, acts of terrorism, or other manmade disasters, including—

(A) the likely need of a jurisdiction within the State to respond to such risk in nearby jurisdictions;

(B) the degree of threat, vulnerability, and consequences related to critical infrastructure (from all critical infrastructure sectors) or key resources identified by the Administrator or the State homeland security and emergency management plans, including threats to, vulnerabilities of, and consequences from damage to critical infrastructure and key resources in nearby jurisdictions;

(C) the size of the population and density of the population of the State, including appropriate consideration of military, tourist, and commuter populations;

(D) whether the State is on or near an international border;

(E) whether the State encompasses an economically significant border crossing; and

(F) whether the State has a coastline bordering an ocean, a major waterway used for interstate commerce, or international waters; and

(2) the anticipated effectiveness of the State's proposed use of grant funds to improve interoperability.

(i) Opportunity to amend applications

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

(j) Minimum grant amounts**(1) States**

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

(A) For fiscal year 2008, 0.50 percent.

(B) For fiscal year 2009, 0.50 percent.

(C) For fiscal year 2010, 0.45 percent.

(D) For fiscal year 2011, 0.40 percent.

(E) For fiscal year 2012 and each subsequent fiscal year, 0.35 percent.

(2) Territories and possessions

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

(k) Certification

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

(l) State responsibilities**(1) Availability of funds to local and tribal governments**

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

(A) not less than 80 percent of the grant funds;

(B) with the consent of local and tribal governments, eligible expenditures having a value of not less than 80 percent of the amount of the grant; or

(C) grant funds combined with other eligible expenditures having a total value of not less than 80 percent of the amount of the grant.

(2) Allocation of funds

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

(3) Penalties

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

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

A State that receives a grant under this section shall annually submit to the Director of Emergency Communications a report on the progress of the State in implementing that State's Statewide Interoperable Communications Plans required under section 194(f) of this title and achieving interoperability at the city, county, regional, State, and interstate levels. The Director shall make the reports

publicly available, including by making them available on the Internet website of the Office of Emergency Communications, subject to any redactions that the Director determines are necessary to protect classified or other sensitive information.

(2) Annual reports to Congress

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

(n) Rule of construction

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

(o) Authorization of appropriations

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

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

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

§ 580. Border interoperability demonstration project

(a) In general

(1) Establishment

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

(2) Minimum number of communities

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

(3) Location of communities

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

(b) Conditions

The Director, in coordination with the Federal Communications Commission and the Secretary of Commerce, shall ensure that the project is carried out as soon as adequate spectrum is available as a result of the 800 megahertz rebanding process in border areas, and shall en-

sure that the border projects do not impair or impede the rebanding process, but under no circumstances shall funds be distributed under this section unless the Federal Communications Commission and the Secretary of Commerce agree that these conditions have been met.

(c) Program requirements

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

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

(d) Distribution of funds

(1) In general

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

(2) Other participants

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

(3) Report

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

(e) Maximum period of grants

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

(f) Transfer of information and knowledge

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