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AND INTERNATIONAL RELATIONS
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BRIEFING MEMORANDUM

To: Members of the Subcommittee on National Security, Emerging Threats, and International Relations

From: Christopher Shays, Chairman

Date: July 15, 2004

Subject: Briefing Memo for July 20, 2004 Subcommittee Hearing entitled, "Public Safety Interoperability: Look Who's Talking Now" 10:00 a.m., Room 2154 Rayburn House Office Building

PURPOSE OF THE HEARING

The purpose of this hearing is to revisit the state of efforts to achieve communications interoperability for first responders and look at the programs of federal, state and local governments in responding to those challenges. The hearing will focus on the important role of the federal government in developing policies and regulations that respond to state and local agencies working to meet public safety communications requirements. One panel will be dedicated to examining the current state of interoperability in the New York metropolitan area. The Government Accountability Office will also release a report prepared for the Committee on Government

Reform entitled: “Homeland Security: Achieving Interoperable Communications Among First Responders Requires Cooperation.”

HEARING ISSUES

- What has the federal government done since 9/11 to address public safety interoperability? How successful have federal policies been to date?
- Has the current federal system been able to respond to the communication needs of first responders? What have states and localities done to address public safety interoperability?
- Are New York metropolitan area first responders better prepared to communicate with each other today than they were on 9/11?

BACKGROUND

On November 6, 2003, the Subcommittee held a joint hearing with the Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census on the challenges of achieving first responder communications interoperability.

Communications interoperability is the ability of public safety agencies to talk across disciplines and jurisdictions via radio communications systems, exchanging voice and/or data with one another on demand, in real time, as authorized. Many federal departments, agencies and interagency groups had some degree of responsibility for public safety interoperability management long before September 11, 2001.

The nation is heavily invested in an existing infrastructure that is largely incompatible. Efforts within the federal government to address the interoperability problem are being coordinated to incorporate the needs of local, state, and federal practitioners. But many challenges remain, both technical and cultural. One challenge in creating an overall communications architecture for public safety communications policies is the lack of any required process of integration and decision-making between the major

federal departments with responsibilities affecting state or regional planning bodies.

The element of interoperability - equipment standards, protocols for use, licensing requirements, interference avoidance, policy making, oversight, enforcement, research, development and integration of new technologies - are extremely difficult to sequence and fund under the current multi-departmental federal process.

TESTIMONY

Government Accountability Office (GAO) Report

At the November 6, 2003 joint Subcommittee hearing, GAO testified that no single group or level of government could fix the nation's interoperable communications problems and that success would require effective, collaborative, interdisciplinary and intergovernmental planning.

In the report to be discussed at this hearing, GAO examines:

- Issues in determining the current interoperable communications capabilities of first responders nationwide, including the scope and severity of interoperable wireless communications problems across the nation,
- The potential roles that federal, state, and local governments can play in improving communications, and
- How the variety of federal grants for state and local first responders may encourage or inhibit the assessment of interoperable problems and the development of comprehensive plans to address those problems.

At Tuesday's hearing, GAO will release its findings and recommendations. **Mr. William O. Jenkins, Director of Homeland Security and Justice** will testify for GAO.

The Department of Homeland Security (DHS): SAFECOM and the Office of Interoperability and Compatibility

In the recently released report “Spectrum Policy for the 21st Century – The President’s Spectrum Policy Initiative,” the President charged the Department of Homeland Security with developing a comprehensive plan to address fragmentation, shortages, interference and security issues related to communication spectrum used by the public safety community. Previously, Secretary Ridge said, “The ability for our nation’s first responders to communicate with each other as well as share equipment in times of crisis is a critical issue facing our nation. Solving this challenge is a long-standing and complex problem. There are, however, some immediate steps the department can take this year to address the ... communications and equipment needs of first responders and make substantial progress to achieving the penultimate communications solution.”

Over the last year, DHS’s project SAFECOM has established itself as the umbrella public safety communications program within the federal government, coordinating with local, tribal, state, and federal agencies to improve emergency management and law enforcement communications and interoperability.

In 2003, SAFECOM developed grant guidance for use by federal programs funding public safety communications equipment to state and local agencies. Community Oriented Policing Services (COPS), Federal Emergency Management Agency (FEMA), and DHS Office of Domestic Preparedness (ODP) incorporated this guidance into public safety communications grants. This guidance marked the first coordinated approach to funding requirements. In further support of the coordinated grant process, SAFECOM organized and funded the peer review process for the joint grant solicitation from COPS and FEMA. SAFECOM also supported the Department of Commerce National Institute of Standards and Technology (NIST) Summit on Interoperability that was the first step towards identifying all the federal and national programs involved in public safety communications so that a broader coordination effort can continue.

In April 2004, SAFECOM developed a Statement of Requirements (SoR) for Wireless Public Safety Communications and Interoperability in

coordination with the National Public Safety Telecommunications Council, NIST, and the Department of Justice's AGILE Program. The statement contains interoperability scenarios describing how SAFECOM envisions technology enhancing public safety. From these scenarios, operational requirements are defined and functional requirements of the technologies are extrapolated. It is hoped the requirements will drive the development and creation of interface standards that will satisfy public safety practitioner needs and offer industry a resource for understanding the users' needs in the development of new technologies. The statement should also serve as a guide for SAFECOM to develop its research development, test, and evaluation program and constitutes the first national definition of what interoperability must accomplish.

In June 2004, Secretary Ridge tasked the Directorate of Science and Technology (S&T) within DHS, in coordination with other DHS programs, to lead the planning and implementation of an office of interoperability that will address the larger issue of interoperability, including wireless communications. By coordinating and leveraging the vast range of interoperability programs and related efforts spread across the federal government, this office, currently titled the "Office of Interoperability and Compatibility" (OIC), will reduce duplication in programs and spending and ensure consistency across federal activities related to research and development, testing and evaluation (RDT&E), standards, technical assistance, training, and grant funding related to interoperability. This new program office will encompass the SAFECOM office, which will continue as a key national initiative, into the effort to address the larger issue of interoperability.

At Tuesday's hearing, **Dr. David Boyd, Program Manager of SAFECOM**, will discuss upcoming plans and milestones of Department of Homeland Security.

The Federal Communications Commission

The FCC is responsible for regulating and licensing state and local first responder radio frequency spectrum and is instrumental in carrying out any federal first responder spectrum management policies. Although the FCC's chief responsibility is allocation and regulation of spectrum for business, industry and other private users, the FCC has created several key

administrative groups to participate in spectrum management and planning for state and local public safety users.

In 1986, the Commission formed the National Public Safety Planning Advisory Committee to give advice on management of spectrum in the 800 MHz band. The following year, the FCC adopted a Public Safety National Plan that, among other things, established Regional Planning Committees to develop plans that will be applied to public safety spectrum in the 700 MHz and 800 MHz bands. The Commission also recommended that states create State Interoperability Executive Committees for the 700 MHz bands. To date, neither DHS nor the Commission has mandated the creation of state entities to look at all public safety communications bands or reported on the successes or problems of active state and regional planning committees.

In 1999, the FCC established the Public Safety National Coordination Committee. This federal advisory committee was to solicit input from the public safety community in the further development of technical rules and operational standards for the upper 700 MHz public safety band, particularly in regard to interoperability.

In November 2001, the Homeland Security Policy Council (HSPC) was created to improve public safety communications in preparation for future terrorist attacks. HSPC also addresses spectrum interoperability and redundancy. This Council provides coordination and oversight of the FCC's actions related to public safety.

In November 2002, the FCC released the findings of an internal Spectrum Policy Task Force, which in part addressed public safety spectrum users. Recommendations affecting public safety users included fostering new technologies, grouping future allocations based on mutually compatible uses, quantifying acceptable levels of interference and continuing to dedicate spectrum for public safety use.

On July 17, 2003, the FCC's Public Safety National Coordination Committee (NCC) reached consensus on a number of matters that would address state and local interoperability challenges by recommending further action by the Federal Communications Commission. Those recommendations included adoption of channel standards, requirements for radio displays, updating rules, mandating technical requirements, streamlining administration for approval of state and regional plans, and

more comprehensive regulations for State Interoperability Executive Committees (SIECs). The FCC has not yet acted on these recommendations, to the dismay of the state and local officials actively participating this FCC public safety initiative.

On July 8, 2004, the FCC took a positive step to abate interference to public safety communications by reconfiguring the 800MHz band to segregate systems causing unacceptable levels of interference to public safety communications. Known in part as the “Nextel Consensus Plan”, most public safety officials were pleased with the FCC taking a leadership role in addressing interference to public safety communications.

At the hearing, **John Muleta, Chief of the Wireless Bureau, Federal Communications Commission** will discuss the role of the FCC in addressing state and local first responder communications needs.

Role of Localities and States

State and local governments can play a large role in developing and implementing plans to improve public safety agencies’ interoperable communications. State and local governments own most of the physical infrastructure of public safety communications systems and states play a central role in managing emergency communications. The Federal Communications Commission recognized the central role of states in concluding that states should manage the public safety channels in the 700 MHz communications spectrum. States, with broad input from local governments, might serve as a foundation for interoperability planning because incidents of any level of severity originate at the local level with states as the primary source of support. States, however, are not required to develop interoperability plans and there is no clear guidance on what should be included in such plans.

Mr. Stephen Devine of the Missouri State Highway Patrol and **Mr. Glenn Nash, California Department of General Services** are recognized as leaders in national and state spectrum communities and will report on state interoperability needs and challenges, and their working relationships with federal government departments and agencies.

Metropolitan New York Public Safety Communications

Unlike most of the United States' public safety communities, New York City and the communities in the metropolitan area know first hand the importance of public safety communications during a terrorist attack and much effort has been made to improve the conditions of interoperability encountered on September 11, 2001.

At the hearing, **Mr. Robert Schlieman, Project Manager for New York's Statewide Wireless Network, Mr. William Gardner of the Suffolk County Police Headquarters and Dr. Glenn Corbett of the John Jay College of Criminal Justice** will discuss the current state of interoperability in New York; successes and remaining challenges.

WITNESSES

Panel One

Mr. William O. Jenkins, Jr.

Director, Homeland Security and Justice Issues
U.S. Government Accountability Office

Dr. David Boyd

Program Manager, SAFECOM
U.S. Department of Homeland Security

Mr. John Muleta

Chief, Wireless Bureau
Federal Communications Commission

Mr. Stephen T. Devine

Patrol Frequency Coordinator
Communications Division
Missouri State Highway Patrol General Headquarters

Mr. Glen S. Nash

Telecommunications Division
California Department of General Services

Panel Two

Mr. Robert F. Schlieman

Project Manager - Engineering
New York Statewide Wireless Network

Mr. William Gardner

Radio Shop Supervisor
Suffolk County, New York Police Headquarters

Dr. Glenn Corbett

Department of Public Management
John Jay College of Criminal Justice
City University of New York

Written Statement

Vincent R. Stile

President

Association of Public-Safety Communications Officials

Sources

“Emergency Communications: Meeting Public Safety Spectrum Needs”
CRS Report for Congress, July 1, 2003

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“Alternative Frequencies For Use By Public Safety Systems” Response to Title XVII, Section 1705 of the National Defense Authorization Act for FY2001 US Department of Commerce, National Telecommunications and Information Administration

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Testimony of Dr. David Boyd, Subcommittee on Telecommunications
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Web Sites for FCC, NTIA, APCO, PSWIN, NPSTC
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