

**Floor Statement of Congressman John Shimkus on
Public Safety Communications/First Responders**

Mr. Speaker, I rise today to join my colleagues in addressing communication issues important to the public safety community. This is something the Energy and Commerce Committee has been focused on for the last few years, especially since the terrorist attacks on September 11th.

Congress has begun debating legislation that will implement many of the recommendations from the 9/11 Commission report. A number of these recommendations focus on public safety communications. The 9/11 Commission noted in its report that the inability of first-responders to talk to each other at the World Trade Center, at the attack on the Pentagon and at the crash site in Pennsylvania were a "critical element" in impeding rescue work.

A recent report by GAO said that the federal government still doesn't know how extensive the lack of effective emergency communication is, mostly because there is no comprehensive policy within the federal government that addresses spectrum assignments and plans for interoperable communications technology for public safety.

Homeland Security Secretary Tom Ridge just announced that

his department was establishing an office to set national standards for emergency communications so first-responders can talk to each other. This office will oversee the wide range of public safety interoperability programs and efforts currently spread across Homeland Security. These programs address critical interoperability issues relating to public safety and emergency response, including communications, equipment, training, and other areas as needs are identified.

The term "interoperable communications" means the ability of emergency response providers and relevant Federal, State and local government agencies to communicate with each other. Often times, this is a difficult task. More and more often, when a public safety officer responds to a call, he or she will arrive at the call site and find out their radio doesn't work because a private wireless carrier operating in the same spectrum band has a tower close to the call site. The interference is generally a result of the carrier's signal either overpowering or mutating public safety's signal.

The 9/11 report recommends that Congress expedite the increased assignment of radio spectrum for public safety purposes. I believe, as do other members, that full public safety communications interoperability within the decade should be a national goal. HR 10 requires the Secretary of Homeland Security,

working with the Secretary of Commerce and the Chairman of the FCC, to establish a program to enhance public safety interoperable communications at all levels of government and to establish a comprehensive national approach to achieving public safety interoperable communications.

There are some 60,000 first responder organizations in the United States, and each one purchases its own equipment. These organizations control more than 40,000 spectrum licenses. Neighboring communities that need to cooperate in an emergency often start out with vastly different communication systems and different capacities to fund new equipment. But this is a difficult problem to correct. Many localities are not willing to give up their systems so they can have the same ones as a neighboring community. They feel the systems they have work best for them in an emergency and feel the cost of switching to a new system is too high. Some first responders worry that a fully integrated system could compromise command-and-control in an emergency, by fostering a confusing set of instructions.

States are looking for low-cost solutions that will enable better communication, while avoiding the danger in which the chain of command breaks down in emergencies. You don't want everyone talking to everyone else all the time.

One key is to set a date for the availability of new spectrum. It gives states and cities an incentive to move more quickly on the investments in new equipment needed for interoperability, especially in urban areas where the volume of users can quickly overload the system in an emergency, as it did in New York and the Pentagon on 9/11.

There is a lot of uncertainty out there about how Congress and the FCC should acquire this spectrum. Congress passed legislation that included providing some of the needed frequencies. Congress mandated that channels used to broadcast analog television were to be cleared and spectrum at 700 MHz was to be reallocated for wireless communications, including public safety.

In the Balanced Budget Act of 1997, Congress established 85% as the threshold for the percentage of households, by market, that must be able to receive digital signals in order for the FCC to end the licenses for analog, over-the-air broadcasting and then use those analog licenses for public safety. In this scenario, the 15% that lacked digital equipment would, presumably some 16 million homes, quickly lose access to all television programs. A proposal by the FCC Media Bureau Chief, Kenneth Ferree -- known as the "Ferree Plan" -- would include cable or satellite set-top boxes that can accept digital signals in evaluating whether at least 85% of a TV market has either digital TV or converters. Such an action

would make it possible for the FCC to begin reclaiming spectrum from broadcasters as early as January 2009, but this has been met with some criticism by broadcasters across the country. To date, over 1400 of the 1600 plus over the air broadcast stations are broadcasting a digital signal.

E9-1-1

Another issue I wish to address is the communication problems we are having when people need to call 911 in an emergency, especially from their cell phones. The critical numbers 9-1-1 is our first link to getting life-saving help or thwarting a terrorist attack. Only a small percentage of the nation's PSAPs are capable of processing *wireless* 911 calls. An estimated 130 million wireless phones are in use, generating an average of 150,000 calls to 911 each day. Our nation's communications technology has changed, but our emergency response infrastructure has not been updated. Too many remain needlessly at risk.

The most significant remaining hurdle to ubiquitous E-911 service is PSAP readiness. However, most of the remaining PSAPs lack the funding necessary to upgrade their systems. And many states, like my home state of Illinois, have aggravated the situation by using the subscriber fees collected on phone bills for E-911 services to help cover budget shortfalls.

To address this growing problem, I joined my colleague in the House Representative Anna Eshoo, and Senators Burns and Clinton to form the Congressional E-911 Caucus. Together, we have pushed legislation that will enhance coordination of E-911 implementation in each state, discourage the raiding of E-911 funds, and give local PSAPs additional funding to help them finally achieve enhanced 9-1-1 capability.

I joined Representative Eshoo in introducing H.R. 2898, the “E-911 Implementation Act of 2003.” The bill passed the House last November and is currently waiting action in the Senate. I believe the 9/11 Commission report legislation would be the perfect vehicle to attach this legislation. The legislation will do 4 major things to advance E-9-1-1 deployment:

- 1) It authorizes \$100 million dollars for 5 years to provide PSAPs with matching grants to help them with much needed upgrades;
- 2) It penalizes states for diverting E-911 funds. Under this legislation, PSAPs will not be eligible for matching grants until their states certify that they have stopped using their E-911 monies for other purposes;

- 3) It creates an E-911 Office at the National Telecommunication Information Administration (NTIA) that will serve as a clearing house for best practices in the deployment of E-911 and administer the grant program; and
- 4) It directs the FCC to review its E-911 accuracy requirements for rural areas to determine if they adequately address the complexities associated with providing E-911 services.

What we have highlighted here tonight is the need for Congress and the FCC to act on public safety communication problems. HR 10 starts that process moving. There are other fixes, like E9-1-1 legislation, that could also help first responders respond quicker to emergencies and possible terrorist attacks. These solutions are not easy. Congress and industry are going to have to make difficult decisions, but our goal should be to improve the public safety communication systems and insure that first responders are equipped with the necessary tools to respond to terrorist attacks and other emergency situations.