

- 18. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FOSSELLA OF NEW YORK, OR HIS DESIGNEE, TO BE DEBATABLE FOR 10 MINUTES.**

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**AMENDMENT TO H.R. 10**  
**OFFERED BY MR. FOSSELLA OF NEW YORK**  
**(FOR HIMSELF AND MR. STUPAK OF MICHIGAN)**

(Page & line nos. refer to the Committee Print of the  
Committee on Rules dated October 4, 2005)

Page 606, after line 17, insert the following (and re-  
designate the subsequent subsections accordingly):

1 (d) MULTI-YEAR INTEROPERABILITY GRANTS.—

2 (1) MULTI-YEAR COMMITMENTS.—In awarding  
3 grants to any State, region, local government, or In-  
4 dian tribe for the purposes of enhancing interoper-  
5 able communications capabilities for emergency re-  
6 sponse providers, the Secretary may commit to obli-  
7 gate Federal assistance beyond the current fiscal  
8 year, subject to the limitations and restrictions in  
9 this subsection.

10 (2) RESTRICTIONS.—

11 (A) TIME LIMIT.—No multi-year interoper-  
12 ability commitment may exceed 3 years in dura-  
13 tion.

14 (B) AMOUNT OF COMMITTED FUNDS.—

15 The total amount of assistance the Secretary  
16 has committed to obligate for any future fiscal  
17 year under paragraph (1) may not exceed  
18 \$150,000,000.

19 (3) LETTERS OF INTENT.—



1 (A) ISSUANCE.—Pursuant to paragraph  
2 (1), the Secretary may issue a letter of intent  
3 to an applicant committing to obligate from fu-  
4 ture budget authority an amount, not more  
5 than the Federal Government's share of the  
6 project's cost, for an interoperability commu-  
7 nications project (including interest costs and  
8 costs of formulating the project).

9 (B) SCHEDULE.—A letter of intent under  
10 this paragraph shall establish a schedule under  
11 which the Secretary will reimburse the appli-  
12 cant for the Federal Government's share of the  
13 project's costs, as amounts become available, if  
14 the applicant, after the Secretary issues the let-  
15 ter, carries out the project before receiving  
16 amounts under a grant issued by the Secretary.

17 (C) NOTICE TO SECRETARY.—An applicant  
18 that is issued a letter of intent under this sub-  
19 section shall notify the Secretary of the appli-  
20 cant's intent to carry out a project pursuant to  
21 the letter before the project begins.

22 (D) NOTICE TO CONGRESS.—The Sec-  
23 retary shall transmit a written notification to  
24 the Congress no later than 3 days before the  
25 issuance of a letter of intent under this section.



1 (E) LIMITATIONS.—A letter of intent  
2 issued under this section is not an obligation of  
3 the Government under section 1501 of title 31,  
4 United States Code, and is not deemed to be an  
5 administrative commitment for financing. An  
6 obligation or administrative commitment may  
7 be made only as amounts are provided in au-  
8 thorization and appropriations laws.

9 (F) STATUTORY CONSTRUCTION.—Nothing  
10 in this subsection shall be construed—

11 (i) to prohibit the obligation of  
12 amounts pursuant to a letter of intent  
13 under this subsection in the same fiscal  
14 year as the letter of intent is issued; or

15 (ii) to apply to, or replace, Federal as-  
16 sistance intended for interoperable commu-  
17 nications that is not provided pursuant to  
18 a commitment under this subsection.

19 (e) INTEROPERABLE COMMUNICATIONS PLANS.—  
20 Any applicant requesting funding assistance from the Sec-  
21 retary for interoperable communications for emergency re-  
22 sponse providers shall submit an Interoperable Commu-  
23 nications Plan to the Secretary for approval. Such a plan  
24 shall—



1 (1) describe the current state of communica-  
2 tions interoperability in the applicable jurisdictions  
3 among Federal, State, and local emergency response  
4 providers and other relevant private resources;

5 (2) describe the available and planned use of  
6 public safety frequency spectrum and resources for  
7 interoperable communications within such jurisdic-  
8 tions;

9 (3) describe how the planned use of spectrum  
10 and resources for interoperable communications is  
11 compatible with surrounding capabilities and inter-  
12 operable communications plans of Federal, State,  
13 and local governmental entities, military installa-  
14 tions, foreign governments, critical infrastructure,  
15 and other relevant entities;

16 (4) include a 5-year plan for the dedication of  
17 Federal, State, and local government and private re-  
18 sources to achieve a consistent, secure, and effective  
19 interoperable communications system, including  
20 planning, system design and engineering, testing and  
21 technology development, procurement and installa-  
22 tion, training, and operations and maintenance; and

23 (5) describe how such 5-year plan meets or ex-  
24 ceeds any applicable standards and grant require-  
25 ments established by the Secretary.

