

Calendar No. 74

112TH CONGRESS
1st Session

SENATE

REPORT
112-22

AMATEUR RADIO EMERGENCY COMMUNICA-
TIONS ENHANCEMENT ACT OF 2011

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

S. 191

TO DIRECT THE DEPARTMENT OF HOMELAND SECURITY TO
UNDERTAKE A STUDY ON EMERGENCY COMMUNICATIONS



JUNE 13, 2011.—Ordered to be printed

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AMATEUR RADIO EMERGENCY COMMUNICATIONS ENHANCEMENT ACT OF 2011

JUNE 13, 2011.—Ordered to be printed

Mr. LIEBERMAN, from the Committee on Homeland Security and
Governmental Affairs, submitted the following

R E P O R T

[To accompany S. 191]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 191) to direct the Department of Homeland Security to undertake a study on emergency communications, having considered the same, reports favorably thereon with an amendment and recommends that the bill (as amended) do pass.

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I. PURPOSE AND SUMMARY

S. 191 seeks to determine how to harness the ability of the hundreds of thousands of American amateur radio operators who comprise the Amateur Radio Service to offer organized and orderly help to the government in times of emergency. It does so by directing the Secretary of Homeland Security to study, write a report on, and make recommendations with respect to the uses and capabilities of the Amateur Radio Service.

II. BACKGROUND AND NEED FOR THE LEGISLATION

Amateur radios—radios used for two-way communications—have long served as an effective method of communication for their

users. The Federal Communications Commission has allocated certain radio frequencies to amateur radio use, and it has required those seeking to communicate on those frequencies to first obtain FCC licenses. The nearly 700,000 U.S. residents who have obtained such licenses make up the Amateur Radio Service.

In emergency after emergency, members of the Amateur Radio Service have proven the value of their technology and skills to helping those in need. Natural disasters and other emergencies often cause traditional phone lines to fail and can leave cell phone services overwhelmed. The ability of amateur radios to communicate, however, often emerges from these disasters unscathed, allowing amateur radio operators to serve as vital communicators of critical information. Volunteer radio operators provided such services during hurricanes Katrina, Rita, Hugo, and Andrew, during the relief efforts at the World Trade Center and the Pentagon following the 2001 terrorist attacks, and during the Oklahoma City bombing in April 1995.

Despite these examples of invaluable service and the great need for reliable communications during emergencies, there currently is no overarching strategy for organizing and harnessing the potential of this critical communication infrastructure. S. 191 would help remedy this situation by directing the Department of Homeland Security to study and report on the ways in which the Amateur Radio Service can help in the response to emergencies and natural disasters.

III. LEGISLATIVE HISTORY

In the 111th Congress, Senators Joseph Lieberman and Susan Collins introduced S. 1755, the Amateur Radio Emergency Communications Enhancement Act of 2009, on October 6, 2009. The Committee on Homeland Security and Governmental Affairs favorably reported the bill by voice vote on November 4, 2009. The bill passed the Senate on December 14, 2009, by unanimous consent. The House took no action on the bill.

On January 26, 2011, Senators Joseph Lieberman and Susan Collins re-introduced the Amateur Radio Emergency Communications Enhancement Act of 2011 in the 112th Congress. The bill, now numbered S. 191, was referred to the Committee on Homeland Security and Governmental Affairs. The Committee considered the bill at a business meeting on April 13, 2011.

The Committee adopted one amendment to the bill, offered by Senator Coburn. The amendment directs the Department of Homeland Security's Inspector General to submit a report to Congress to determine whether and to what degree Federal Emergency Management Agency grant programs provide duplicative or overlapping assistance. According to a March 1, 2011, Government Accountability Office Report cited by Senator Coburn, "FEMA does not compare and coordinate grant applications across its preparedness programs to identify potential duplication. In addition, FEMA has not established measurable goals or performance measures for preparedness capabilities to identify gaps to assist in effectively prioritizing national investments through preparedness grant programs Until FEMA evaluates grant applications across grant

programs, FEMA cannot ascertain whether or to what extent multiple funding requests are being submitted for similar purposes.”¹

The Committee adopted the Coburn amendment by voice vote and then voted to report the bill favorably, also by voice vote. Members present for both votes were Senators Lieberman, Levin, Akaka, Carper, Begich, Collins, Coburn, McCain, and Johnson.

IV. SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 designates the name of the act as the “Amateur Radio Emergency Communications Enhancement Act of 2011.”

Section 2. Findings

Section 2 states Congress’ findings regarding the value of services provided by amateur radio service operators.

Section 3. Study of enhanced uses of amateur radio in emergency and disaster relief communication and for relief of restrictions

Subsection (a) requires the Secretary of Homeland Security to undertake a study examining the uses and capabilities of Amateur Radio Service communications in emergencies and disaster relief and to submit a report to Congress on the findings of the study within 180 days of enactment of this act.

Subsection (b) provides that the study shall include a review of the extent to which amateur radio emergency communications can support homeland security missions relating to disasters, severe weather, and other threats to lives and property in the United States. It also directs the report to provide recommendations for enhancements in the voluntary deployment of amateur radio licensees in relief efforts and improved integration of amateur radio operators in planning and furtherance of homeland security initiatives. Finally, it specifies that the recommendations should identify impediments to Amateur Radio Service communications and make recommendations regarding such impediments for consideration by other Federal departments, agencies, and Congress.

Subsection (c) requires the Secretary to utilize the expertise of stakeholder entities and organizations for the purposes of conducting this study.

Section 4. Report on Duplication of Grant Programs

Subsection (a) requires the Inspector General of the Department of Homeland Security to submit a report to Congress on the grant programs administered by the Administrator of the Federal Emergency Management Agency within 180 days of enactment of this act.

Subsection (b) provides that report should determine whether and to what degree Federal Emergency Management Agency grant programs provide duplicative or overlapping assistance. It also specifies that the report should provide the cost of each grant and make recommendations for the consolidation and elimination of grant programs to reduce duplication of assistance.

¹ *Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue* (GAO #11-318SP), page 116.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill. The Committee agrees with the Congressional Budget Office that the bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not effect state, local, and tribal governments. The enactment of this legislation will not have significant regulatory impact.

VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

APRIL 19, 2011.

Hon. JOSEPH I. LIEBERMAN,
Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 191, the Amateur Radio Emergency Communications Enhancement Act of 2011.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Dan Hoople.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

S. 191—Amateur Radio Emergency Communications Enhancement Act of 2011

CBO estimates that implementing S. 191 would cost about \$1 million over the next five years. Pay-as-you-go procedures do not apply to this legislation because it would not affect direct spending or revenues.

S. 191 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The legislation would direct the Department of Homeland Security (DHS) to conduct a study on the uses and capabilities of the Amateur Radio Service during and after a disaster or emergency. The Amateur Radio Service is a voluntary organization made up of qualified people with a nonmonetary interest in radio. Amateur radio operators are licensed by the Federal Communications Commission based on skill and knowledge. Licensed operators may use a number of small, shared-frequency bands to communicate through voice, teleprinting, telegraphy, facsimile, and television. During emergencies, amateur radio operators provide alerts and other communication in place of and in tandem with federal, state, and local government agencies and private relief organizations, such as the American Red Cross.

The bill also would direct the Inspector General of DHS to report to the Congress on the cost of grant programs operated by the Federal Emergency Management Agency and to what degree those programs provide duplicative or overlapping assistance. Based on similar studies, CBO estimates that the cost of producing both studies would be about \$1 million in 2012, subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Dan Hoople. The estimate was approved by Peter H. Fontaine, Assistant Director for Budget Analysis.

VIII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

The bill, as reported, makes no changes to existing law.