

businesses help to create the firm economic foundation, propelling our nation's economic growth. Therefore, we in turn must create an atmosphere favorable for small businesses and provide this emergency package to the SBA. We must allow Nation's small businesses to do what they do best—"create jobs."

I urge my colleagues to support this bill. Too much is at stake for small businesses, and the economy as a whole, to allow this critical legislation to languish. Congress must find essential agreement and fulfill its obligation to America's small businesses. Clearly, if we strive for anything less, we fail to support the backbone of our economy, our hope for new innovation, and the entrepreneurs reach for the American dream.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, Mr. LEVIN, and Mr. MCCAIN:

S. 1725 A bill to strengthen Federal leadership, provide grants, enhance outreach and guidance, and provide other support to State and local officials to enhance emergency communications capabilities, to achieve communications interoperability, to foster improved regional collaboration and coordination, to promote more efficient utilization of funding devoted to public safety communications, to promote research and development by both the public and private sectors for first responder communications, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. LIEBERMAN. Mr. President, I rise today to introduce the Assure Emergency and Interoperable Communications for First Responders Act of 2005—or EICOM—as a step towards improving emergency communications nationwide so no community experiences the communications failure we saw in parts of the Gulf Coast in the wake of Hurricane Katrina.

I want to thank my cosponsors, Senators COLLINS, LEVIN, AKAKA, and MCCAIN, for joining me in this effort.

The attack of 9/11 dramatically showed how vulnerable our first responders are in an emergency when they are unable to communicate with each other.

Four years after 9/11, solving the problem of interoperability remains the number one priority for our Nation's first responders.

Whether responding to a terrorist attack, natural disaster, fire, a missing child, or a fleeing suspect, police, fire fighters, emergency medical technicians and other responders still all too frequently arrive at the scene with incompatible communications equipment and can't share crucial, life-saving information with each other.

This puts at risk both the lives of our first responders and those they were sworn to protect.

I have previously introduced legislation that addresses the problems of

interoperability. But Hurricane Katrina spotlighted an even more severe problem—operability—the need for systems that themselves can survive a disaster, either natural or man-made. Katrina has shown us that without a working communications system a coordinated response to an emergency becomes close to impossible.

This bill seeks to address the challenges of both interoperability and operability.

Hurricane Katrina blew down power lines, knocked out cell phone towers and wiped out regular phone service in blasts of wind and water. In too many areas the result was no regular or cell phone service and portable radios that slowly went dead because there was no way to charge the batteries.

What do you do when you are down to zero communications? Gulf Coast emergency officials were repeatedly reduced to using runners to communicate between command centers and first responders in the field.

And this is not the first time this has happened in the United States.

Some have suggested that the scenes out of the Gulf Coast had a third world quality about them. But runners? That isn't Third World. That is the ancient world. That is Athens in 490 BC when legend has it a runner covered 300 miles in a week to share information and coordinate the defense of the City of Marathon—thus the name of the race.

But certainly between 490 BC and the 21st Century we've made greater advancement in communications technologies than better running shoes.

This bill seeks to remedy the communications nightmare we saw in New Orleans and the Gulf Coast—and make sure we don't have the same nightmare in future disasters.

This bill establishes an Office for Emergency Communications, Interoperability and Compatibility—or ECIC—within the Department of Homeland Security, replacing and strengthening the present Office for Interoperability and Compatibility.

This new and stronger ECIC will be charged with finding ways to establish emergency communications capabilities when a terrorist attack, natural disaster or other large-scale emergency has damaged or destroyed usual communications and electrical infrastructure.

This bill also tells the Secretary of DHS to establish a comprehensive, competitive research and development program to identify and answer the policy and technology questions necessary to sustain emergency communications capabilities and achieve interoperability.

This includes promoting research through the Directorate of Science and Technology Homeland Security Advanced Research Projects Agency, (HSARPA) and considering establishing a Center of Excellence.

The bill also directs the Secretary of DHS to establish at least two pilot projects to help us develop and test

working emergency communications systems for first responders and government officials that will survive a natural disaster or terrorist attack where there has been damage to or destruction to critical infrastructure.

Finally, this bill establishes a grant program for States and regional consortiums to develop and implement short-term and long-term solutions for emergency communications capabilities and interoperability. Total grant amounts would start at \$400,000,000 for fiscal year 2006, rising to \$1 billion by 2010.

9/11 showed us the danger of non-interoperable communications for our first responders and the people they try to protect. Lives were likely lost that day because some first responders didn't get the orders to evacuate.

Katrina showed us the further peril that comes with zero communications. First responders tried to react to the disaster but didn't know where to go or what to do.

And, again, we know lives were lost.

This is 21st Century America, not ancient Athens. We've moved beyond runners. We have technologies at our disposal undreamed of even just a few years ago and breakthroughs still to come.

Let's marshal our resources and summon our will and—with a sense of urgency—create communications systems that survive disaster so our first responders can do their jobs—helping others when lives are on the line and seconds matter.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1725

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Assure Emergency and Interoperable Communications for First Responders Act of 2005".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Communications among those responding to a natural disaster, terrorist attack, or other large-scale emergency are critical to an effective response and to save lives.

(2) Ordinary modes of communications are often difficult or impossible during a natural disaster, terrorist attack, or other catastrophic emergency, because of damage to critical infrastructure, including the destruction of phone lines and cellular towers, and loss of power sources and because of increased demand placed on already strained systems.

(3) In the days after Hurricane Katrina devastated the Gulf Coast of the United States, the communications infrastructure in the affected areas was decimated, and difficulties in communicating among officials and first responders significantly impeded the rescue and relief efforts.

(4) A further major barrier to sharing information among police, firefighters, and others who may be called on to respond to natural disasters, terrorist attacks, and other large-scale emergencies is the lack of

interoperable communications systems, which can enable public safety agencies to talk to one another and share important, sometimes critical, information in an emergency. Police and firefighters responding to the attacks at the World Trade Center on September 11, 2001, had difficulty communicating with each other. Initial press reports indicate that conflicting radio frequencies also contributed to the difficulties in communications among law enforcement and government relief agencies in the aftermath of Hurricane Katrina.

(5) The Department of Homeland Security has identified communications interoperability as 1 of the key national priorities for first responders to achieve the National Preparedness Goal that the Department of Homeland Security has established for the Nation and has identified emergency response communications as an essential target capability needed to respond to a major event.

(6) The lack of emergency communication capabilities and interoperability costs lives not only during terrorist attacks or natural disasters, but also during everyday emergency operations.

(7) Assuring emergency communications capabilities and achieving interoperability is difficult because some 50,000 local agencies typically make independent decisions about communications systems. This lack of coordination also dramatically increases the cost of public safety communications to Federal, State, local, and tribal governments.

(8) Achieving the level of emergency communications capabilities and communications interoperability that is needed will require an unprecedented level of coordination and cooperation among Federal, State, local, and tribal public safety agencies. Establishing multidisciplinary, cross-jurisdictional governance structures to achieve the necessary level of collaboration is essential to accomplishing this goal.

(9) The Intelligence Reform and Terrorism Prevention Act of 2004 requires the Secretary of Homeland Security, in consultation with other Federal officials, to establish a program to ensure public safety interoperable communications at all levels of government.

(10) However, much more remains to be done. For example, in January 2005, the National Governors Association reported that while achieving interoperability ranked as the top priority for States, obtaining the equipment and technology to fulfill this goal remains a challenge. The large majority of States report that they have not yet achieved interoperability in their States.

(11) Much of the communications equipment used by emergency responders is outdated and incompatible, which inhibits communication between State and local governments and between neighboring local jurisdictions. Additional grant funding would facilitate the acquisition of new technology to enable interoperability.

(12) Stronger and more effective national, statewide, and regional leadership are required to improve emergency communications capabilities and interoperability. The Department of Homeland Security must provide national leadership by conducting nationwide outreach to each State, fostering the development of regional leadership, and providing substantial technical assistance to State, local, and tribal public safety officials, while more effectively utilizing grant programs that fund interoperable equipment and systems.

(13) The Department of Homeland Security must implement pilot programs and fund and conduct research to develop and promote adoption of next-generation solutions for public safety communications. The Department of Homeland Security must also fur-

ther develop its own internal expertise to enable it to better lead national interoperability efforts and to provide technically sound advice to State and local officials.

(14) Achieving emergency communications capabilities and interoperability requires the sustained commitment of substantial resources. Nonetheless, emergency communications capabilities and interoperability can be accomplished at a much lower cost than would otherwise be possible if strong national leadership drives cooperation and adoption of smart, new technology solutions.

(15) The private sector has a critical role to play in developing cost-effective solutions to these problems.

SEC. 3. OFFICE FOR EMERGENCY COMMUNICATIONS, INTEROPERABILITY, AND COMPATIBILITY.

(a) IN GENERAL.—Section 7303(a)(2) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(a)(2)) is amended to read as follows:

“(2) OFFICE FOR EMERGENCY COMMUNICATIONS, INTEROPERABILITY, AND COMPATIBILITY.—

“(A) ESTABLISHMENT OF OFFICE.—There is established an Office for Emergency Communications, Interoperability, and Compatibility within the Directorate of Science and Technology of the Department of Homeland Security to carry out this subsection.

“(B) DIRECTOR.—There shall be a Director of the Office for Emergency Communications, Interoperability, and Compatibility, who shall be appointed by the Secretary of Homeland Security.

“(C) RESPONSIBILITIES.—The Director of the Office for Emergency Communications, Interoperability, and Compatibility shall—

“(i) assist the Secretary of Homeland Security in developing and implementing the program described in paragraph (1);

“(ii) carry out the Department of Homeland Security’s responsibilities and authorities relating to the SAFECOM Program;

“(iii) carry out section 510 of the Homeland Security Act of 2002; and

“(iv) conduct extensive, nationwide outreach and foster the development of emergency communications capabilities and interoperable communications systems by State, local, and tribal governments and public safety agencies, and by regional consortia thereof, by—

“(I) in coordination with the National Communications System, developing, updating, and implementing a national strategy to achieve emergency communications capabilities, with goals and timetables;

“(II) developing, updating, and implementing a national strategy to achieve communications interoperability, with goals and timetables;

“(III) developing a national architecture, which defines the components of an interoperable system and how they fit together;

“(IV) establishing and maintaining a task force that represents the broad customer base of State, local, and tribal public safety agencies, as well as Federal agencies, involved in public safety disciplines such as law enforcement, firefighting, emergency medical services, public health, and disaster recovery, in order to receive input and coordinate efforts to achieve emergency communications capabilities and communications interoperability;

“(V) working with the Office of Domestic Preparedness Interoperable Communications Technical Assistance Program to—

“(aa) provide technical assistance to State, local, and tribal officials; and

“(bb) facilitate the creation of regional task forces in each State, with appropriate governance structures and representation from State, local, and tribal governments and public safety agencies and from the Fed-

eral Government, to effectively address emergency communications capabilities, interoperability, and other communications and information-sharing needs;

“(VI) promoting a greater understanding of the importance of emergency communications capabilities, interoperability, and the benefits of sharing resources among all levels of State, local, tribal, and Federal government;

“(VII) promoting development of standard operating procedures for incident response and facilitating the sharing of information on best practices (including from governments abroad) for achieving emergency communications capabilities and interoperability;

“(VIII) making recommendations to Congress about any changes in Federal law necessary to remove barriers to achieving emergency communications capabilities and communications interoperability;

“(IX) funding and conducting pilot programs, as necessary, in order to—

“(aa) evaluate and validate new technology concepts in real-world environments to achieve emergency communications capabilities and public safety communications interoperability;

“(bb) encourage more efficient use of existing resources, including equipment and spectrum; and

“(cc) test and deploy public safety communications systems that are less prone to failure, support new non-voice services, consume less spectrum, and cost less;

“(X) liaising with the private sector to develop solutions to improve emergency communications capabilities and achieve interoperability; and

“(XI) performing other functions necessary to improve emergency communications capabilities and achieve communications interoperability.

“(D) SUFFICIENCY OF RESOURCES.—The Secretary of Homeland Security shall provide the Office for Emergency Communications, Interoperability, and Compatibility with the resources and staff necessary to carry out the purposes of this section. The Secretary shall further ensure that there is sufficient staff within the Office of Emergency Communications, Interoperability, and Compatibility, the Office for Domestic Preparedness, the National Communications Systems, and other offices of the Department of Homeland Security as necessary, to provide dedicated support to public safety organizations consistent with the responsibilities set forth in subparagraph (C)(iv).”

(b) DEFINITIONS.—Section 7303(g) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(g)) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) INTEROPERABLE COMMUNICATIONS AND COMMUNICATIONS INTEROPERABILITY.—The terms ‘interoperable communications’ and ‘communications interoperability’ mean the ability of emergency response providers and relevant Federal, State, and local government agencies to communicate with each other as necessary, utilizing information technology systems and radio communications systems, and to exchange voice, data, or video with one another on demand, in real time, as necessary.”; and

(2) by adding at the end the following:

“(3) EMERGENCY COMMUNICATIONS CAPABILITIES.—The term ‘emergency communications capabilities’ means the ability to provide and maintain, throughout an emergency response operation, a continuous flow of information among emergency responders, agencies, and government officials from multiple disciplines and jurisdictions and at all levels of government in the event of a natural disaster, terrorist attack, or other large-scale

or catastrophic emergency, including where there has been significant damage to, or destruction of, critical infrastructure, substantial loss of ordinary telecommunications infrastructure, and sustained loss of electricity.”

(c) ASSESSMENTS AND REPORTS.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following:

“SEC. 314. EMERGENCY COMMUNICATIONS AND INTEROPERABILITY ASSESSMENTS AND REPORTS.

“(a) BASELINE INTEROPERABILITY ASSESSMENT.—The Secretary, acting through the Director of the Office for Emergency Communications, Interoperability, and Compatibility, shall conduct a nationwide assessment to determine the degree to which communications interoperability has been achieved to date and to ascertain the needs that remain for interoperability to be achieved.

“(b) EVALUATION OF EMERGENCY COMMUNICATIONS CAPABILITIES.—The Secretary, acting through the Director of the Office for Emergency Communications, Interoperability, and Compatibility and the National Communications System, shall—

“(1) conduct an assessment of the ability of communities to provide and maintain emergency communications among emergency response providers and government officials in the event of a natural disaster, terrorist attack, or other large-scale emergency, including where there is substantial damage to ordinary communications infrastructure and sustained loss of electricity;

“(2) compile a list of best practices among communities for providing and maintaining communications in the event of a natural disaster, terrorist attack, or other large-scale emergency; and

“(3) conduct a study to evaluate the feasibility and desirability of the Department developing, on its own or in conjunction with the Department of Defense, a mobile communications capability, modeled on the Army Signal Corps, that could be deployed to support emergency communications at the site of a natural disaster, terrorist attack, or other large-scale emergency.

“(c) BIENNIAL REPORTS.—Not later than 1 year after the date of enactment of this section, and biennially thereafter, the Secretary, acting through the Director of the Office for Emergency Communications, Interoperability, and Compatibility, shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security and the Committee on Energy and Commerce of the House of Representatives a report on the Department’s progress in implementing and achieving the goals of the Assure Emergency and Interoperable Communications for First Responders Act of 2005. The first report submitted under this subsection shall include a description of the findings of the assessments, evaluations, and study conducted under subsections (a) and (b).”

SEC. 4. RESEARCH AND DEVELOPMENT.

Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), as amended by section 3, is amended by adding at the end the following:

“SEC. 315. EMERGENCY COMMUNICATIONS INTEROPERABILITY RESEARCH AND DEVELOPMENT.

“(a) IN GENERAL.—The Secretary shall establish a comprehensive research and development program to promote emergency communications capabilities and communications interoperability among first responders, including by—

“(1) promoting research on a competitive basis through the Directorate of Science and Technology Homeland Security Advanced Research Projects Agency; and

“(2) considering establishment of a Center of Excellence under the Department of Homeland Security Centers of Excellence Program, using a competitive process, focused on enhancing information and communications systems for first responders.

“(b) PURPOSES.—The purposes of the program established under subsection (a) include—

“(1) understanding the strengths and weaknesses of the diverse public safety communications systems currently in use;

“(2) examining how current and emerging technology can make public safety organizations more effective, and how Federal, State, and local agencies can utilize this technology in a coherent and cost-effective manner;

“(3) exploring Federal, State, and local policies that will move systematically towards long-term solutions;

“(4) evaluating and validating new technology concepts, and promoting the deployment of advanced public safety information technologies for emergency communications capabilities and interoperability; and

“(5) advancing the creation of a national strategy to enhance emergency communications capabilities, promote interoperability and efficient use of spectrum in communications systems, improve information sharing across organizations, and use advanced information technology to increase the effectiveness of first responders in valuable new ways.”

SEC. 5. PILOT PROJECTS.

Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), as amended by sections 3 and 4, is amended by adding at the end the following:

“SEC. 316. EMERGENCY COMMUNICATIONS PILOT PROJECTS.

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall establish not fewer than 2 pilot projects to develop and evaluate strategies and technologies for providing and maintaining emergency communications capabilities among emergency response providers and government officials in the event of a natural disaster, terrorist attack, or other large-scale emergency in which there is significant damage to, or destruction of, critical infrastructure, including substantial loss of ordinary telecommunications infrastructure and sustained loss of electricity.

“(b) SELECTION CRITERIA.—In selecting areas for the location of the pilot projects, the Secretary shall consider—

“(1) the risk to the area from a large-scale terrorist attack or natural disaster;

“(2) the number of potential victims from a large-scale terrorist attack or natural disaster in the area;

“(3) the existing capabilities of the area’s emergency communications systems; and

“(4) such other criteria as the Secretary may determine appropriate.”

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

In addition to the funds authorized to be appropriated by section 7303(a)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(a)(3)), there are authorized to be appropriated for the operations of the Office for Emergency Communications, Interoperability, and Compatibility, to provide technical assistance through the Office for Domestic Preparedness, to fund and conduct research under section 315 of the Homeland Security Act of 2002, to fund pilot projects under section 316 of the Homeland Security Act of 2002, and for other appropriate entities within the Depart-

ment of Homeland Security to support the activities described in section 7303 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194) and sections 314 through 316 of the Homeland Security Act of 2002, as added by this Act—

(1) \$127,232,000 for fiscal year 2006;

(2) \$126,549,000 for fiscal year 2007;

(3) \$125,845,000 for fiscal year 2008;

(4) \$125,121,000 for fiscal year 2009; and

(5) such sums as are necessary for each fiscal year thereafter.

SEC. 7. DEDICATED FUNDING TO ACHIEVE EMERGENCY COMMUNICATIONS CAPABILITIES AND INTEROPERABILITY.

The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following:

“TITLE XVIII—DEDICATED FUNDING TO ACHIEVE EMERGENCY COMMUNICATIONS CAPABILITIES AND INTEROPERABILITY.

“SEC. 1801. EMERGENCY COMMUNICATIONS AND INTEROPERABILITY GRANTS.

“(a) IN GENERAL.—The Secretary, through the Office, shall make grants to States and eligible regions for initiatives necessary to improve emergency communications capabilities and to achieve short-term or long-term solutions to statewide, regional, national and, where appropriate, international interoperability.

“(b) USE OF GRANT FUNDS.—Grants awarded under subsection (a) may be used for initiatives to achieve short-term or long-term solutions for emergency communications and interoperability within the State or region and to assist with any aspect of the communication life cycle, including—

“(1) statewide or regional communications planning;

“(2) system design and engineering;

“(3) procurement and installation of equipment;

“(4) training and exercises; and

“(5) other activities determined by the Secretary to be integral to the achievement of emergency communications capabilities and communications interoperability.

“(c) COORDINATION.—The Secretary shall ensure that the Office coordinates its activities with the Office of Emergency Communications, Interoperability, and Compatibility, the Directorate of Science and Technology, the National Communications System, and other Federal entities so that grants awarded under this section, and other grant programs related to homeland security, fulfill the purposes of this Act and facilitate the achievement of emergency communications capabilities and communications interoperability consistent with the national strategy.

“(d) APPLICATION.—

“(1) IN GENERAL.—A State or eligible region desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

“(2) MINIMUM CONTENTS.—At a minimum, each application submitted under paragraph (1) shall—

“(A) identify the critical aspects of the communications life cycle, including planning, system design and engineering, procurement and installation, and training for which funding is requested;

“(B) describe how—

“(i) the proposed use of funds would be consistent with and address the goals in any applicable State homeland security plan, and, unless the Secretary determines otherwise, are consistent with the national strategy and architecture; and

“(ii) the applicant intends to spend funds under the grant, to administer such funds,

and to allocate such funds among any participating local governments; and

“(C) be consistent with the Interoperable Communications Plan required by section 7303(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(f)).

“(e) STATE REVIEW AND SUBMISSION.—

“(1) IN GENERAL.—To ensure consistency with State homeland security plans, an eligible region applying for a grant under this section shall submit its application to each State within which any part of the eligible region is located for review before submission of such application to the Secretary.

“(2) DEADLINE.—Not later than 30 days after receiving an application from an eligible region under paragraph (1), each such State shall transmit the application to the Secretary.

“(3) STATE DISAGREEMENT.—If the Governor of any such State determines that a regional application is inconsistent with the State homeland security plan of that State, or otherwise does not support the application, the Governor shall—

“(A) notify the Secretary in writing of that fact; and

“(B) provide an explanation of the reasons for not supporting the application at the time of transmission of the application.

“(f) AWARD OF GRANTS.—

“(1) CONSIDERATIONS.—In approving applications and awarding grants under this section, the Secretary shall consider—

“(A) the nature of the threat to the State or eligible region from a terrorist attack, natural disaster, or other large-scale emergency;

“(B) the location, risk, or vulnerability of critical infrastructure and key national assets, including the consequences from damage to critical infrastructure in nearby jurisdictions as a result of a terrorist attack, natural disaster, or other large-scale emergency;

“(C) the size of the population, as well as the population density of the area, that will be served by the interoperable communications systems, except that the Secretary shall not establish a minimum population requirement that would disqualify from consideration an area that otherwise faces significant threats, vulnerabilities, or consequences from a terrorist attack, natural disaster, or other large-scale emergency;

“(D) the extent to which grants will be utilized to implement emergency communications and interoperability solutions—

“(i) consistent with the national strategy and compatible with the national architecture; and

“(ii) more efficient and cost effective than current approaches;

“(E) the number of jurisdictions within regions participating in the development of emergency communications capabilities and interoperable communications systems, including the extent to which the application includes all incorporated municipalities, counties, parishes, and tribal governments within the State or eligible region, and their coordination with Federal and State agencies;

“(F) the extent to which a grant would expedite the achievement of emergency communications capabilities and interoperability in the State or eligible region with Federal, State, and local agencies;

“(G) the extent to which a State or eligible region, given its financial capability, demonstrates its commitment to expeditiously achieving emergency communications capabilities and communications interoperability by supplementing Federal funds with non-Federal funds;

“(H) whether the State or eligible region is on or near an international border;

“(I) whether the State or eligible region encompasses an economically significant border crossing;

“(J) whether the State or eligible region has a coastline bordering an ocean or international waters;

“(K) the extent to which geographic barriers pose unusual obstacles to achieving emergency communications capabilities or communications interoperability;

“(L) the threats, vulnerabilities, and consequences faced by the State or eligible region related to at-risk site or activities in nearby jurisdictions, including the need to respond to terrorist attacks, natural disasters, or other large-scale emergencies arising in those jurisdictions;

“(M) the need to achieve nationwide emergency communications capabilities and interoperability, consistent with the national strategies; and

“(N) such other factors as are specified by the Secretary in writing.

“(2) REVIEW PANEL.—

“(A) IN GENERAL.—The Secretary shall establish a review panel under section 871(a) to assist in reviewing grant applications under this section.

“(B) RECOMMENDATIONS.—The review panel established under subparagraph (A) shall make recommendations to the Secretary regarding applications for grants under this section.

“(C) MEMBERSHIP.—The review panel established under subparagraph (A) shall include individuals with technical expertise in emergency communications and communications interoperability as well as emergency response providers and other relevant State and local officials.

“(3) AVAILABILITY OF FUNDS.—Any grant funds awarded that may be used to support emergency communications or interoperability shall, as the Secretary may determine, remain available for up to 3 years, consistent with section 7303(e) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(e)).

“(g) DEFINITIONS.—In this section, the following definitions apply:

“(1) ELIGIBLE REGION.—The term ‘eligible region’ means—

“(A) 2 or more contiguous incorporated municipalities, counties, parishes, Indian tribes or other general purpose jurisdictions that—

“(i) have joined together to enhance emergency communications capabilities or communications interoperability between first responders in those jurisdictions and with State and Federal officials; and

“(ii) includes the largest city in any metropolitan statistical area, as defined by the Office of Management and Budget; or

“(B) any other area the Secretary determines to be consistent with the definition of a region in the national preparedness guidance issued under Homeland Security Presidential Directive 8.

“(2) OFFICE.—The term ‘office’ refers to the Office of Domestic Preparedness of the Office of State and Local Government Preparedness and Coordination within the Department of Homeland Security.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the purposes of this section—

“(1) \$400,000,000 for fiscal year 2006;

“(2) \$500,000,000 for fiscal year 2007;

“(3) \$600,000,000 for fiscal year 2008;

“(4) \$800,000,000 for fiscal year 2009;

“(5) \$1,000,000,000 for fiscal year 2010; and

“(6) such sums as are necessary for each fiscal year thereafter.”

SEC. 8. DEFINITIONS.

Section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended—

(1) by redesignating paragraphs (9) through (16) as paragraphs (11) through (18), respectively;

(2) by redesignating paragraphs (6) through (8) as paragraphs (7) through (9), respectively;

(3) by inserting after paragraph (5) the following:

“(6) The term ‘emergency communications capabilities’ means the ability to provide and maintain, throughout an emergency response operation, a continuous flow of information among emergency responders, agencies, and government officials from multiple disciplines and jurisdictions and at all levels of government, in the event of a natural disaster, terrorist attack, or other large-scale or catastrophic emergency, including where there has been significant damage to, or destruction of, critical infrastructure, including substantial loss of ordinary telecommunications infrastructure and sustained loss of electricity.”; and

(4) by inserting after paragraph (8) the following:

“(9) The terms ‘interoperable communications’ and ‘communications interoperability’ mean the ability of emergency response providers and relevant Federal, State, and local government agencies to communicate with each other as necessary, utilizing information technology systems and radio communications systems, and to exchange voice, data, or video with one another on demand, in real time, as necessary.”

SEC. 9. INTERAGENCY COMMITTEE.

(a) ESTABLISHMENT.—There is established an Interagency Committee on Emergency Communications and Interoperability (referred to in this section as “the Committee”).

(b) COMPOSITION.—The Committee shall be composed of:

(1) a representative of the Department of Homeland Security, who shall serve as Chair of the Committee;

(2) a representative of the Federal Communications Committee;

(3) a representative of the Department of Commerce;

(4) a representative of the Department of Defense;

(5) a representative of the Department of Justice;

(6) a representative of the Department of Health and Human Services;

(7) a representative of the National Institute of Standards and Technology; and

(8) a representative of any other department or agency determined to be necessary by the President.

(c) REPORT.—Not later than 90 days after the date of enactment of this Act, the Committee shall submit a report to the President and to Congress that includes—

(1) a proposal as to how to most effectively accelerate the development of national standards for public safety interoperable communications in accordance with section 7303 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194); and

(2) a proposal on how to ensure that Federal officials responding to a natural disaster, terrorist attack, or other large-scale emergency, have the means to provide and maintain emergency communications capabilities to support their response efforts where there is significant damage to, or destruction of, critical infrastructure, including substantial loss of ordinary telecommunications infrastructure and sustained loss of electricity.

SEC. 10. TECHNICAL AND CONFORMING AMENDMENTS.

The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by—

(1) inserting after the item relating to section 313 the following:

“Sec. 314. Emergency communications and interoperability assessments and report.

“Sec. 315. Emergency communications and interoperability research and development.

“Sec. 316. Emergency communications pilot projects.”.

(2) adding at the end the following:

“TITLE XVIII—DEDICATED FUNDING TO ACHIEVE EMERGENCY COMMUNICATIONS CAPABILITIES AND INTEROPERABILITY

“Sec. 1801. Emergency communications and interoperability grants.”.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1732. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

SA 1733. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1734. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1735. Mr. COCHRAN proposed an amendment to the bill H.R. 2744, supra.

TEXT OF AMENDMENTS

SA 1732. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 173, after line 24, insert the following:

SEC. 7 _____. None of the funds made available under this Act shall be used by the Secretary of Agriculture for the purpose of developing a final rule relating to the proposed rule entitled “Importation of Whole Cuts of Boneless Beef from Japan”, dated August 18, 2005 (70 Fed. Reg. 48494), to allow the importation of beef from Japan, unless the President certifies to Congress that Japan has granted open access to Japanese markets for beef and beef products produced in the United States.

SA 1733. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 158, line 12, strike “\$1,883,000,000” and insert “\$5,100,000,000: *Provided*, That the

entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006”.

On page 158, line 14, strike “\$300,000,000” and insert “\$1,300,000,000”.

SA 1734. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 126, between lines 3 and 4, insert the following:

HISTORIC BARN PRESERVATION PROGRAM

For the historic barn preservation program established under section 379A of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008o), \$2,000,000.

On page 144, line 7, strike “\$98,386,000” and insert “\$96,386,000”.

SA 1735. Mr. COCHRAN proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

SEC. _____. Notwithstanding any other provision of law, the Secretary of Agriculture may consider the Municipality of Carolina, Puerto Rico as meeting the eligibility requirements for loans and grants programs in the Rural Development mission area.

NOTICES OF HEARINGS/MEETINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. COLEMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs will hold a hearing entitled “The Defense Travel System: Boon or Boondoggle?” This Subcommittee hearing on the Department of Defense’s (DOD) Defense Travel System (DTS) is part of its continuing investigation of DOD’s travel policies and practices. The DTS was intended to be a seamless integrated computer-based travel system that would facilitate travel for DOD employees and lead to increased efficiency and substantial cost savings. However, reports by the DOD Inspector General, the DOD Program Analysis and Evaluation Division, the Government Accountability Office, The Corporate Solutions Group and Citizens Against Government Waste have questioned whether DTS is effective and provides a cost benefit to DOD. These reports indicate that DTS has cost more than was anticipated, has not been fully deployed, does not appear to be widely used, does not list all available airfares and may end up costing more than it has saved. The questions raised by these reports remain largely unanswered by DOD. The hearing will explore whether DTS can deliver on the increased efficiency and cost savings

that were anticipated when the program was established.

The Subcommittee hearing is scheduled for Thursday, September 2, 2005, at 9:30 a.m. in Room 342 of the Dirksen Senate Office Building. For further information, please contact Raymond V. Shepherd, III, Staff Director and Chief Counsel to the Permanent Subcommittee on Investigations, at 224-3721.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, September 19, 2005, at 2:30 p.m. to hold a hearing on Nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

MEASURE READ THE FIRST TIME—S. 1718

Mr. FRIST. I understand there is a bill at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1718) to provide special rules for disaster employment under the Workforce Investment Act of 1988 for individuals displaced by Hurricane Katrina.

Mr. FRIST. Now I ask for its second reading and in order to place the bill on the calendar under rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

Mr. FRIST. This was the Enzi Workforce Investment Act for victims of Katrina, S. 1718. I mention that only because there were a couple of bills this morning, and then this bill, all of which reflect a lot of activity that is going on behind the scenes. By “behind the scenes,” I mean off the floor, in committees with members and chairmen working with their ranking members. There is a lot of work focused on the response and the appropriate support for recovery after Katrina.

As several people have mentioned on the floor over the course of today, there were seven Republicans and seven Democrats who represented this body last Friday in New Orleans and along the gulf coast, Mississippi, and on to Mobile, AL. We all learned a lot. We saw a lot. It contributed to our own education.

Then, later tonight, a number of us will continue that work as we figure out how best to respond to this catastrophe, this disaster which is ongoing, to respond in a way that will rebuild and reconstruct in very positive ways to help those affected. Our hearts and our prayers and our thoughts and our efforts on the floor all go out to the victims, both those in Mississippi and

Alabama and Louisiana and the half-a-million people, predominantly people from New Orleans but also from the gulf coast, Mississippi and Alabama, who are in other States beyond those three.

ORDERS FOR TUESDAY,
SEPTEMBER 20, 2005

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:45 a.m. on Tuesday, September 20; I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business for up to 60 minutes with the first 30 minutes under the control of the Democratic leader or his designee and the final 30 minutes under the control of the majority leader or his designee; provided that following morning business, the Senate resume consideration of H.R. 2744, the Agriculture appropriations bill.

I further ask unanimous consent that the Senate stand in recess from 12:30 to 2:15 to accommodate the weekly party luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow we will return to the Agriculture appropriations bill. This bill was laid down last Thursday and we resumed that bill today. Unfortunately, Members did not take advantage of their opportunity to offer amendments during those 2 days. I very much appreciate the Democratic leader, on behalf of one of his colleagues, offering an amendment a few minutes ago.

I am prepared to tell the managers that if no one comes to offer amendments, we should go to third reading and passage of the bill. We give Senators the opportunity to offer amendments, they say they are going to offer amendments in the future, and they do not come to the floor. That leaves us with the only alternative, which is going to third reading and passage of the bill. We will talk to the committee and see if we can vote on the amendment that the Democratic leader just introduced prior to the policy recess.

But having said that, I do need to forewarn all of our colleagues that the managers on these appropriations bills, both the ones over the last 2 weeks as well as the Agriculture appropriations bill we are dealing with, are very patient. They have been very patient. They stay on the floor throughout the day, and they are here many nights and Mondays and Fridays, waiting for our colleagues to offer the amendments that they say they want to offer. It is now time for people to get very serious and come over and, if they have amendments, to offer those amendments.

There is no reason to wait for a Wednesday night or a Thursday night to offer amendments. I do ask our colleagues to contact Senators BENNETT and KOHL now, to work through their amendments.

We are going to have a busy week. Real progress has been made on the judicial nomination to the Supreme Court—last week with the hearings and this week at the committee level. Next week that nomination will be brought to the floor of the Senate, and ultimately we will all have the opportunity to speak and vote.

ADJOURNMENT UNTIL 9:45 A.M.
TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:42 p.m., adjourned until Tuesday, September 20, 2005, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate September 19, 2005:

DEPARTMENT OF DEFENSE

PETER CYRIL WYCHE FLORY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE JACK DYER CROUCH, II, TO WHICH POSITION HE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM JULY 29, 2005, TO SEPTEMBER 1, 2005.

ERIC S. EDELMAN, OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE FOR POLICY, VICE DOUGLAS JAY FEITH, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM JULY 29, 2005, TO SEPTEMBER 1, 2005.

DEPARTMENT OF STATE

JOHN ROBERT BOLTON, OF MARYLAND, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, AND THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS, TO WHICH POSITION HE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM JULY 29, 2005, TO SEPTEMBER 1, 2005.

JOHN ROBERT BOLTON, OF MARYLAND, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS, TO WHICH POSITION HE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM JULY 29, 2005, TO SEPTEMBER 1, 2005.

MILLENNIUM CHALLENGE CORPORATION

JOHN J. DANILOVICH, OF CALIFORNIA, TO BE CHIEF EXECUTIVE OFFICER, MILLENNIUM CHALLENGE CORPORATION, VICE PAUL V. APPLGARTH, RESIGNED.

NATIONAL LABOR RELATIONS BOARD

PETER SCHAUMBER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2010, TO WHICH POSITION HE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM JULY 29, 2005, TO SEPTEMBER 1, 2005.

DEPARTMENT OF JUSTICE

ALICE S. FISHER, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE CHRISTOPHER A. WRAY TO WHICH POSITION SHE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM JULY 29, 2005, TO SEPTEMBER 1, 2005.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 624:

To be lieutenant colonel

CHRISTINA A. AUSTINSMITH, 0000
ROBERT ALLAN BORICH, JR., 0000
RANDON H. DRAPER, 0000
STEVEN DOUGLAS DUBRISKE, 0000
SCOTT T. ECTON, 0000
NORINE F. FITZSIMMONS, 0000
DEREK IVAN GRIMES, 0000

JOHN EUGENE HARTSELL, 0000
GRAEME S. HENDERSON, 0000
THOMAS J. HERTHEL, 0000
TROY R. HOLROYD, 0000
PATRICIA A. MCHUGH, 0000
ROBERT C. MCNEIL, 0000
MARK W. MILAM, 0000
RICHARD D. MINK, 0000
WILLIAM C. MULDOON, JR., 0000
LESLEA T. PICKLE, 0000
MICHAEL J. ROBERTS, 0000
SEAN A. SABIN, 0000
JAIME SAMPAYO, 0000
MARLESA K. SCOTT, 0000
TISHLYN ESTELLE TAYLOR, 0000
PETER W. TELLER, 0000
DEVONNIA MARIA TENTMAN, 0000
DONALD L. TWYMAN, JR., 0000
MICHAEL G. VECERA, 0000
JERRY A. VILLARREAL, 0000
ELIZABETH S. WALDROP, 0000
ANDREW S. WILLIAMS, 0000

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

MICHAEL L. HOWE, 0000
KARL F. SUHR, JR., 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JOHNATHAN T. BALL, 0000
DANIEL M. KRUMREI, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

DANIELLE N. BIRD, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

RYAN J. ALLOWITZ, 0000
ALFRED C. ANDERSON, 0000
DARIN N. ANDERSON, 0000
COLON E. BERMUDEZ, 0000
JAMES BUCHANAN, 0000
NATHAN CARLSON, 0000
STEVEN K. CRISLER, 0000
RITA M. DEVORE, 0000
DAVID ECKEL, 0000
JAMES FREEMAN, 0000
TYRUS N. HATCHER, 0000
ERICH HEITMAN, 0000
DANA HESS, 0000
JASON R. HUSE, 0000
SHAWN JEPSEN, 0000
LOUIS KUBALA, 0000
STACY L. LARSEN, 0000
JON D. LIBBESMEIER, 0000
MURGESH J. LOYNES, 0000
DOLORES LUGUE, 0000
JAMES D. LUSSIER, 0000
WENDY J. OHAVER, 0000
JAY OWENS, 0000
SCOTT RANKIN, 0000
GARY STONE, 0000
MARK A. VANCE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

ERIC D. AGUILA, 0000
MARK D. AIERSTOK, 0000
JULIE A. AMBROSE, 0000
DEVRY C. ANDERSON, 0000
JOHN ANDERSON, 0000
ROGER A. ANDERSON, 0000
RICHARD A. ANGEL, 0000
ELENA ANTEDOMENICO, 0000
TODD E. ARKAVA, 0000
RAJIV ARORA, 0000
JENNIFER M. BAGER, 0000
DAVID A. BAKER, 0000
JAY B. BAKER, 0000
TROY R. BAKER, 0000
JEFFREY A. BANKS, 0000
THAD J. BARKDULL, 0000
KATINA D. BARNES, 0000
MATTHEW J. BARRY, 0000
JEREMY T. BEAUCHAMP, 0000
KENT S. BENNETT, 0000
TODD C. BENNETT, 0000
PHILIP BERRAN, 0000
AMIT K. BHAVSAR, 0000
ROBERT E. BLEASIE, 0000
ANDREW S. BOSTAPH, 0000
LYNDEN P. BOWDEN, 0000
MICHAEL BOWEN, 0000
ROBYN A. BRAND, 0000