

S. RES. 240

At the request of Mr. SANTORUM, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. Res. 240, a resolution expressing the sense of the Senate regarding manifestations of anti-Semitism by United Nations member states and urging action against anti-Semitism by United Nations officials, United Nations member states, and the Government of the United States, and for other purposes.

S. RES. 244

At the request of Mr. SALAZAR, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from Delaware (Mr. CARPER) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. Res. 244, a resolution expressing support for the Pledge of Allegiance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ENZI (for himself and Mr. KENNEDY):

S. 1718. A bill to provide special rules for disaster relief employment under the Workforce Investment Act of 1998 for individuals displaced by Hurricane Katrina; read the first time.

Mr. KENNEDY. Mr. President, it's a privilege to join my colleague Senator ENZI in introducing a bill to bring much needed employment relief to the many working men and women who suddenly lost their livelihood because of Hurricane Katrina. The bill authorizes the Secretary to use National Emergency Grant funds to create short term jobs as the region begins to rebuild.

In distributing these funds, the first priority will be the States who have suffered the greatest loss. A group of us visited the Gulf Coast area last Friday and saw firsthand the immensity of the devastation. We know these proud hard-working men and women are anxious to become self-sufficient again as soon as possible. The Nation has opened its heart to the victims of this vast tragedy, and we need to focus now on making sure that their towns, cities and parishes are ready for their return. In order to rebuild, we need to make sure that there are jobs for them and schools for their children. Last week, we took a first step in helping reopen the schools and we also need to take a similar step to see that there are jobs when they return.

The most heavily affected States—Alabama, Louisiana and Mississippi—are doing all they can to begin rebuilding the local economy, so only Governors and local elected officials will control these employment funds. Our intention is to help rebuild the local economy and give benefits to local workers through local businesses.

I commend Chairman ENZI for his leadership on this bill, and I urge my colleagues to support it.

By Mr. CORNYN:

S. 1720. A bill to provide enhanced penalties for crimes committed using funds appropriated for remediation of any injury or damage caused by Hurricane Katrina; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, our hearts go out to those who have been affected by the devastation wrought by Hurricane Katrina. By now, those who have been displaced by this disaster know that help is available to them. And true to the American spirit, assistance has poured in from people all across this great land. We have seen the Government, at every level, fail in some way to respond adequately to this emergency. Congressional hearings will examine these failures and the reasons for them to make sure that we are better prepared to respond in the future.

But there is no need for a review of the adequacy, efficiency, or responsiveness of everyday citizens who heeded distress calls from their fellow citizens. When the history of this disaster is finally written, it will document the fact that the American people rose to the challenge. Because that is what Americans do—every time, without exception.

Over the past several weeks we have seen ordinary Americans, on their own initiative, coordinate the donation of goods needed by evacuees, rent U-Haul trucks, and drive to New Orleans to deliver supplies. Others have initiated fundraisers and have donated substantial funds to aid the Red Cross and other charities that are on the ground. And still others, like those in my home State of Texas, have literally opened their doors to complete strangers to provide them with food, shelter, and other necessities, so that they can get back on their feet and begin to rebuild their lives.

Here in the Congress we have acted quickly, passing emergency relief appropriations of more than \$60 billion dollars to get money into the devastated areas so people can be helped and areas can be rebuilt. The President has further proposed sending an unprecedented amount of money and incentives to aid in the rebuilding. I plan to support reasonable efforts designed to aid in accomplishing these goals. However, as we pour extraordinary amounts of money into the affected areas, we must guard against those callous people who may see this as an opportunity to wrongfully enrich themselves through fraud.

We all know that the Federal Government's track record at detecting and avoiding fraud is poor, at best. As we begin to funnel what some have said may be close to \$200 billion dollars into the disaster areas, we must be vigilant to ensure that these funds go where they legitimately are supposed to go. And we must send the message here and now that the actions of those who may defraud the Government or otherwise illegally obtain a portion of these funds will not be tolerated.

That is why I have introduced the Katrina Waste, Fraud and Abuse Deterrence Act of 2005. This legislation states that anyone convicted of any crime involving funds appropriated for disaster relief in the aftermath of Hurricane Katrina face a mandatory minimum sentence of 5 years—and up to 20 years—in prison.

As I have said, a staggering amount of money will be, and currently is being sent to this area. The funds will speed the rebuilding of these areas and otherwise help those who are in need of assistance. But the American people will not tolerate misappropriation of these funds. President Bush has ordered that a team of inspectors general review all expenditures to ensure that the rebuilding work is done honestly and wisely. I applaud the President for his stewardship of this money. The bill I introduce today will put some teeth into this oversight. It will say to those who may contemplate illegally cutting corners or outright stealing disaster funds whether by fraud, theft, or embezzlement, that they will be caught, prosecuted, and imprisoned.

To those who legitimately need these funds: Your country is here to help you. To those who are inclined to take advantage of the misfortune of others by wrongfully taking these funds: You will be prosecuted.

By Ms. MURKOWSKI (for herself, Mr. JOHNSON, Mr. COLEMAN, Mr. DURBIN, Mr. DODD, and Mrs. MURRAY):

S. 1722. A bill to amend the Public Health Service Act to reauthorize and extend the Fetal Alcohol Syndrome prevention and services program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1722

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 "Advancing FASD Research, Prevention, and Services Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Fetal Alcohol Spectrum Disorders are the spectrum of serious, life-long disorders caused by prenatal exposure to alcohol, which include Fetal Alcohol Syndrome, Alcohol-Related Neurodevelopmental Disorder, and Alcohol-Related Birth Defects.

(2) In the decades that have passed since Fetal Alcohol Syndrome was first recognized in the United States, this fully preventable condition has continued to affect American children and families.

(3) Prenatal alcohol exposure can cause brain damage that produces cognitive and behavioral impairments. Prenatal alcohol exposure can cause mental retardation or low IQ and difficulties with learning, memory, attention, and problem-solving. It can

also create problems with mental health and social interactions.

(4) Prenatal alcohol exposure also can cause growth retardation, birth defects involving the heart, kidney, vision and hearing, and a characteristic pattern of facial abnormalities.

(5) About 13 percent of women report using alcohol during pregnancy even though there is no known safe level of alcohol consumption during pregnancy.

(6) Estimates of individuals with Fetal Alcohol Syndrome vary but are estimated to be between 0.5 and 2.0 per 1,000 births. The prevalence rate is considerably higher for all Fetal Alcohol Spectrum Disorders: about 10 out of 1,000 births (1 percent of births).

(7) Prevalence of Fetal Alcohol Spectrum Disorders can be even higher in certain populations, such as Native Americans, and in certain areas, such as those characterized by low socioeconomic status.

(8) Fetal Alcohol Spectrum Disorders pose extraordinary financial costs to the Nation, including the cost of specialized health care, education, foster care, incarceration, job training, and general support services for individuals affected by Fetal Alcohol Spectrum Disorders.

(9) Lifetime health costs for an individual with Fetal Alcohol Syndrome average \$860,000, and can run as high as \$4,200,000. The direct and indirect economic costs of Fetal Alcohol Syndrome in the United States were \$5,400,000,000 in 2003. Total economic costs would be even higher for all Fetal Alcohol Spectrum Disorders.

(10) There is a great need for research, surveillance, prevention, treatment, and support services for individuals with Fetal Alcohol Spectrum Disorders and their families.

SEC. 3. PROGRAMS FOR FETAL ALCOHOL SPECTRUM DISORDERS.

Section 399H of the Public Health Service Act (48 U.S.C. 280f) is amended—

(1) by striking the section heading and inserting the following:

“SEC. 399H. PROGRAMS FOR FETAL ALCOHOL SPECTRUM DISORDERS.”;

(2) by redesignating subsections (a) through (d) as subsections (h) through (k), respectively;

(3) by inserting after the section heading, the following:

“(a) RESEARCH ON FAS AND RELATED DISORDERS.—

“(1) IN GENERAL.—The Secretary, acting through the Director of the National Institutes of Health and in coordination with the Interagency Coordinating Committee on Fetal Alcohol Syndrome, shall—

“(A) establish a research agenda for Fetal Alcohol Spectrum Disorders; and

“(B) award grants, contracts, or cooperative agreements to public or private non-profit entities to pay all or part of carrying out research under such agenda.

“(2) TYPES OF RESEARCH.—In carrying out paragraph (1), the Secretary, acting through the Director of the National Institute of Alcohol Abuse and Alcoholism, shall conduct national and international research in coordination with other Federal agencies that includes—

“(A) the identification of the mechanisms that produce the cognitive and behavioral problems associated with fetal alcohol exposure;

“(B) the development of a neurocognitive phenotype for Fetal Alcohol Syndrome and Alcohol-Related Neurodevelopmental Disorder;

“(C) the identification of biological markers that can be used to indicate fetal alcohol exposure;

“(D) the identification of fetal and maternal risk factors that increase susceptibility to Fetal Alcohol Spectrum Disorders;

“(E) the investigation of behavioral and pharmacotherapies for alcohol-dependent women to determine new approaches for sustaining recovery;

“(F) the development of scientific-based therapeutic interventions for individuals with Fetal Alcohol Spectrum Disorders;

“(G) the development of screening instruments to identify women who consume alcohol during pregnancy and the development of standards for measuring, reporting, and analyzing alcohol consumption patterns in pregnant women; and

“(H) other research that the Director determines to be appropriate.

“(3) STUDY.—The Secretary, acting through the Director of the National Institute of Mental Health, shall—

“(A) conduct a study on the behavioral disorders that may be associated with prenatal alcohol exposure;

“(B) not later than 1 year after the date of enactment of the Advancing FASD Research, Prevention, and Services Act, submit to Congress a report on the appropriateness of characterizing Fetal Alcohol Spectrum Disorders and their secondary behavioral disorders as mental health disorders; and

“(C) conduct additional research on the epidemiology of behavior disorders associated with Fetal Alcohol Spectrum Disorders in collaboration with the Centers for Disease Control and Prevention.

“(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2006 through 2010.

“(b) SURVEILLANCE, IDENTIFICATION, AND PREVENTION ACTIVITIES.—

“(1) IN GENERAL.—The Secretary, acting through the Director of the National Center on Birth Defects and Developmental Disabilities, shall facilitate surveillance, identification, and prevention of Fetal Alcohol Spectrum Disorders as provided for in this subsection.

“(2) SURVEILLANCE, IDENTIFICATION, AND PREVENTION.—In carrying out this subsection, the Secretary shall—

“(A) develop and implement a uniform surveillance case definition for Fetal Alcohol Syndrome and a uniform surveillance case definition for Alcohol Related Neurodevelopmental Disorder;

“(B) develop a comprehensive screening process for Fetal Alcohol Spectrum Disorders that covers different age, race, and ethnic groups and is based on the uniform surveillance case definitions developed under subparagraph (A);

“(C) disseminate and provide the necessary training and support for the screening process developed under subparagraph (B) to—

“(i) hospitals, community health centers, outpatient programs, and other appropriate health care providers;

“(ii) incarceration and detainment facilities;

“(iii) primary and secondary schools;

“(iv) social work and child welfare offices;

“(v) foster care providers and adoption agencies;

“(vi) State offices and others providing services to individuals with disabilities; and

“(vii) other entities that the Secretary determines to be appropriate;

“(D) conduct activities related to risk factor surveillance including the annual monitoring and reporting of alcohol consumption among pregnant women and women of child bearing age; and

“(E) conduct applied public health prevention research and implement strategies for reducing alcohol-exposed pregnancies in women at high risk for alcohol-exposed pregnancies.

“(3) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2006 through 2010.

“(c) BUILDING STATE FASD SYSTEMS.—

“(1) IN GENERAL.—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, shall award grants, contracts, or cooperative agreements to States for the purpose of establishing or expanding statewide programs of surveillance, prevention, and treatment of individuals with Fetal Alcohol Spectrum Disorders.

“(2) ELIGIBILITY.—To be eligible to receive a grant, contract, or cooperative agreement under paragraph (1) a State shall—

“(A) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require;

“(B) develop and implement a statewide strategic plan for preventing and treating Fetal Alcohol Spectrum Disorders;

“(C) consult with public and private non-profit entities with relevant expertise on Fetal Alcohol Spectrum Disorders within the State, including—

“(i) parent-led groups and other organizations that support and advocate for individuals with Fetal Alcohol Spectrum Disorders; and

“(ii) Indian tribes and tribal organizations; and

“(D) designate an individual to serve as the coordinator of the State's Fetal Alcohol Spectrum Disorders program.

“(3) STRATEGIC PLAN.—The statewide strategic plan prepared under paragraph (2)(B) shall include—

“(A) the identification of existing State programs and systems that could be used to identify and treat individuals with Fetal Alcohol Spectrum Disorders and prevent alcohol consumption during pregnancy, such as—

“(i) programs for the developmentally disabled, the mentally ill, and individuals with alcohol dependency;

“(ii) primary and secondary educational systems;

“(iii) judicial systems for juveniles and adults;

“(iv) child welfare programs and social service programs; and

“(v) other programs or systems the State determines to be appropriate;

“(B) the identification of any barriers for individuals with Fetal Alcohol Spectrum Disorders or women at risk for alcohol consumption during pregnancy to access the programs identified under subparagraph (A); and

“(C) proposals to eliminate barriers to prevention and treatment programs and coordinate the activities of such programs.

“(4) USE OF FUNDS.—Amounts received under a grant, contract, or cooperative agreement under paragraph (1) shall be used for one or more of the following activities:

“(A) Establishing a statewide surveillance system.

“(B) Collecting, analyzing and interpreting data.

“(C) Establishing a diagnostic center.

“(D) Developing, implementing, and evaluating population-based and targeted prevention programs for Fetal Alcohol Spectrum Disorders, including public awareness campaigns.

“(E) Referring individuals with Fetal Alcohol Spectrum Disorders to appropriate support services.

“(F) Developing and sharing best practices for the prevention, identification, and treatment of Fetal Alcohol Spectrum Disorders.

“(G) Providing training to health care providers on the prevention, identification, and

treatment of Fetal Alcohol Spectrum Disorders.

“(H) Disseminating information about Fetal Alcohol Spectrum Disorders and the availability of support services to families of individuals with Fetal Alcohol Spectrum Disorders.

“(I) Other activities determined appropriate by the Secretary.

“(5) MULTI-STATE PROGRAMS.—The Secretary shall permit the formation of multi-State Fetal Alcohol Spectrum Disorders programs under this subsection.

“(6) OTHER CONTRACTS AND AGREEMENTS.—A State may carry out activities under paragraph (4) through contacts or cooperative agreements with public and private non-profit entities with a demonstrated expertise in Fetal Alcohol Spectrum Disorders.

“(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for fiscal years 2006 through 2010.

“(d) PROMOTING COMMUNITY PARTNERSHIPS.—

“(1) IN GENERAL.—The Secretary shall award grants, contracts, or cooperative agreements to eligible entities to enable such entities to establish, enhance, or improve community partnerships for the purpose of collaborating on common objectives and integrating the services available to individuals with Fetal Alcohol Spectrum Disorders, such as surveillance, prevention, treatment, and provision of support services.

“(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreement under paragraph (1), an entity shall—

“(A) be a public or private nonprofit entity, including—

“(i) a health care provider or health professional;

“(ii) a primary or secondary school;

“(iii) a social work or child welfare office;

“(iv) an incarceration or detention facility;

“(v) a parent-led group or other organization that supports and advocates for individuals with Fetal Alcohol Spectrum Disorders;

“(vi) an Indian tribe or tribal organization;

“(vii) any other entity the Secretary determines to be appropriate; or

“(viii) a consortium of any of the entities described in clauses (i) through (vii); and

“(B) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require, including assurances that the entity submitting the application does, at the time of application, or will, within a reasonable amount of time from the date of application, include substantive participation of a broad range of entities that work with or provide services for individuals with Fetal Alcohol Spectrum Disorders.

“(3) ACTIVITIES.—An eligible entity shall use amounts received under a grant, contract, or cooperative agreement under this subsection shall carry out 1 or more of the following activities:

“(A) Identifying and integrating existing programs and services available in the community for individuals with Fetal Alcohol Spectrum Disorders.

“(B) Conducting a needs assessment to identify services that are not available in a community.

“(C) Developing and implementing community-based initiatives to prevent, diagnose, treat, and provide support services to individuals with Fetal Alcohol Spectrum Disorders.

“(D) Disseminating information about Fetal Alcohol Spectrum Disorders and the availability of support services.

“(E) Developing and implementing a community-wide public awareness and outreach campaign focusing on the dangers of drinking alcohol while pregnant.

“(F) Providing mentoring or other support to families of individuals with Fetal Alcohol Spectrum Disorders.

“(G) Other activities determined appropriate by the Secretary.

“(4) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2006 through 2010.

“(e) DEVELOPMENT OF BEST PRACTICES.—

“(1) IN GENERAL.—The Secretary, in coordination with the National Task Force on Fetal Alcohol Spectrum Disorders, shall award grants to States, Indian tribes and tribal organizations, and nongovernmental organizations for the establishment of pilot projects to identify and implement best practices for—

“(A) educating children with fetal alcohol spectrum disorders, including—

“(i) activities and programs designed specifically for the identification, treatment, and education of such children; and

“(ii) curricula development and credentialing of teachers, administrators, and social workers who implement such programs;

“(B) educating judges, attorneys, child advocates, law enforcement officers, prison wardens, alternative incarceration administrators, and incarceration officials on how to treat and support individuals suffering from Fetal Alcohol Spectrum Disorders within the criminal justice system, including—

“(i) programs designed specifically for the identification, treatment, and education of those with Fetal Alcohol Spectrum Disorders; and

“(ii) curricula development and credentialing within the justice system for individuals who implement such programs; and

“(C) educating adoption or foster care agency officials about available and necessary services for children with fetal alcohol spectrum disorders, including—

“(i) programs designed specifically for the identification, treatment, and education of those with Fetal Alcohol Spectrum Disorders; and

“(ii) education and training for potential parents of an adopted child with Fetal Alcohol Spectrum Disorders.

“(2) APPLICATION.—To be eligible for a grant under paragraph (1), an entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2006 through 2010.

“(f) TRANSITIONAL SERVICES.—

“(1) IN GENERAL.—The Secretary shall award demonstration grants, contracts, and cooperative agreements to States, Indian tribes and tribal organizations, and nongovernmental organizations for the purpose of establishing integrated systems for providing transitional services for those affected by prenatal alcohol exposure and evaluating their effectiveness.

“(2) APPLICATION.—To be eligible for a grant, contract, or cooperative agreement under paragraph (1), an entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

“(3) ALLOWABLE USES.—An entity shall use amounts received under a grant, contract, or

cooperative agreement under paragraph (1) to—

“(A) provide housing assistance to adults with Fetal Alcohol Spectrum Disorders;

“(B) provide vocational training and placement services for adults with Fetal Alcohol Spectrum Disorders;

“(C) provide medication monitoring services for adults with Fetal Alcohol Spectrum Disorders; and

“(D) provide training and support to organizations providing family services or mental health programs and other organizations that work with adults with Fetal Alcohol Spectrum Disorders.

“(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2006 through 2010.

“(g) COMMUNITY HEALTH CENTER INITIATIVE.—

“(1) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall award grants to community health centers acting in collaboration with States, Indian tribes, tribal organizations, and nongovernmental organizations, for the establishment of a 5-year demonstration program under the direction of the Interagency Coordinating Committee on Fetal Alcohol Syndrome to implement and evaluate a program to increase awareness and identification of Fetal Alcohol Spectrum Disorders in community health centers and to refer affected individuals to appropriate support services.

“(2) APPLICATION.—To be eligible to receive a grant under paragraph (1), a community health center shall prepare and submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may reasonably require.

“(3) ACTIVITIES.—A community health center shall use amounts received under a grant under paragraph (1) to—

“(A) provide training for health care providers on identifying and educating women who are at risk for alcohol consumption during pregnancy;

“(B) provide training for health care providers on screening children for Fetal Alcohol Spectrum Disorders;

“(C) educate health care providers and other relevant community health center workers on the support services available for those with Fetal Alcohol Spectrum Disorders and treatment services available for women at risk for alcohol consumption during pregnancy; and

“(D) implement a tracking system that can identify the rates of Fetal Alcohol Spectrum Disorders by racial, ethnic, and economic backgrounds.

“(4) SELECTION OF PARTICIPANTS.—The Administrator shall determine the number of community health centers that will participate in the demonstration program under this subsection and shall select participants, to the extent practicable, that are located in different regions of the United States and that serve a racially and ethnically diverse population.

“(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2006 through 2010.

“(6) REPORT TO CONGRESS.—Not later than 1 year after completion of the demonstration program under this subsection, the Administrator shall prepare and submit to Congress a report on the results of the demonstration program, including—

“(A) changes in the number of women screened for and identified as at risk for alcohol consumption during pregnancy;

“(B) changes in the number of individuals identified as having a Fetal Alcohol Spectrum Disorder; and

“(C) changes in the number of alcohol-consuming pregnant women and individuals with Fetal Alcohol Spectrum Disorders who were referred to appropriate services.”;

(4) in subsection (h)(1) (as so redesignated)—

(A) in subparagraph (C), by striking “and” after the semicolon;

(B) in subparagraph (D), by adding “and” after the semicolon; and

(C) by adding at the end the following:

“(E) national public service announcements to raise public awareness of the risks associated with alcohol consumption during pregnancy with the purpose of reducing the prevalence of Fetal Alcohol Spectrum Disorders, that shall—

“(i) be conducted by relevant Federal agencies under the coordination of the Interagency Coordinating Committee on Fetal Alcohol Syndrome;

“(ii) be developed by the appropriate Federal agencies, as determined by the Interagency Coordinating Committee on Fetal Alcohol Syndrome taking into consideration the expertise and experience of other relevant Federal agencies, and shall test and evaluate the public service announcement’s effectiveness prior to broadcasting the announcements nationally;

“(iii) be broadcast through appropriate media outlets, including television or radio, in a manner intended to reach women at risk of alcohol consumption during pregnancy; and

“(iv) be measured prior to broadcast of the national public service announcements to provide baseline data that will be used to evaluate the effectiveness of the announcements.”;

(5) in subsection (k) (as so redesignated)—

(A) in paragraph (1), by striking “National Task Force on Fetal Alcohol Syndrome and Fetal Alcohol Effect” and inserting “National Task Force on Fetal Alcohol Spectrum Disorders”;

(B) in paragraph (3)—

(i) in subparagraph (B), by striking “and” after the semicolon;

(ii) in subparagraph (C), by adding “and” after the semicolon; and

(iii) by adding at the end the following:

“(D) develop, in collaboration with the Interagency Coordinating Committee on Fetal Alcohol Syndrome, a report that identifies and describes the 10 most important actions that must be taken to reduce prenatal alcohol exposure and all its adverse outcomes, and that shall—

“(i) describe the state of the current epidemiology of Fetal Alcohol Spectrum Disorders, risk factors, and successful approaches in policy and services that have reduced alcohol-exposed pregnancies and outcomes;

“(ii) identify innovative approaches that have worked in related areas such as tobacco control or HIV prevention that may provide models for Fetal Alcohol Spectrum Disorders prevention;

“(iii) recommend short-term and long-term action plans for achieving the Healthy 2010 Objectives for the United States, such as increasing abstinence from alcohol among pregnant women and reducing the occurrence of Fetal Alcohol Syndrome; and

“(iv) recommend in coordination with the National Institute on Mental Health whether Fetal Alcohol Syndrome and other prenatal alcohol disorders, or a subset of these disorders, should be included in the Diagnostic and Statistical Manual of Mental Disorders.”; and

(C) by striking “Fetal Alcohol Syndrome and Fetal Alcohol Effect” each place that

such appears and inserting “Fetal Alcohol Spectrum Disorders”.

SEC. 4. COORDINATION AMONG FEDERAL ENTITIES.

Part O of title III of the Public Health Service Act (42 U.S.C. 280f et seq.) is amended by adding at the end the following:

“SEC. 399K-1. COORDINATION AMONG FEDERAL ENTITIES.

“(a) INTERAGENCY COORDINATING COMMITTEE ON FETAL ALCOHOL SYNDROME.—The Secretary, acting through the Director of the National Institute on Alcohol Abuse and Alcoholism, shall provide for the continuation of the Interagency Coordinating Committee on Fetal Alcohol Syndrome so that such Committee may—

“(1) coordinate activities conducted by the Federal Government on Fetal Alcohol Spectrum Disorders, including convening meetings, establishing work groups, sharing information, and facilitating and promoting collaborative projects among Federal agencies; and

“(2) develop, in consultation with the National Task Force on Fetal Alcohol Spectrum Disorders, priority areas for years 2006 through 2010 to guide Federal programs and activities related to Fetal Alcohol Spectrum Disorders.

“(b) COORDINATION AMONG FEDERAL ENTITIES.—

“(1) IN GENERAL.—The Comptroller General of the United States shall evaluate and make recommendations regarding the appropriate roles and responsibilities of Federal entities with respect to programs and activities related to Fetal Alcohol Spectrum Disorders.

“(2) COVERED ENTITIES.—The Federal entities under paragraph (1) shall include entities within the National Institutes of Health, the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration, the Health Resources and Services Administration, the Indian Health Service, the Agency for Healthcare Research and Quality, the Interagency Coordinating Committee on Fetal Alcohol Syndrome, the National Task Force on Fetal Alcohol Spectrum Disorders, as well as the Office of Special Education and Rehabilitative Services in the Department of Education and the Office of Juvenile Justice and Delinquency Prevention in the Department of Justice.

“(3) EVALUATION.—The evaluation conducted by the Comptroller General under paragraph (1) shall include—

“(A) an assessment of the current roles and responsibilities of Federal entities with programs and activities related to Fetal Alcohol Spectrum Disorders; and

“(B) an assessment of whether there is duplication in programs and activities, conflicting roles and responsibilities, or lack of coordination among Federal entities.

“(4) RECOMMENDATION.—The Comptroller General shall provide recommendations on the appropriate roles and responsibilities of the Federal entities described in paragraph (2) in order to maximize the effectiveness of Federal programs and activities related to Fetal Alcohol Spectrum Disorders.

“(5) COMPLETION.—Not later than 1 year after the date of enactment of the Advancing FASD Research, Prevention, and Services Act, the Comptroller General shall complete the evaluation and submit to Congress a report on the findings and recommendations made as a result of the evaluation.”.

SEC. 5. SERVICES FOR INDIVIDUALS WITH FETAL ALCOHOL SYNDROME.

Section 519C(b) of the Public Health Service Act (42 U.S.C. 290bb-25c(b)) is amended—

(1) in paragraph (11), by striking “and” after the semicolon;

(2) by redesignating paragraph (12) as paragraph (15); and

(3) by inserting after paragraph (11), the following:

“(12) provide respite care for caretakers of individuals with Fetal Alcohol Syndrome and other prenatal alcohol-related disorders;

“(13) recruit and train mentors for adolescents with Fetal Alcohol Syndrome and other prenatal alcohol-related disorders;

“(14) provide educational and supportive services to families of individuals with Fetal Alcohol Spectrum Disorders; and”.

SEC. 6. PREVENTION, INTERVENTION, AND SERVICES IN THE EDUCATION SYSTEM.

The Secretary of Education shall direct the Office of Special Education and Rehabilitative Services to—

(1) implement screening procedures and conduct training on a nationwide Fetal Alcohol Spectrum Disorders surveillance campaign for the educational system in collaboration with the efforts of the National Center on Birth Defects and Developmental Disabilities under section 399H(b) of the Public Health Service Act (as added by this Act);

(2) introduce curricula previously developed by the National Center on Birth Defects and Developmental Disabilities and the Substance Abuse and Mental Health Services Administration on how to most effectively educate and support children with Fetal Alcohol Spectrum Disorders in both special education and traditional education settings, and investigate incorporating information about the identification, prevention, and treatment of the Disorders into teachers’ credentialing requirements;

(3) integrate any special techniques on how to deal with Fetal Alcohol Spectrum Disorders children into parent-teacher or parent-administrator interactions, including after-school programs, special school services, and family aid programs;

(4) collaborate with other Federal agencies to introduce a standardized educational unit within schools’ existing sexual and health education curricula, or create one if needed, on the deleterious effects of prenatal alcohol exposure; and

(5) organize a peer advisory network of adolescents in schools to discourage the use of alcohol while pregnant or considering getting pregnant.

SEC. 7. PREVENTION, INTERVENTION, AND SERVICES IN THE JUSTICE SYSTEM.

The Attorney General shall direct the Office of Juvenile Justice and Delinquency Prevention to—

(1) implement screening procedures and conduct training on a nationwide Fetal Alcohol Spectrum Disorders surveillance campaign for the justice system in collaboration with the efforts of the National Center on Birth Defects and Developmental Disabilities under section 399H(b) of the Public Health Service Act (as added by this Act);

(2) introduce training curricula, in collaboration with the National Center on Birth Defects and Developmental Disabilities and the Substance Abuse and Mental Health Services Administration, on how to most effectively identify and interact with individuals with Fetal Alcohol Spectrum Disorders in both the juvenile and adult justice systems, and investigate incorporating information about the identification, prevention, and treatment of the disorders into justice professionals’ credentialing requirements;

(3) promote the tracking of individuals entering the juvenile justice system with at-risk backgrounds that indicates them as high probability for having a Fetal Alcohol Spectrum Disorder, especially those individuals whose mothers have a high record of drinking during pregnancy as reported by the appropriate child protection agency;

(4) educate judges, attorneys, child advocates, law enforcement officers, prison wardens, alternative incarceration administrators, and incarceration officials on how to treat and support individuals suffering from Fetal Alcohol Spectrum Disorders within the criminal justice system, including—

(A) programs designed specifically for the identification, treatment, and education of such children; and

(B) curricula development and credentialing of teachers, administrators, and social workers who implement such programs;

(5) conduct a study on the inadequacies of how the current system processes children with certain developmental delays and subsequently develop alternative methods of incarceration and treatment that are more effective for youth offenders identified to have a Fetal Alcohol Spectrum Disorder; and

(6) develop transition programs for individuals with Fetal Alcohol Spectrum Disorders who are released from incarceration.

SEC. 8. MISCELLANEOUS PROVISIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 399J of the Public Health Service Act (42 U.S.C. 280f-2) is amended by striking “the part” and all that follows through the period and inserting “subsections (h) through (k) of section 399H, \$27,000,000 for each of fiscal years 2006 through 2010”.

(b) REPEAL OF SUNSET.—Section 399K of the Public Health Service Act (42 U.S.C. 280f-3) is repealed.

Mr. JOHNSON. Mr. President, today I join Senators DODD, DURBIN, COLEMAN, MURKOWSKI, and MURRAY to introduce the “Advancing FASD Research, Prevention, and Services Act of 2005.” I thank them for joining me in introducing this legislation that will improve the surveillance, identification, and prevention of Fetal Alcohol Syndrome Disorders or FASD.

FASD affects 1 in 100 live births or as many as 40,000 infants each year. This illness affects more people than those impacted by spina bifida, down syndrome, and cerebral palsy combined. In my home State of South Dakota, approximately 31,777 individuals are suspected of having FASD. This statistic is alarming and it is for these reasons why I believe that this bill is so critical in helping fight this disease.

During the course of my career, I have met and worked with people whose lives have been deeply affected by this preventable illness. For a person affected by FASD, there can be numerous medical, physical, educational, and financial implications, such as severe learning disabilities, physical abnormalities, costly medical bills, and behavioral impairments.

According to the University of South Dakota School of Medicine and Health Sciences Center for Disabilities, the lifetime cost for an individual with FASD is over \$2 million, and the special educational costs for South Dakota children with FASD can range from \$3,781 to \$17,056 per year. Additionally, over 60 percent of the individuals in South Dakota who have been diagnosed with FASD lived within a foster care home for some part of their lives. While the foster care parent cares and loves a child, the child will never really know the stability of a permanent family.

Furthermore, it is estimated that 60 percent of individuals with FASD will end up in a correctional or mental institution at some point in their lives. Most individuals with FASD will commit their first crime between the ages of 9 and 14, costing the state of South Dakota close to \$165.04 per day to house a juvenile offender with FASD, the total amount of all children with FASD in the South Dakota juvenile justice system and special education program is \$3,810,240.

These unfortunate statistics compel me to join with my colleagues to introduce this bill today. While we have increased awareness about the dangers of consuming alcohol during pregnancy, there is much more that needs to be done to reach the goal of elimination of FASD in this Nation.

In my home State of South Dakota, we’ve had great successes in working on this issue. With the leadership of the health professionals at the USD Center for Disabilities, the Black Hills State University Western Center of Fetal Alcohol Syndrome, parents, and teachers, among countless others, we have been able to make some important advancements in addressing FASD. This legislation will bolster those efforts and those of many others across the country that are working hard to prevent FASD and support the children and families who are living with its consequences.

This bill would provide much needed support in the areas of research and prevention. This legislation would require the National Institutes of Health to develop a research agenda for FASD including research related to identifying the mechanisms that produce the cognitive and behavioral problems associated with fetal alcohol exposure, and identifying biological markers that indicate fetal alcohol exposure.

This bill would also make available Federal grants to community health centers to implement and evaluate programs to increase awareness and identification of FASD in those settings. Participating health centers would be able to make available training to health care providers on identifying and educating women who are at risk for alcohol consumption during pregnancy and also provide training to health care providers on screening children for FASD, among other things.

Another provision in this bill creates public awareness and education campaigns in at-risk areas, in order to further the prevention of this disease. This bill would authorize the development and broadcast of national public service announcements to raise public awareness of the risks associated with alcohol consumption during pregnancy.

Again, I am pleased to be introducing this bill. I would also like to take a moment to thank Senator Daschle for his leadership on FASD. His long commitment to combating this illness is ever present in South Dakota and for those who continue to work with those battling FASD every day. Without his

hard work and dedication, we would not be as far today in preventing FASD as we are.

By Ms. COLLINS:

S. 1723. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to establish a grant program to ensure waterfront access for commercial fishermen, and for other purposes; to the Committee on Finance.

Ms. COLLINS. Mr. President, all along our Nation’s coasts are harbors that were once full of the sights, sounds, and smells that accompany the fishing industry. Unfortunately, a number of factors are converging to lead to the loss of our Nation’s vital fishing infrastructure, which is essential for the continuance of the commercial fishing industry. I have drafted legislation that will help to combat the loss of commercial access to our waterfronts and to support the fishing industry’s role in our maritime heritage.

In July, I was contacted by Andy Hawke of Boothbay Harbor, ME, a lobsterman who explained that the local lobstermen’s cooperative had recently come up for sale. Unfortunately, the local fishermen could not come up with the resources to purchase the cooperative’s facilities, and they were looking for Federal assistance in order to keep this coastal property accessible to the commercial fishing industry. Their goal was to keep the cooperative in operation for the lobstermen of Boothbay Harbor and the “upcoming youth who will be in the lobster industry.”

There was little assistance that I could offer beyond identifying some grant programs that might apply. I discovered quickly that there is no targeted, Federal program to help the commercial fishing industry gain or preserve access to waterfront areas. At the same time, the pressures that drive the commercial fishing industry from these vital pieces of industry infrastructure are mounting. I rise today to introduce legislation that would create a program to assist our Nation’s commercial fishermen, the Working Waterfront Preservation Act.

I can best speak to this issue by pointing to the loss of commercial waterfront access in Maine. Only 25 of Maine’s 3,500 miles of coastline are devoted to commercial access. Sadly, portions of Maine’s working waterfront are being sold weekly and converted to other uses, most often second homes and condominiums.

The reasons for the loss of Maine’s working waterfront are complex. In some cases, burdensome fishing regulations have led to a decrease in landings, hindering the profitability of shore-side infrastructure, like the Portland Fish Exchange. In other cases, soaring land values and rising taxes have made the current use of commercial land unprofitable. Property is being sold and quickly converted into private spaces and second

homes that no longer are the center of economic activity.

Maine's lack of commercial waterfront access has prompted the formation of a Working Waterfront Coalition. This coalition is comprised of an impressive number of industry associations, non-profit groups, and State agencies, who have come together to preserve Maine's working waterfront.

Preservation of the working waterfront is essential to protect a way of life that is unique to our coastal States and is vital to economic development along the coast. Maine's Working Waterfront Coalition identified 18 projects that would increase Maine's available working waterfront. These 18 projects would create or preserve over 875 Maine jobs. All that is needed is a modest investment in Maine's working waterfront.

The loss of commercial waterfront access affects the fishing industry throughout all coastal States. On August 28, 2005, a story appeared in the Providence Journal about the fishing port of Galilee in Rhode Island. Fishermen from Galilee are getting pushed out of the waterfront as their profitability shrinks and land values soar. This article detailed plans to create more condominiums in Galilee and \$2 million beach houses marketed to buyers from Connecticut and New York.

On July 26, 2005, the Los Angeles Times ran a story on the disappearance of working waterfront in Florida. In June of this year, Governor Bush signed a law aimed at protecting that State's working waterfront.

On February 20, 2005, the Seattle Times profiled the Washington town of Anacortes's struggle with development and the future of this port. In this story, the city attorney and planner said that the biggest issue facing this town is whether they can continue to have a working waterfront, as Anacortes "is still a real town where people are making a real living."

Another region of the country where this bill will help the local community and stimulate economic growth is a region we have heard a lot about in recent news, the gulf coast. On September 6, 2005, the Houston Chronicle ran a story on the havoc caused by Hurricane Katrina to Alabama's fishing industry. This disaster hit the town of Bayou La Batre; it destroyed oyster beds, upended fishing boats, and damaged the docks and piers on which the fishing industry relies. The Working Waterfront Preservation Act would assist the victims of this storm in rebuilding the shore-side infrastructure vital to the industry.

No matter the coastal State, our Nation's fishermen are affected by the loss of access to commercial waterfront properties. I have drafted legislation targeting this exact problem, as no Federal program exists to assist States like Maine, Florida, Washington, and Alabama, which are trying to cope with the loss of this valuable infrastructure.

The loss of commercial waterfront access is apparent. The Working Waterfront Preservation Act would assist by providing Federal grant funding to municipal and State governments, non-profit organizations, and fishermen's cooperatives for the purchase of property or easements or for the maintenance of working waterfront facilities. The bill contains a \$50 million authorization for grants that would require a 25 percent local match. Applications for grants would be considered by both the Department of Commerce and State fisheries agencies, which have the local expertise to understand the needs of each coastal State. Grant recipients would agree not to convert coastal properties to noncommercial uses, as a condition of receiving Federal assistance.

This legislation also has a tax component included. When properties or easements are purchased, sellers would only be taxed on half of the gain they receive from this sale. Taxing only half of the gain on conservation sales is a proposal that has been advanced by the President in all of his budget proposals. This is a vital aspect of my bill because it would diminish the pressure to quickly sell waterfront property that would then, most likely, be converted to noncommercial uses, and would increase the incentives for sellers to take part in this grant program. This is especially important given that the application process for Federal grants does not keep pace with the coastal real estate market.

This legislation is crucial for our Nation's commercial fisheries, which are coming under increasing pressures from many fronts. This new grant program would preserve important commercial infrastructure and promote economic development along our coast. I am committed to creating a Federal mechanism to preserve working waterfronts and will pursue this legislation during the 109th Congress.

By Ms. SNOWE (for herself, Mr. VITTER, and Mr. TALENT):

S. 1724. A bill to provide assistance for small businesses damaged by Hurricane Katrina, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today to bring to the attention of the Senate a bill which provides a comprehensive package for immediate emergency resources to help the victims of Hurricane Katrina rebuild their lives and their businesses.

As we are well aware, the entire Gulf Coast of the United States has been ravaged by the disaster of Hurricane Katrina. No natural disaster in this country in recent memory has carried with it the devastation and horror we have witnessed in the recent weeks. Many lives have been lost and damages are projected in the hundreds of billions of dollars. The President and Congress have already provided over \$61 billion in emergency funds.

While we work to re-establish communities and provide some stability to the affected areas, we must consider the enormous economic impact this catastrophe has had on the region and on our entire Nation. This impact is particularly pronounced for the vital small business sector. With over 800,000 firms damaged in the Hurricane-affected region, employment in the Louisiana, Mississippi and Alabama area may be reduced by over a million jobs! Moreover, our economy which has recently recovered from recession, thanks largely to our small businesses which have created three-quarters of all new jobs, could be dampened by as much as a full percentage point.

As Chair of the Committee on Small Business and Entrepreneurship, I am committed to do everything in my power to provide immediate and necessary support to rebuild this region and to help sustain our economy. I want to ensure that every American affected by this Hurricane has the resources to begin rebuilding their lives, their businesses and their dreams.

The provisions of this bill were contained in an amendment that I proposed, Amendment #1717, to the Commerce, Justice, and Science Appropriations Act of 2005, H.R. 2862. I would like to thank my colleagues, Senator VITTER, Senator TALENT, Senator KERRY, and Senator LANDRIEU, for co-sponsoring that amendment. The amendment was approved in the Senate by a rollcall vote of 96 to 0 on September 15, 2006, and subsequently passed the Senate in the Commerce, Justice, and Science Appropriations Act on that same day.

Because the Federal Disaster Loan program administered by the Small Business Administration issues Disaster Loans to businesses, homeowners, and renters, this legislation would have a significant impact on many facets of the efforts to rebuild the areas damaged by Hurricane Katrina.

I will also be holding a hearing in the Small Business Committee on September 22, 2005 to address the impact that Hurricane Katrina has had on small businesses.

The Small Business Administration is and must be at the forefront of this massive relief effort, playing a significant role in assisting impacted communities. This bill will strengthen the SBA's resources and will enable them to pave the pathway to recovery. I have faith that American small businesses will persevere through these difficult times and help lead the region's recovery. It is essential that we work together here in Congress, and put forth the best possible proposal to stimulate our economy and foster job growth.

I have spoken with SBA's Administrator Barreto concerning the various ways to respond to this disaster and assist with the recovery. He informed me that FEMA has referred over 500,000 cases for loan assistance to the SBA, and that the SBA is receiving up to

20,000 calls per day. This is a tremendous volume and a vital challenge that the SBA must satisfy. To date, the SBA has sent out almost 500,000 applications for loans to individuals and businesses, and has received 810 loan applications as of Monday morning, which demonstrates that much assistance is yet to be provided by the SBA. Therefore, it is critical that we act now!

I firmly believe this legislation is the best possible package to aid families, businesses and communities through these challenging times. Small businesses must have a fighting chance to survive the economic disaster caused by Hurricane Katrina.

I have included many provisions in my bill that would assist hurricane victims applying for SBA disaster loans. My legislation increases the maximum size of an SBA Disaster Loan from \$1.5 million per loan to \$10 million per loan and makes it possible for non-profit institutions damaged by Hurricane Katrina to be eligible for Disaster Loans.

I have also provided the SBA with the authority to grant victims of Hurricane Katrina up to 12 months to begin repaying their SBA disaster loans which would assist both small and large businesses, homeowners, and renters. This 12 month period could be extended to 24 months at the discretion of the SBA Administrator if he determines that Katrina victims would need additional time to begin repaying their loans. This would allow also homeowners and businesses additional time to get their lives and businesses restored before being required to begin repaying loans.

This legislation also proposes lowering fees for the 7(a) program to make borrowing more affordable for small businesses outside the disaster areas, many of which have been impacted by the disaster, and are struggling to cover higher costs in health care and energy, and rising interest rates.

Recognizing the increased demand this disaster will place on all small business lending programs, the amendment proposes increasing the 7(a) lending program from a program level of \$17 billion to \$20 billion, and the 504 lending program from a program level of \$7.5 billion to \$10 billion. Both the 504 and 7(a) lending programs are funded entirely through fees, so the increases require no appropriation.

Moreover, this bill increases the program level for SBA Disaster Loans—Physical and Economic Injury—by approximately \$800 million, requiring an appropriation of approximately \$117 million. The Committee is concerned there will not be enough funding for disaster loans available to meet the scope of this disaster, given that the economic injury disaster loans alone for 9–11 amounted to about \$1 billion, and the physical damage for Katrina is considered much more extensive.

The bill also includes a provision requiring the SBA to treat these special

provisions as separate from the regular programs, to avoid increasing future subsidy rates, and therefore, the costs for borrowers who rely on those programs. This same protection was provided for emergency 7(a) loans after 9–11 and for the special disaster loans for 9–11.

Additionally, many small businesses in the disaster areas will require relief from making payments and interest on 7(a) and 504 loans they had before Katrina hit. Therefore, this amendment includes a provision that directs the SBA to cover the payments and interest on existing loans for up to two years, or until the small business can resume payments.

Similar to the Supplementary Terrorist Activity Relief (STAR) loans enacted by Congress after 9–11, this bill allows the SBA to provide similar loans with lower fees for small businesses located outside the disaster zones but are nonetheless indirectly impacted by Hurricane Katrina. The lower fees also provide the lenders with an incentive to lend to these businesses.

Importantly, the bill includes protections to mitigate recent reports of past misdirection of loans to non-disaster victims. The protections include requiring lenders to inform borrowers that they are receiving Katrina relief loans, requiring lenders to document to the SBA how the borrower was adversely affected by Hurricane Katrina, and for the Government Accountability Office to collect the explanations and report to the Senate Committee on Small Business and Entrepreneurship and House Committee on Small Business every six months, verifying loans are being used for the intended purposes. These added protections will ensure that only applicants who really need these loans to recover from the horrific effects of Hurricane Katrina will receive the loans.

Furthermore, the legislation authorizes \$400 million to the affected state governments of Louisiana, Mississippi, Alabama, Texas, and Florida to provide emergency bridge loans or grants to small businesses in the disaster areas that have been adversely impacted by Hurricane Katrina and require immediate access to capital until they can secure other loans or financial assistance. The goal is to disburse the funds within seven days, and this measure is based on a successful program that helped victims of the hurricanes in Florida.

With the cost of Katrina relief and rebuilding estimated at over \$100 billion, small businesses, particularly those located in the disaster area and that employ individuals in the affected areas, should receive their fair share of federal contracting and subcontracting dollars. My bill also attempts to provide critical assistance to small businesses that have been operating in the areas devastated by the Hurricane Katrina by expanding access to Federal contract and subcontracts.

Government projects provide solid business opportunities and prompt, steady pay for small businessmen and businesswomen. In addition, government procurement would open doors for many local small businesses to participate in the long-term reconstruction work in the Gulf Coast areas. Prior to the disaster, small construction companies in Alabama, Mississippi, and Louisiana brought home nearly \$500 million in Federal contracts a year. Total small business contracts in the Gulf Coast region exceeded \$3 billion a year. While many small businesses would benefit from other forms of disaster assistance, many of them are ready to get back to work and into business as soon as possible.

To that end, my bill designates the Hurricane Katrina disaster area as a HUBZone. A HUBZone designation would enable small businesses locating in the disaster area and employing people in that area to receive contracting preferences and price evaluation preferences to offset greater costs of doing business. The HUBZone program was created to direct federal contracting dollars to economically distressed areas. Extending the HUBZone designation to the Gulf Coast would bring needed businesses development tools to affected areas.

In addition, my bill would increase the maximum size of surety bonds from \$2 million to \$5 million for Katrina-related contracts. Small contractors vying for work need an increase in bonds to handle greater projects for Hurricane Katrina relief. Local small businesses in the Gulf Coast can use higher bonds to compensate for the damage to their assets from the Hurricane.

My bill would also direct the SBA, its resources partners, and the Federal offices of small and disadvantaged business utilization to create a contracting outreach program for small businesses located or willing to locate in the Katrina disaster area. Finally, my bill would establish small business contracting and subcontracting goals for all Katrina-related contracts and subcontracts to promote greater jobs creation and development, while providing reasonable flexibility to Federal agencies in meeting that goal in light of difficult circumstances on the ground.

Finally I would also like to comment on the funding levels provided for the SBA in this bill. I have authorized the appropriation of \$24.25 million for grants to increase business counseling in the damaged areas for several SBA entrepreneurial development programs including: Small Business Development Centers (SBDCs); SCORE; Womens Business Centers (WBCs); Veteran's Business Centers, and Microloan Technical Assistance.

Our Nation's 25 million small businesses prove time and again to breathe new life into our economy, by growing at twice the rate of all firms. And when a disaster strikes, the spirit, determination and will of America's small

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