

bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4571. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4572. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4573. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4574. Mr. COLEMAN (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4575. Mr. SANTORUM (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4576. Mrs. CLINTON (for herself, Mr. SCHUMER, Ms. MIKULSKI, Mr. MENENDEZ, Ms. CANTWELL, Mr. KENNEDY, Mr. KERRY, Mr. LIEBERMAN, Mr. REED, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4577. Mr. CORNYN proposed an amendment to amendment SA 4566 submitted by Mrs. MURRAY and intended to be proposed to the bill H.R. 5441, supra.

SA 4578. Mr. WARNER (for himself, Mr. ALLEN, Mr. SARBANES, Ms. MIKULSKI, Mr. VOINOVICH, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4579. Mr. GREGG proposed an amendment to the bill H.R. 5441, supra.

SA 4580. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 4550.** Mr. SPECTER (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 92, line 2, strike the semicolon and insert the following: “: *Provided*, That \$25,000,000 shall be available until expended for assistance to organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax section 501(a) of such Code (in this subparagraph referred to as “nonprofit organizations”)) determined by the Secretary to be at high-risk or potential high-risk of a terrorist attack, and that these determinations shall not be delegated to any Federal, State, or local government official: *Provided further*, That not later than 45 days after the date of enactment of this Act, the Secretary of Homeland Security shall make available to nonprofit organizations the requirements for an application for a grant under the preceding proviso, which application shall be submitted not later than 45 days after the date of the grant announcement, and the Office for Grants and Training shall take action on such an application not later than 15 days after the date of receiving such application: *Provided further*, That the Secretary of Homeland Security shall submit an annual report to the Committee on Appropriations of the Senate and Committee on Appropriations

of the House of Representatives on the threat or potential threat to each nonprofit organization receiving a grant under this subparagraph: *Provided further*, That the Secretary shall distribute any unallocated funds to assist nonprofit organizations determined by the Secretary to be at high-risk or potential high-risk of a terrorist attack provided for in title III of the Department of Homeland Security Appropriations Act, 2006 (Public Law 109-90; 119 Stat. 2075) under the heading “STATE AND LOCAL PROGRAMS” under the heading “OFFICE FOR DOMESTIC PREPAREDNESS” under the terms and conditions in this subparagraph: *Provided further*, That in determining the allocation of funds to nonprofit organizations under this subparagraph the Secretary shall consider—

(i) potential threats from any organization designated as an international terrorist organization by the Department of State or a separate network or cell that may operate domestically or internationally against any group of United States citizens who operate or are principal beneficiaries or users of a nonprofit organization;

(ii) prior attacks, within or outside the United States by an organization described in clause (i) against a nonprofit organization or entities associated with or similarly situated as a nonprofit organization;

(iii) symbolic value (including whether a nonprofit organization is a highly recognized national, cultural, or historic institution);

(iv) the role of a nonprofit organization in responding to an international terrorist attack;

(v) any previously conducted threat or vulnerability assessments; and

(vi) any increased threats to specific sectors or areas;

On page 92, line 19, before the comma insert “other than grants to nonprofit organizations as provided for under that subparagraph”.

**SA 4551.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

#### SEC. 540. PROHIBITION ON CONFISCATION OF FIREARMS.

None of the funds appropriated by this Act may be used to temporarily or permanently seize any firearm the possession of which is not prohibited under Federal or State law, other than for forfeiture in compliance with Federal or State law or as evidence in a criminal investigation.

**SA 4552.** Mr. KERRY (for himself, Ms. SNOWE, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. . TSA ACQUISITION MANAGEMENT POLICY.

(a) IN GENERAL.—Section 114 of title 49, United States Code, is amended by striking subsection (o) and redesignating subsections (p) through (t) as subsections (o) through (s), respectively.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the date of enactment of this Act.

**SA 4553.** Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 91, line 6, strike “\$2,393,500,000” and insert “\$3,493,500,000”.

On page 91, line 22, strike “\$1,172,000,000” and insert “\$2,272,000,000”.

On page 92, line 13, strike “\$150,000,000” and insert “\$1,250,000,000”.

On page 92, line 16, before the semicolon, insert the following: “, of which—

(i) \$670,000,000 shall be for tunnel upgrades along the Northeast corridor;

(ii) \$250,000,000 shall be for passenger and freight rail security grants;

(iii) \$100,000,000 shall be for research and development of bomb detection technology; and

(iv) \$65,000,000 shall be for intercity passenger rail security upgrades, of which \$25,000,000 shall be used—

(I) to provide a 25 percent salary increase for existing Amtrak Police personnel; and

(II) to expand the Amtrak police force by 200 officers

**SA 4554.** Mr. SALAZAR (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . Not later than 6 months after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report to the Committees on Appropriations of the Senate and the House of Representatives with an assessment of short-term (defined as within 2 years after the date of enactment of this Act), intermediate-term (defined as between 2 years and 4 years after such date of enactment), and long-term (defined as more than 4 years after such date of enactment) actions necessary for the Department of Homeland Security to take in order to assist Federal, State, and local governments achieve communications interoperability, including equipment acquisition, changes in governance structure, and training.

**SA 4555.** Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . The Secretary of Homeland Security shall prepare a report for submission to Congress by the President with the budget for fiscal year 2008 transmitted under section 1105(a) of title 31, United States Code, that—

(1) identifies activities being carried out by the Department of Homeland Security to improve—

(A) the targeting of agricultural inspections;

(B) the ability of United States Customs and Border Protection to adjust to new agricultural threats; and

(C) the in-service training for interception of prohibited plant and animal products and

agricultural pests under the agriculture quarantine inspection monitoring program of the Animal and Plant Health Inspection Service; and

(2) describes the manner in which the Secretary of Homeland Security will coordinate with the Secretary of Agriculture and State and local governments in carrying out the activities described in paragraph (1).

**SA 4556.** Mrs. FEINSTEIN (for herself, Mr. KYL, Mrs. BOXER, Mr. TALENT, Ms. CANTWELL, Mr. SALAZAR, Mr. BINGAMAN, Mrs. HUTCHISON, Mr. ALLEN, Mr. DOMENICI, and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. (a) CONSTRUCTION OF BORDER TUNNEL OR PASSAGE.—Chapter 27 of title 18, United States Code, is amended by adding at the end the following:

**“§ 554. Border tunnels and passages**

“(a) Any person who knowingly constructs or finances the construction of a tunnel or subterranean passage that crosses the international border between the United States and another country, other than a lawfully authorized tunnel or passage known to the Secretary of Homeland Security and subject to inspection by the Bureau of Immigration and Customs Enforcement, shall be fined under this title and imprisoned for not more than 20 years.

“(b) Any person who knows or recklessly disregards the construction or use of a tunnel or passage described in subsection (a) on land that the person owns or controls shall be fined under this title and imprisoned for not more than 10 years.

“(c) Any person who uses a tunnel or passage described in subsection (a) to unlawfully smuggle an alien, goods (in violation of section 545), controlled substances, weapons of mass destruction (including biological weapons), or a member of a terrorist organization (as defined in section 2339B(g)(6)) shall be subject to a maximum term of imprisonment that is twice the maximum term of imprisonment that would have otherwise been applicable had the unlawful activity not made use of such a tunnel or passage.”

(b) CLERICAL AMENDMENT.—The table of sections for chapter 27 of title 18, United States Code, is amended by adding at the end the following:

“Sec. 554. Border tunnels and passages.”

(c) CRIMINAL FORFEITURE.—Section 982(a)(6) of title 18, United States Code, is amended by inserting “554,” before “1425.”

(d) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.—

(1) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this subsection, the United States Sentencing Commission shall promulgate or amend sentencing guidelines to provide for increased penalties for persons convicted of offenses described in section 554 of title 18, United States Code, as added by subsection (a).

(2) REQUIREMENTS.—In carrying out this subsection, the United States Sentencing Commission shall—

(A) ensure that the sentencing guidelines, policy statements, and official commentary reflect the serious nature of the offenses described in section 554 of title 18, United States Code, and the need for aggressive and appropriate law enforcement action to prevent such offenses;

(B) provide adequate base offense levels for offenses under such section;

(C) account for any aggravating or mitigating circumstances that might justify exceptions, including—

(i) the use of a tunnel or passage described in subsection (a) of such section to facilitate other felonies; and

(ii) the circumstances for which the sentencing guidelines currently provide applicable sentencing enhancements;

(D) ensure reasonable consistency with other relevant directives, other sentencing guidelines, and statutes;

(E) make any necessary and conforming changes to the sentencing guidelines and policy statements; and

(F) ensure that the sentencing guidelines adequately meet the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code.

**SA 4557.** Mr. BYRD (for himself, Mr. GREGG, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. BINGAMAN, and Mr. LIEBERMAN) proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the appropriate place in the bill insert the following:

TITLE VI

BORDER SECURITY INFRASTRUCTURE ENHANCEMENTS

SEC. 601. (a) Notwithstanding any other provision of law, the Secretary of Homeland Security shall adjust fees charged by the Department against any non-United States citizen by notice in the Federal register no later than January 1, 2007, to achieve not less than \$350,000,000 in additional receipts by September 30, 2007: *Provided*, That the Secretary may adjust only those fees authorized under the Immigration and Nationality Act and the Illegal Immigration Reform and Immigrant Responsibility Act: *Provided further*, That this adjustment shall be in addition to fees authorized under 8 United States Code 1356.

(b) Amounts collected under subsection (a) shall be deposited in the accounts as provided by 8 United States Code 1356: *Provided*, That of the total amount collected pursuant to subsection (a) the Secretary shall transfer the following amounts:

(1) \$25,000,000 to Customs and Border Protection “Salaries and Expenses” for vehicle replacement;

(2) \$105,000,000 to Customs and Border Protection “Air and Marine Interdiction, Operations, Maintenance, and Procurement” for air asset replacement and air operations facilities upgrades;

(3) \$90,000,000 to Customs and Border Protection “Construction”;

(4) \$30,000,000 to Immigration and Customs Enforcement “Salaries and Expenses” for vehicle replacement; and,

(5) \$15,000,000 to Immigration and Customs Enforcement “Automation Modernization”.

(c) Of the total amount collected pursuant to subsection (a) \$85,000,000 shall be made available to United States Citizenship and Immigration Services: *Provided*, That of the additional amount available, \$47,000,000 shall be for Business Transformation and \$38,000,000 shall be for Fraud Detection and National Security initiatives.

(d) Amounts deposited under paragraph (b) shall remain available until expended for the activities and services described in paragraphs (b) and (c).

**SA 4558.** Mr. LAUTENBERG submitted an amendment intended to be

proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

CERTAIN TSA PERSONNEL LIMITATIONS NOT TO APPLY

SEC. . No amount appropriated by this or any other Act may be used to enforce or comply with any statutory limitation on the number of employees in the Transportation Security Administration, before or after its transfer to the Department of Homeland Security from the Department of Transportation, and no amount appropriated by this or any other Act may be used to enforce or comply with any administrative rule or regulation imposing a limitation on the recruiting or hiring of personnel into the Transportation Security Administration to a maximum number of permanent positions, except to the extent that enforcement or compliance with that limitation does not prevent the Secretary of Homeland Security from recruiting and hiring such personnel into the Administration as may be necessary—

(1) to provide appropriate levels of aviation security; and

(2) to accomplish that goal in such a manner that the average aviation security-related delay experienced by airline passengers is reduced to a level of 10 minutes.

**SA 4559.** Mr. BYRD (for himself, Mr. GREGG, Mr. KOHL, Mrs. CLINTON, Mr. MENENDEZ, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. LAUTENBERG, and Mr. SCHUMER) proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE VII—SUPPLEMENTAL APPROPRIATIONS FOR PORT SECURITY ENHANCEMENTS

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to enhance port security for the fiscal year ending September 30, 2006, and for other purposes, namely:

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$251,000,000, to remain available until expended.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for “Operating Expenses”, \$23,000,000, to remain available until expended: *Provided*, That funding is available to accelerate foreign port security assessments, conduct domestic port vulnerability assessments, and perform unscheduled security audits of facilities regulated by chapter 701 of title 46, United States Code, commonly known as the Maritime Transportation Security Act of 2002.

UNITED STATES COAST GUARD

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for “Acquisition, Construction, and Improvements” for acquisition, construction, renovation, and improvement of vessels, aircraft, and equipment, \$184,000,000 for the Integrated Deep-water Systems program, to remain available

until expended: *Provided*, That funding is available to acquire maritime patrol aircraft and parent craft patrol boats, to provide armed helicopter capability, and to sustain the medium endurance cutter fleet.

**OFFICE FOR DOMESTIC PREPAREDNESS STATE AND LOCAL PROGRAMS**

For an additional amount for "State and Local Programs", \$190,000,000 to remain available until September 30, 2007: *Provided*, That the entire amount shall be for port security grants pursuant to the purposes of subsection (a) through (h) of section 70107 of title 46, United States Code, which shall be awarded based on risk notwithstanding subsection (a), for eligible costs as defined in paragraphs (2), (3), and (4) of subsection (b).

**SA 4560.** Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. LOTT, Mr. CARPER, and Mr. SALAZAR) proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 127, between lines 2 and 3, insert the following:

**TITLE VI—UNITED STATES EMERGENCY MANAGEMENT AUTHORITY**

**SEC. 601. SHORT TITLE.**

This title may be cited as the "United States Emergency Management Authority Act of 2006".

**SEC. 602. UNITED STATES EMERGENCY MANAGEMENT AUTHORITY.**

Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended—

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

**"TITLE V—NATIONAL PREPAREDNESS AND RESPONSE";**

(2) by striking sections 501 through 503;

(3) by striking sections 506 and 507;

(4) by redesignating sections 504, 505, 508, and 509 as sections 521, 522, 523, and 524, respectively;

(5) by redesignating section 510 (relating to procurement of security countermeasures for the strategic national stockpile) as section 525;

(6) by redesignating section 510 (relating to urban and other high risk area communications capabilities) as section 526; and

(7) by inserting before section 521, as so redesignated by this section, the following:

**"SEC. 501. DEFINITIONS.**

"In this title—

"(1) the term 'all-hazards-plus' means an approach to preparedness, response, recovery, and mitigation that emphasizes the development of capabilities that are common to natural and man-made disasters, while also including the development of capabilities that are uniquely relevant to specific types of disasters;

"(2) the term 'Authority' means the United States Emergency Management Authority established under section 502;

"(3) the term 'Administrator' means the Administrator of the Authority;

"(4) the term 'Federal coordinating officer' means a Federal coordinating officer as described in section 302 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5143);

"(5) the term 'National Advisory Council' means the National Advisory Council on Emergency Preparedness and Response established under section 508;

"(6) the term 'National Incident Management System' means the National Incident Management System as described in the National Response Plan;

"(7) the term 'National Response Plan' means the National Response Plan prepared under Homeland Security Presidential Directive 5 or any presidential directive meant to replace or augment that directive;

"(8) the term 'Nuclear Incident Response Team' means a resource that includes—

"(A) those entities of the Department of Energy that perform nuclear or radiological emergency support functions (including accident response, search response, advisory, and technical operations functions), radiation exposure functions at the medical assistance facility known as the Radiation Emergency Assistance Center/Training Site (REAC/TS), radiological assistance functions, and related functions; and

"(B) those entities of the Environmental Protection Agency that perform such support functions (including radiological emergency response functions) and related functions;

"(9) the term 'Regional Advisory Council' means a Regional Advisory Council on Preparedness and Response established under section 503;

"(10) the term 'Regional Administrator' means a Regional Administrator for Preparedness and Response appointed under section 507;

"(11) the term 'Regional Office' means a Regional Office established under section 507; and

"(12) the term 'surge capacity' means the ability to rapidly and substantially increase the provision of search and rescue capabilities, food, water, medicine, shelter and housing, medical care, evacuation capacity, staffing, including disaster assistance employees, and other resources necessary to save lives and protect property during a catastrophic incident, or other natural or man-made disaster.

**"SEC. 502. UNITED STATES EMERGENCY MANAGEMENT AUTHORITY.**

"(a) IN GENERAL.—There is established in the Department the United States Emergency Management Authority, headed by an Administrator.

"(b) MISSION.—The mission of the Authority is to—

"(1) lead the Nation's efforts to prepare for, respond to, recover from, and mitigate the risks of natural and man-made disasters, including catastrophic incidents;

"(2) partner with State and local governments and emergency response providers, with other Federal agencies, with the private sector, and with nongovernmental organizations to build a national system of emergency management that can effectively and efficiently utilize the full measure of the Nation's resources to respond to a catastrophic incident or other natural or man-made disaster;

"(3) develop a Federal response capability that, when necessary and appropriate, can act effectively, rapidly, and proactively to deliver assistance essential to saving lives or protecting or preserving property or public health and safety in a natural or man-made disaster;

"(4) fuse the Department's emergency response, preparedness, recovery, mitigation, and critical infrastructure assets into a new, integrated organization that can effectively confront the challenges of a natural or man-made disaster;

"(5) develop and maintain robust Regional Offices that will work with State and local governments and emergency response providers to identify and address regional priorities;

"(6) under the leadership of the Secretary, coordinate with the Commandant of the Coast Guard, the Director of Customs and Border Protection, the Director of Immigration and Customs Enforcement, the National

Operations Center, and other agencies and offices in the Department to take full advantage of the substantial range of resources in the Department that can be brought to bear in preparing for and responding to a natural or man-made disaster;

"(7) carry out the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

"(8) provide funding, training, exercises, technical assistance, planning, and other assistance, to build local, State, regional, and national capabilities, including communications capabilities, necessary to respond to a potential natural or man-made disaster;

"(9) implement an all-hazards-plus strategy for preparedness that places priority on building those common capabilities necessary to respond to both terrorist attacks and natural disasters while also building the unique capabilities necessary to respond to specific types of incidents that pose the greatest risk to our Nation; and

"(10) promote, plan for, and facilitate the security and resiliency of critical infrastructure and key resources, including cyber infrastructure, against a natural or man-made disaster, and the post-disaster restoration of such critical infrastructure and key resources.

"(c) ADMINISTRATOR.—

"(1) IN GENERAL.—The Administrator shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) QUALIFICATIONS.—The Administrator shall have not less than 5 years of executive leadership and management experience in the public or private sector, significant experience in crisis management or another relevant field, and a demonstrated ability to manage a substantial staff and budget.

"(3) REPORTING.—The Administrator shall report to the Secretary, without being required to report through any other official of the Department.

"(4) PRINCIPAL ADVISOR ON EMERGENCY PREPAREDNESS AND RESPONSE.—

"(A) IN GENERAL.—The Administrator is the principal emergency preparedness and response advisor to the President, the Homeland Security Council, and the Secretary.

"(B) ADVICE AND RECOMMENDATIONS.—

"(i) IN GENERAL.—In presenting advice with respect to any matter to the President, the Homeland Security Council, or the Secretary, the Administrator shall, as the Administrator considers appropriate, inform the President, the Homeland Security Council, or the Secretary, as the case may be, of the range of emergency mitigation, preparedness, response, and recovery options with respect to that matter.

"(ii) ADVICE ON REQUEST.—The Administrator, as an emergency preparedness and response advisor, shall provide advice to the President, the Homeland Security Council, or the Secretary on a particular matter when the President, the Homeland Security Council, or the Secretary requests such advice.

"(iii) RECOMMENDATIONS TO CONGRESS.—After informing the Secretary, the Administrator may make such recommendations to Congress relating to emergency preparedness and response as the Administrator considers appropriate.

"(C) RETENTION OF AUTHORITY.—Nothing in this paragraph shall be construed as affecting the authority of the Secretary under this Act.

**"SEC. 503. AUTHORITIES AND RESPONSIBILITIES.**

"(a) IN GENERAL.—The Administrator shall provide Federal leadership necessary to prepare for and respond to a natural or man-made disaster, including—

“(1) carrying out the mission to reduce the loss of life and property and protect the Nation from all hazards by leading and supporting the Nation in a comprehensive, risk-based emergency preparedness and response program of—

“(A) mitigation, by taking sustained actions to reduce or eliminate long-term risk to people and property from hazards and their effects;

“(B) preparedness, by planning, training, and building the emergency preparedness and response workforce to prepare effectively for, mitigate against, respond to, and recover from any hazard;

“(C) response, by conducting emergency operations to save lives and property through positioning emergency equipment, personnel, and supplies, through evacuating potential victims, through providing food, water, shelter, and medical care to those in need, and through restoring critical public services;

“(D) recovery, by rebuilding communities so individuals, businesses, and governments can function on their own, return to normal life, and protect against future hazards; and

“(E) critical infrastructure protection, by establishing an inventory of, and protections for, public and private sector critical infrastructure, including cyber and communications assets;

“(2) increasing efficiencies, by coordinating efforts relating to mitigation, preparedness, response, recovery, and infrastructure protection;

“(3) helping to ensure the effectiveness of emergency response providers in responding to a natural or man-made disaster;

“(4) providing the Federal Government's response to a natural or man-made disaster, including—

“(A) managing such response;

“(B) directing the Domestic Emergency Support Team, the National Disaster Medical System, and (when operating as an organizational unit of the Department under this title) the Nuclear Incident Response Team;

“(C) overseeing the Metropolitan Medical Response System; and

“(D) coordinating other Federal response resources, including requiring deployment of the Strategic National Stockpile, in the event of a natural or man-made disaster;

“(5) working with Federal, State, and local government personnel, agencies, and authorities to build a comprehensive national incident management system to respond to a natural or man-made disaster;

“(6) with respect to the Nuclear Incident Response Team (regardless of whether it is operating as an organizational unit of the Department under this title)—

“(A) establishing standards and certifying when those standards have been met;

“(B) conducting joint and other exercises and training and evaluating performance; and

“(C) providing funds to the Department of Energy and the Environmental Protection Agency, as appropriate, for homeland security planning, exercises and training, and equipment;

“(7) helping to ensure that emergency response providers acquire interoperable and sustainable technology;

“(8) assisting the President in carrying out the functions under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

“(9) administering homeland security emergency management, first responder, and other preparedness grants;

“(10) administering and implementing the National Response Plan, including monitoring, evaluating, and ensuring the readiness of each emergency support function under the National Response Plan;

“(11) coordinating with the National Advisory Council;

“(12) ensuring the protection of critical infrastructure by—

“(A) carrying out the responsibilities under paragraphs (2) through (6) of section 201(d);

“(B) helping ensure the protection and resiliency of key resources and critical infrastructure, including cyber infrastructure, against a natural or man-made disaster; and

“(C) planning for, assisting with, and facilitating, the restoration of key resources and critical infrastructure, including cyber infrastructure, in the event of a natural or man-made disaster;

“(13) establishing in each Regional Office a Regional Advisory Council on Preparedness and Response, to advise the Regional Administrator of that Regional Office on emergency preparedness and response issues specific to the region; and

“(14) otherwise carrying out the mission of the Authority as described in section 502(b).

“(b) ADDITIONAL RESPONSIBILITIES RELATED TO CATASTROPHIC INCIDENTS.—

“(1) IN GENERAL.—The Administrator, in consultation with the Secretary and other senior Department officials, shall develop a national emergency management system that is capable of responding to catastrophic incidents.

“(2) IDENTIFICATION OF RESOURCES.—

“(A) IN GENERAL.—The Administrator shall develop and submit to Congress annually an estimate of the resources of the Authority and other Federal agencies needed for and devoted specifically to developing local, State, and national capabilities necessary to respond to a catastrophic incident.

“(B) CONTENTS.—Each estimate under subparagraph (A) shall include the resources both necessary for and devoted to—

“(i) planning;

“(ii) training and exercises;

“(iii) Regional Office enhancements;

“(iv) staffing, including for surge capacity during a catastrophic event;

“(v) additional logistics capabilities;

“(vi) other responsibilities under the Catastrophic Incident Annex of the Catastrophic Incident Supplement of the National Response Plan; and

“(vii) State and local catastrophic preparedness.

“(c) ALL-HAZARDS-PLUS APPROACH.—In carrying out this section, the Administrator shall implement an all-hazards-plus strategy that places priority on building those common capabilities necessary to prepare for, respond to, recover from, and mitigate the risks of terrorist attacks and natural disasters, while also building the unique capabilities necessary to prepare for, respond to, recover from, and mitigate the risks of specific types of incidents that pose the greatest risk to the Nation.

“SEC. 504. AUTHORITY COMPONENTS.

“There are transferred to the Authority the following:

“(1) Except as provided in title III of the Department of Homeland Security Appropriations Act, 2007, regarding the transfer of the National Disaster Medical System, the Federal Emergency Management Agency, as constituted on June 1, 2006, including all of its functions, personnel, assets, components, and liabilities, and including the functions of the Under Secretary for Federal Emergency Management relating thereto.

“(2) The Directorate of Preparedness, as constituted on June 1, 2006, including all of its functions, personnel assets, components, and liabilities, and including the functions of the Under Secretary for Preparedness relating to the Directorate, as constituted on that date.

“SEC. 505. PRESERVING THE UNITED STATES EMERGENCY MANAGEMENT AUTHORITY.

“(a) DISTINCT ENTITY.—The Authority shall be maintained as a distinct entity within the Department.

“(b) REORGANIZATION.—Section 872 shall not apply to the Authority, including any function or organizational unit of the Authority.

“(c) PROHIBITION ON CHANGES TO MISSIONS.—

“(1) IN GENERAL.—The Secretary may not substantially or significantly reduce the authorities, responsibilities, or functions of the Authority or the capability of the Authority to perform those responsibilities, except as otherwise specifically provided in an Act enacted after the date of enactment of the United States Emergency Management Authority Act of 2006.

“(2) CERTAIN TRANSFERS PROHIBITED.—No asset, function or mission of the Authority may be diverted to the principal and continuing use of any other organization, unit, or entity of the Department, except for details or assignments that do not reduce the capability of the Authority to perform its missions.

“SEC. 506. DIRECTORS.

“(a) IN GENERAL.—There shall be in the Authority a Director for Preparedness and a Director for Response and Recovery, each of whom shall be appointed by the President, by and with the advice and consent of the Senate, and shall report to the Administrator.

“(b) QUALIFICATIONS.—

“(1) IN GENERAL.—A Director shall have—

“(A) not less than 5 years of—

“(i) executive leadership and management experience in the public or private sector; and

“(ii) significant experience in crisis management or another relevant field; and

“(B) a demonstrated ability to manage a substantial staff and budget.

“(2) CONCURRENT EXPERIENCE.—Service during any period of time may be used in meeting the requirements under both clause (i) and (ii) of paragraph (1)(A).

“(c) INITIAL DIRECTORS.—The individual serving as the Under Secretary for Preparedness and the individual serving as the Under Secretary for the Federal Emergency Management Agency on the effective date of the United States Emergency Management Authority Act of 2006, may serve as the Director for Preparedness and the Director of Response and Recovery, respectively, until a Director for Preparedness or a Director of Response and Recovery, as the case may be, is appointed under subsection (a).

“SEC. 507. REGIONAL OFFICES.

“(a) IN GENERAL.—

“(1) REGIONAL OFFICES.—The Administrator shall establish 10 Regional Offices of the Authority.

“(2) ADDITIONAL OFFICE.—In addition to the Regional Offices established under paragraph (1), the Administrator may designate the Office for National Capital Region Coordination under section 882 as a Regional Office.

“(b) MANAGEMENT OF REGIONAL OFFICES.—

“(1) REGIONAL ADMINISTRATOR.—Each Regional Office shall be headed by a Regional Administrator for Preparedness and Response, who shall be appointed by the Administrator. Each Regional Administrator for Emergency Preparedness and Response shall report directly to the Administrator.

“(2) QUALIFICATIONS.—Each Regional Office shall be headed by an individual in the Senior Executive Service qualified to act as a senior Federal coordinating officer to provide strategic oversight of incident management when needed.

## “(c) RESPONSIBILITIES.—

“(1) IN GENERAL.—The Regional Administrator shall work in partnership with State and local governments, emergency managers, emergency response providers, medical providers, the private sector, nongovernmental organizations, multijurisdictional councils of governments, and regional planning commissions and organizations in the geographical area served by the Regional Office to carry out the responsibilities of a Regional Administrator under this section.

“(2) RESPONSIBILITIES.—The responsibilities of a Regional Administrator include—

“(A) ensuring effective, coordinated, and integrated regional preparedness, mitigation, response, and recovery activities and programs for natural and man-made disasters (including planning, training, exercises, and professional development);

“(B) coordinating and integrating regional preparedness, mitigation, response, and recovery activities and programs for natural and man-made disasters (including planning, training, exercises, and professional development), which shall include—

“(i) providing regional and interstate planning assistance;

“(ii) organizing, in consultation with the Administrator, regional training and exercise programs;

“(iii) providing support and coordination officers for State and local government training and exercises;

“(iv) participating in emergency preparedness and planning activities by State, regional, and local governments;

“(v) assisting in the development of regional capabilities needed for a national catastrophic response system; and

“(vi) helping to coordinate and develop interstate agreements;

“(C) establishing and overseeing 1 or more strike teams within the region under subsection (e), which shall serve as the focal point of the Federal Government’s initial response efforts for a natural or man-made disaster within that region, and otherwise building Federal response capabilities to respond to a natural or man-made disaster within that region;

“(D) working with the private sector to assess weaknesses in critical infrastructure protection in the region and to design and implement programs to address those weaknesses;

“(E) coordinating all activities conducted under this section with other Federal departments and agencies; and

“(F) performing such other duties relating to such responsibilities as the Administrator may require.

“(d) AREA OFFICES.—The Administrator shall establish an Area Office for the Pacific and an Area Office for the Caribbean, as components in the appropriate Regional Offices.

## “(e) REGIONAL OFFICE STRIKE TEAMS.—

“(1) ESTABLISHMENT.—In coordination with other relevant Federal agencies, each Regional Administrator shall establish multi-agency strike teams that shall consist of—

“(A) a designated Federal coordinating officer;

“(B) personnel trained in incident management;

“(C) public affairs, response and recovery, and communications support personnel;

“(D) a defense coordinating officer;

“(E) liaisons to other Federal agencies;

“(F) such other personnel as the Administrator or Regional Administrator determines appropriate; and

“(G) individuals from the agencies with primary responsibility for each of the emergency support functions in the National Response Plan, including the following:

“(i) Transportation.

“(ii) Communications.

“(iii) Public works and engineering.

“(iv) Emergency management.

“(v) Mass care.

“(vi) Housing and human services.

“(vii) Public health and medical services.

“(viii) Urban search and rescue.

“(ix) Public safety and security.

“(x) External affairs.

“(2) LOCATION OF MEMBERS.—The members of each Regional Office strike team, including representatives from agencies other than the Department, shall be based primarily at the Regional Office that corresponds to that strike team.

“(3) COORDINATION.—Each Regional Office strike team shall coordinate the training and exercises of that strike team with the State and local governments and private sector and nongovernmental entities which the strike team shall support when a natural or man-made disaster occurs.

“(4) PREPAREDNESS.—Each Regional Office strike team shall be trained, equipped, and staffed to be well prepared to respond to natural and man-made disasters, including catastrophic incidents.

“(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this subsection.

**“SEC. 508. NATIONAL ADVISORY COUNCIL ON EMERGENCY PREPAREDNESS AND RESPONSE.**

“(a) ESTABLISHMENT.—Not later than 60 days after the date of enactment of the United States Emergency Management Authority Act of 2006, the Secretary shall establish an advisory body under section 871(a), to be known as the National Advisory Council on Emergency Preparedness and Response.

“(b) RESPONSIBILITIES.—The National Advisory Council shall advise the Administrator on all aspects of emergency preparedness and response.

## “(c) MEMBERSHIP.—

“(1) IN GENERAL.—The members of the National Advisory Council shall be appointed by the Administrator, and shall, to the extent practicable, represent a geographic (including urban and rural) and substantive cross section of State and local government officials and emergency managers, and emergency response providers, from State and local governments, the private sector, and nongovernmental organizations, including as appropriate—

“(A) members selected from the emergency preparedness and response fields, including fire service, law enforcement, hazardous materials response, emergency medical services, and emergency preparedness and response personnel;

“(B) health scientists, emergency and inpatient medical providers, and public health professionals;

“(C) experts representing standards setting organizations;

“(D) State and local government officials with expertise in terrorism preparedness and emergency preparedness and response;

“(E) elected State and local government executives;

“(F) experts in public and private sector infrastructure protection, cybersecurity, and communications;

“(G) representatives of the disabled and other special needs populations; and

“(H) such other individuals as the Administrator determines to be appropriate.

## “(d) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—

“(1) IN GENERAL.—Notwithstanding section 871(a) and subject to paragraph (2), the Federal Advisory Committee Act (5 U.S.C. App.), including subsections (a), (b), and (d) of section 10 of such Act, and section 552b(c) of

title 5, United States Code, shall apply to the Advisory Council.

“(2) TERMINATION.—Section 14(a)(2)(B) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Council.

**“SEC. 509. NATIONAL INCIDENT MANAGEMENT SYSTEM INTEGRATION CENTER.**

“(a) IN GENERAL.—There is in the Authority a National Incident Management System Integration Center.

## “(b) RESPONSIBILITIES.—

“(1) IN GENERAL.—The Administrator, through the National Incident Management System Integration Center, and in consultation with other Federal departments and agencies and the National Advisory Council, shall ensure ongoing management and maintenance of the National Incident Management System, the National Response Plan, any other document or tool in support of Homeland Security Presidential Directive 5, or any other Homeland Security Presidential Directive relating to incident management and response.

“(2) SPECIFIC RESPONSIBILITIES.—The National Incident Management System Integration Center shall—

“(A) periodically review, and revise, as appropriate, the National Incident Management System and the National Response Plan;

“(B) review other matters relating to the National Incident Management System and the National Response Plan, as the Administrator may require;

“(C) develop and implement a national program for National Incident Management System and National Response Plan education and awareness;

“(D) oversee all aspects of the National Incident Management System, including the development of compliance criteria and implementation activities at Federal, State, and local government levels;

“(E) provide guidance and assistance to States and local governments and emergency response providers, in adopting the National Incident Management System; and

“(F) perform such other duties relating to such responsibilities as the Administrator may require.

**“SEC. 510. NATIONAL OPERATIONS CENTER.**

“(a) DEFINITION.—In this section, the term ‘situational awareness’ means information gathered from a variety of sources that, when communicated to emergency preparedness and response managers and decision makers, can form the basis for incident management decisionmaking.

“(b) ESTABLISHMENT.—There is established in the Department a National Operations Center.

“(c) PURPOSE.—The purposes of the National Operations Center are to—

“(1) coordinate the national response to any natural or man-made disaster, as determined by the Secretary;

“(2) provide situational awareness and a common operating picture for the entire Federal Government, and for State and local governments as appropriate, for an event described in paragraph (1);

“(3) collect and analyze information to help deter, detect, and prevent terrorist acts;

“(4) disseminate terrorism and disaster-related information to Federal, State, and local governments;

“(5) ensure that critical terrorism and disaster-related information reaches government decision-makers; and

“(6) perform such other duties as the Secretary may require.

“(d) RESPONSIBILITIES.—The National Operations Center shall carry out the responsibilities of the Homeland Security Operations Center, the National Response Coordination

Center, and the Interagency Incident Management Group, as constituted on September 1, 2005.

**“SEC. 511. CHIEF MEDICAL OFFICER.**

“(a) IN GENERAL.—There is in the Authority a Chief Medical Officer, who shall be appointed by the President, by and with the advice and consent of the Senate. The Chief Medical Officer shall report directly to the Administrator.

“(b) QUALIFICATIONS.—The individual appointed as Chief Medical Officer shall possess a demonstrated ability in and knowledge of medicine and public health.

“(c) RESPONSIBILITIES.—The Chief Medical Officer shall have the primary responsibility within the Department for medical issues related to natural and man-made disasters, including—

“(1) serving as the principal advisor to the Secretary and the Administrator on medical and public health issues;

“(2) coordinating the biosurveillance and detection activities of the Department;

“(3) ensuring internal and external coordination of all medical preparedness and response activities of the Department, including training, exercises, and equipment support;

“(4) serving as the Department’s primary point of contact with the Department of Agriculture, the Department of Defense, the Department of Health and Human Services, the Department of Transportation, the Department of Veterans Affairs, and other Federal departments or agencies, on medical and public health issues;

“(5) serving as the Department’s primary point of contact for State and local government, the medical community, and others within and outside the Department, with respect to medical and public health matters;

“(6) discharging, in coordination with the Under Secretary for Science and Technology, the responsibilities of the Department related to Project Bioshield;

“(7) establishing doctrine and priorities for the National Disaster Medical System, consistent with the National Response Plan and the National Incident Management System, supervising its medical components, and exercising predeployment operational control, including—

“(A) determining composition of the teams;

“(B) overseeing credentialing of the teams; and

“(C) training personnel of the teams;

“(8) establishing doctrine and priorities for the Metropolitan Medical Response System, consistent with the National Response Plan and the National Incident Management System;

“(9) managing the Metropolitan Medical Response System, including developing and overseeing standards, plans, training, and exercises and coordinating with the Office of Grants and Training on the use and distribution of Metropolitan Medical Response grants;

“(10) assessing and monitoring long-term health issues of emergency managers and emergency response providers;

“(11) developing and updating, in consultation with the Secretary of Health and Human Services, guidelines for State and local governments for medical response plans for chemical, biological, radiological, nuclear, or explosive weapon attacks;

“(12) developing, in consultation with the Secretary of Health and Human Services, appropriate patient tracking capabilities to execute domestic patient movement and evacuations, including a system that has the capacity of electronically maintaining and transmitting the health information of hospital patients;

“(13) establishing and providing oversight for the Department’s occupational health and safety program, including workforce health; and

“(14) performing such other duties relating to such responsibilities as the Secretary or the Administrator may require.

“(d) LONG-TERM HEALTH ASSESSMENT PROGRAM.—The Chief Medical Officer, in consultation with the Director of the National Institute for Occupational Safety and Health, shall establish a program to assess, monitor, and study the health and safety of emergency managers and emergency response providers, following Incidents of National Significance declared by the Secretary under the National Response Plan.

**“SEC. 512. PUBLIC AND COMMUNITY PREPAREDNESS.**

“The Administrator shall promote public and community preparedness.

**“SEC. 513. SAVER PROGRAM.**

“(a) IN GENERAL.—In the Department there is a System Assessment and Validation for Emergency Responders Program to provide impartial evaluations of emergency response equipment and systems.

“(b) REQUIREMENTS.—The program established under subsection (a) shall—

“(1) provide impartial, practitioner relevant, and operationally oriented assessments and validations of emergency response provider equipment and systems that have not already been third-party certified to a standard adopted by the Department, including—

“(A) commercial, off-the-shelf emergency response provider equipment and systems in all equipment list categories of the Standardized Equipment List published by the Interagency Board for Equipment Standardization and Interoperability; and

“(B) such other equipment or systems as the Secretary determines are appropriate;

“(2) provide information that enables decision-makers and emergency response providers to better select, procure, use, and maintain emergency response provider equipment or systems;

“(3) assess and validate the performance of products within a system and subsystems; and

“(4) provide information and feedback to emergency response providers through the Responder Knowledge Base of the National Memorial Institute for the Prevention of Terrorism, or other appropriate forum.

“(c) ASSESSMENT AND VALIDATION PROCESS.—The assessment and validation of emergency response provider equipment and systems shall use multiple evaluation techniques, including—

“(1) operational assessments of equipment performance on vehicle platforms;

“(2) technical assessments on a comparative basis of system component performance across makes and models under controlled conditions; and

“(3) integrative assessments on an individual basis of system component interoperability and compatibility with other system components.

“(d) PERSONAL PROTECTIVE EQUIPMENT.—To the extent practical, the assessment and validation of personal protective equipment under this section shall be conducted by the National Personal Protective Technology Laboratory of the National Institute for Occupational Safety and Health.

**“SEC. 514. NATIONAL SEARCH AND RESCUE RESPONSE SYSTEM.**

“(a) NATIONAL SEARCH AND RESCUE RESPONSE SYSTEM.—There is established in the Authority an emergency response system known as the National Search and Rescue Response System that provides a national network of standardized search and rescue

resources to assist State and local governments in responding to any natural or man-made disaster.

“(b) ADMINISTRATION OF THE SYSTEM.—

“(1) TASK FORCE PARTICIPATION.—The Administrator shall select eligible search and rescue teams that are sponsored by State and local government entities to participate as task forces in the National Search and Rescue Response System. The Administrator shall determine the criteria for such participation.

“(2) AGREEMENTS WITH SPONSORING AGENCIES.—The Administrator shall enter into an agreement with the State or local government entity that sponsors each search and rescue team selected under paragraph (1) with respect to the team’s participation as a task force in the National Search and Rescue Response System.

“(3) MANAGEMENT AND TECHNICAL TEAMS.—The Administrator shall maintain such management and other technical teams as are necessary to administer the National Search and Rescue Response System.

**“SEC. 515. METROPOLITAN MEDICAL RESPONSE SYSTEM.**

“(a) IN GENERAL.—There is in the Authority a Metropolitan Medical Response System. Under the Metropolitan Medical Response System, the Assistant Secretary for Grants and Planning, in coordination with the Chief Medical Officer, shall administer grants to develop, maintain, and enhance medical preparedness systems that are capable of responding effectively to a public health crisis or mass-casualty event caused by a natural or man-made disaster.

“(b) USE OF FUNDS.—The Metropolitan Medical Response System shall make grants to local governments to enhance any of the following activities:

“(1) Medical surge capacity.

“(2) Mass prophylaxis.

“(3) Chemical, biological, radiological, nuclear, and explosive detection, response, and decontamination capabilities.

“(4) Emergency communications capabilities.

“(5) Information sharing and collaboration capabilities.

“(6) Regional collaboration.

“(7) Triage and pre-hospital treatment.

“(8) Medical supply management and distribution.

“(9) Fatality management.

“(10) Such other activities as the Secretary may provide.

**“SEC. 516. EMERGENCY MANAGEMENT ASSISTANCE COMPACT.**

“(a) IN GENERAL.—The Secretary, acting through the Administrator, may make grants for the purposes of administering and improving the Emergency Management Assistance Compact consented to by the Joint Resolution entitled ‘Joint Resolution granting the consent of Congress to the Emergency Management Assistance Compact’ (Public Law 104-321; 110 Stat. 3877).

“(b) USES.—A grant under this section shall be used to—

“(1) carry out recommendations identified in after-action reports for the 2004 and 2005 hurricane season issued under the Emergency Management Assistance Compact;

“(2) coordinate with the Department and other Federal Government agencies;

“(3) coordinate with State and local government entities and their respective national associations;

“(4) assist State and local governments with credentialing emergency response providers and the typing of emergency response resources; or

“(5) administer the operations of the Emergency Management Assistance Compact.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to

the Secretary to carry out this section \$4,000,000 for each of fiscal years 2007 through 2010. Amounts appropriated under this section shall remain available for 3 fiscal years after the date on which such funds are appropriated.

**“SEC. 517. OFFICE FOR THE PREVENTION OF TERRORISM.**

“(a) ESTABLISHMENT.—There is established in the Department an Office for the Prevention of Terrorism, which shall be headed by a Director.

“(b) DIRECTOR.—

“(1) REPORTING.—The Director of the Office for the Prevention of Terrorism shall report directly to the Secretary.

“(2) QUALIFICATIONS.—The Director of the Office for the Prevention of Terrorism shall have an appropriate background with experience in law enforcement, intelligence, or other anti-terrorist functions.

“(c) ASSIGNMENT OF PERSONNEL.—

“(1) IN GENERAL.—The Secretary shall assign to the Office for the Prevention of Terrorism permanent staff and other appropriate personnel detailed from other components of the Department to carry out the responsibilities under this section.

“(2) LIAISONS.—The Secretary shall designate senior employees from each component of the Department that has significant antiterrorism responsibilities to act a liaison between that component and the Office for the Prevention of Terrorism.

“(d) RESPONSIBILITIES.—The Director of the Office for the Prevention of Terrorism shall—

“(1) coordinate policy and operations between the Department and State and local government agencies relating to preventing acts of terrorism within the United States;

“(2) serve as a liaison between State and local law enforcement agencies and the Department;

“(3) in coordination with the Office of Intelligence, develop better methods for the sharing of intelligence with State and local law enforcement agencies;

“(4) work with the Assistant Secretary of the Office of Grants and Training to ensure that homeland security grants to State and local agencies, including the Law Enforcement Terrorism Prevention Program, Commercial Equipment Direct Assistance Program, grants for fusion centers, and other law enforcement programs are adequately focused on terrorism prevention activities; and

“(5) coordinate with the Authority, the Department of Justice, the National Institute of Justice, law enforcement organizations, and other appropriate entities to develop national voluntary consensus standards for training and personal protective equipment to be used in a tactical environment by law enforcement officers.

“(e) PILOT PROJECT.—

“(1) IN GENERAL.—The Director of the Office for the Prevention of Terrorism, in coordination with the Director for Response, shall establish a pilot project to determine the efficacy and feasibility of establishing law enforcement deployment teams.

“(2) FUNCTION.—The law enforcement deployment teams participating in the pilot program under this subsection shall form the basis of a national network of standardized law enforcement resources to assist State and local governments in responding to a natural or man-made disaster.

“(f) CONSTRUCTION.—Nothing in this section may be construed to affect the roles or responsibilities of the Department of Justice.

**“SEC. 518. DEPARTMENT OFFICIALS.**

“(a) CYBERSECURITY AND TELECOMMUNICATIONS.—There is in the Department an Assistant Secretary for Cybersecurity and Telecommunications.

“(b) UNITED STATES FIRE ADMINISTRATION.—The Administrator of the United States Fire Administration shall have a rank equivalent to an assistant secretary of the Department.

**“SEC. 519. CREDENTIALING.**

“(a) DEFINITIONS.—In this section—

“(1) the term ‘credential’ means to provide documentation that can authenticate and verify the qualifications and identity of managers of incidents, emergency response providers, and other appropriate personnel including by ensuring that such personnel possess a minimum common level of training, experience, physical and medical fitness, and capability appropriate for their position;

“(2) the term ‘credentialing’ means evaluating an individual’s qualifications for a specific position under guidelines created in this section and assigning such individual a qualification under the standards developed in this section; and

“(3) the term ‘credentialed’ means an individual has been evaluated for a specific position under the guidelines created under this section.

“(b) REQUIREMENTS.—

“(1) IN GENERAL.—The Administrator shall enter into a memorandum of understanding to collaborate with the Emergency Management Assistance Compact and other organizations to establish, in consultation with the Authority, nationwide standards for credentialing all personnel who are likely to respond to an emergency or major disaster.

“(2) CONTENTS.—The standards developed under paragraph (1) shall—

“(A) include the minimum professional qualifications, certifications, training, and education requirements for specific emergency response functional positions that are applicable to Federal, State and local government;

“(B) be compatible with the National Incident Management System; and

“(C) be consistent with standards for advance registration for health professions volunteers under section 319I of the Public Health Services Act (42 U.S.C. 247d-7b).

“(3) TIMEFRAME.—The standards developed under paragraph (1) shall be completed not later than 6 months after the date of enactment of the United States Emergency Management Authority Act of 2006.

“(c) CREDENTIALING OF DEPARTMENT PERSONNEL.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Administrator shall ensure that all personnel of the Department (including temporary personnel) who are likely to respond to an emergency or major disaster are credentialed.

“(d) INTEGRATION WITH NATIONAL RESPONSE PLAN.—

“(1) DISTRIBUTION OF STANDARDS.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Authority shall provide the standards developed under subsection (b) to all Federal agencies that have responsibilities under the National Response Plan.

“(2) CREDENTIALING OF AGENCIES.—Not later than 180 days after the date on which the standards are provided under paragraph (1), each agency described in paragraph (1) shall—

“(A) ensure that all employees or volunteers of that agency who are likely to respond to an emergency or major disaster are credentialed; and

“(B) submit to the Secretary the name of each credentialed employee or volunteer of such agency.

“(3) LEADERSHIP.—The Administrator shall provide leadership, guidance, and technical assistance to an agency described in paragraph (1) to facilitate the credentialing process of that agency.

“(e) DOCUMENTATION AND DATABASE SYSTEM.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Authority shall establish and maintain a documentation and database system of Federal emergency response providers and all other Federal personnel credentialed to respond to an emergency or major disaster.

“(2) ACCESSIBILITY.—The documentation and database system established under paragraph (1) shall be accessible to the Federal coordinating officer and other appropriate officials preparing for or responding to an emergency or major disaster.

“(3) CONSIDERATIONS.—The Administrator shall consider whether the credentialing system can be used to regulate access to areas affected by a major disaster.

“(f) GUIDANCE TO STATE AND LOCAL GOVERNMENTS.—Not later than 6 months after the date of enactment of this Act, the Administrator shall—

“(1) in collaboration with the Emergency Management Assistance Compact provide detailed written guidance, assistance, and expertise to State and local governments to facilitate the credentialing of State and local emergency response providers and typing of assets commonly or likely to be used in responding to an emergency or major disaster; and

“(2) in coordination with the Emergency Management Assistance Compact and appropriate national professional organizations, assist State and local governments with credentialing the personnel and typing the resources of the State or local government under the guidance provided under paragraph (1).

“(g) REPORT.—Not later than 6 months after the date of enactment of this Act and annually thereafter, the Director of the Authority shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report describing the implementation of this section, including the number and level of qualification of Federal personnel trained and ready to respond to an emergency or major disaster.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

**“SEC. 520. TYPING OF RESOURCES AND ASSETS.**

“(a) DEFINITIONS.—In this section—

“(1) the term ‘typed’ means an asset or resource has been evaluated for a specific function under the guidelines created under this section; and

“(2) the term ‘typing’ means to define in detail the minimum capabilities of an asset or resource.

“(b) REQUIREMENTS.—

“(1) IN GENERAL.—The Administrator shall enter into a memorandum of understanding to collaborate with the Emergency Management Assistance Compact and other organizations to establish, in consultation with the Authority, nationwide standards for typing of resources and assets commonly or likely to be used in responding to an emergency or major disaster.

“(2) CONTENTS.—The standards developed under paragraph (1) shall—

“(A) be applicable to Federal, State and local government; and

“(B) be compatible with the National Incident Management System.

“(c) TYPING OF DEPARTMENT RESOURCES.—Not later than 1 year after the date of enactment of this Act, the Secretary shall ensure that all resources and assets of the Department that are likely to be used to respond to an emergency or major disaster are typed.

“(d) INTEGRATION WITH NATIONAL RESPONSE PLAN.—

“(1) DISTRIBUTION OF STANDARDS.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Authority shall provide the standards developed under subsection (b) to all Federal agencies that have responsibilities under the National Response Plan.

“(2) TYPING OF AGENCIES, ASSETS, AND RESOURCES.—Not later than 180 days after the date on which the standards are provided under paragraph (1), each agency described in paragraph (1) shall—

“(A) ensure that all resources and assets (including teams, equipment, and other assets) of that agency that are likely to be used to respond to an emergency or major disaster are typed; and

“(B) submit to the Secretary a list of all typed resources and assets

“(3) LEADERSHIP.—The Administrator shall provide leadership, guidance, and technical assistance to an agency described in paragraph (1) to facilitate the typing process of that agency.

“(e) DOCUMENTATION AND DATABASE SYSTEM.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall establish and maintain a documentation and database system of Federal resources and assets likely to be used to respond to an emergency or major disaster.

“(2) ACCESSIBILITY.—The documentation and database system established under paragraph (1) shall be accessible to the Federal coordinating officer and other appropriate officials preparing for or responding to an emergency or major disaster.

“(f) GUIDANCE TO STATE AND LOCAL GOVERNMENTS.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Authority, in collaboration with the Emergency Management Assistance Compact, shall—

“(1) provide detailed written guidance, assistance, and expertise to State and local governments to facilitate the typing of the resources and assets of State and local governments likely to be used in responding to an emergency or major disaster; and

“(2) assist State and local governments with typing the resources and assets of the State or local governments under the guidance provided under paragraph (1).

“(g) GRANTS.—The Secretary may make grants to the party states of the Emergency Management Assistance Compact to develop and maintain a database of typed resources and assets of State and local governments.

“(h) REPORT.—Not later than 6 months after the date of enactment of this Act and annually thereafter, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report describing the implementation of this section, including the number and type of Federal resources and assets ready to respond to an emergency or major disaster.”

#### SEC. 603. CONFORMING AMENDMENTS.

(a) EXECUTIVE SCHEDULE.—

(1) ADMINISTRATOR.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

“Administrator of the United States Emergency Management Authority.”

(2) DIRECTORS.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

“Directors, United States Emergency Management Authority.”

(3) FEMA OFFICERS.—

(A) FEDERAL INSURANCE ADMINISTRATOR.—Section 5315 of title 5, United States Code, is

amended by striking “Federal Insurance Administrator, Federal Emergency Management Agency.” and inserting “Federal Insurance Administrator, United States Emergency Management Agency.”

(B) INSPECTOR GENERAL.—Section 5315 of title 5, United States Code, is amended by striking “Inspector General, Federal Emergency Management Agency.” and inserting “Inspector General, United States Emergency Management Agency.”

(C) CHIEF INFORMATION OFFICER.—Section 5315 of title 5, United States Code, is amended by striking “Chief Information Officer, Federal Emergency Management Agency.” and inserting “Chief Information Officer, United States Emergency Management Agency.”

(b) OFFICERS OF THE DEPARTMENT.—Section 103(a) of the Homeland Security Act of 2002 (6 U.S.C. 113(a)) is amended—

(1) by striking paragraph (5) and inserting the following:

“(5) An Administrator of the United States Emergency Management Authority.”;

(2) by striking paragraph (2); and

(3) by redesignating paragraphs (3) through (10) (as amended by this subsection) as paragraphs (2) through (9), respectively.

(c) REFERENCES.—Any reference to the Federal Emergency Management Agency, or the Director thereof, in any law, rule, regulation, certificate, directive, instruction, or other official paper in force on the effective date of this title shall be considered to refer and apply to the United States Emergency Management Authority and the Administrator thereof, respectively.

(d) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by striking the items relating to title V and sections 501 through 509 and inserting the following:

#### “TITLE V—NATIONAL PREPAREDNESS AND RESPONSE

“Sec. 501. Definitions.

“Sec. 502. United States Emergency Management Authority.

“Sec. 503. Authorities and responsibilities.

“Sec. 504. Authority components.

“Sec. 505. Preserving the United States Emergency Management Authority.

“Sec. 506. Directors.

“Sec. 507. Regional Offices.

“Sec. 508. National Advisory Council on Emergency Preparedness and Response.

“Sec. 509. National Incident Management System Integration Center.

“Sec. 510. National Operations Center.

“Sec. 511. Chief Medical Officer.

“Sec. 512. Public and community preparedness.

“Sec. 513. SAVER Program.

“Sec. 514. National Search and Rescue Response System.

“Sec. 515. Metropolitan Medical Response System.

“Sec. 516. Emergency Management Assistance Compact.

“Sec. 517. Office for the Prevention of Terrorism.

“Sec. 518. Department officials.

“Sec. 519. Credentialing.

“Sec. 520. Typing of resources and assets.

“Sec. 521. Nuclear incident response.

“Sec. 522. Conduct of certain public health-related activities.

“Sec. 523. Use of national private sector networks in emergency response.

“Sec. 524. Use of commercially available technology, goods, and services.

“Sec. 525. Procurement of security countermeasures for strategic national stockpile.

“Sec. 526. Urban and other high risk area communications capabilities.”

#### SEC. 604. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title and the amendments made by this title.

#### SEC. 605. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on January 1, 2007.

**SA 4561.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Any reports required in this Act and accompanying reports to be submitted to the Committees on Appropriations and the Department of Homeland Security’s annual justifications of the President’s budget request shall be posted on the Department of Homeland Security’s public website not later than 48 hours after such submission unless information in the report compromises national security.

**SA 4562.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Any limitation, directive, or earmarking contained in either the House of Representatives or Senate report accompanying H.R. 5441 shall also be included in the conference report or joint statement accompanying H.R. 5441 in order to be considered as having been approved by both Houses of Congress.

**SA 4563.** Mrs. CLINTON (for herself, Mr. AKAKA, Mr. LEAHY, Mr. JEFFORDS, Mr. BOXER, Mr. LAUTENBERG, and Ms. MIKULSKI) submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the end of the bill, add the following:

#### TITLE VI—FEDERAL EMERGENCY

##### MANAGEMENT AGENCY

##### Subtitle A—Establishment

#### SEC. 601. ESTABLISHMENT OF AGENCY AND DIRECTOR AND DEPUTY DIRECTOR.

(a) ESTABLISHMENT.—The Federal Emergency Management Agency is established as an independent establishment in the executive branch as defined under section 104 of title 5, United States Code.

(b) DIRECTOR.—

(1) IN GENERAL.—The Director of the Federal Emergency Management Agency shall be the head of the Federal Emergency Management Agency. The Director shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall report directly to the President.

(2) QUALIFICATIONS.—The Director of the Federal Emergency Management Agency shall have significant experience, knowledge,

training, and expertise in the area of emergency preparedness, response, recovery, and mitigation as related to natural disasters and other national cataclysmic events.

(3) EXECUTIVE SCHEDULE POSITION.—Section 5312 of title 5, United States Code, is amended by adding at the end the following:

“Director of the Federal Emergency Management Agency.”.

(c) DEPUTY DIRECTOR.—

(1) IN GENERAL.—The Deputy Director of the Federal Emergency Management Agency shall assist the Director of the Federal Emergency Management Agency. The Deputy Director shall be appointed by the President, by and with the advice and consent of the Senate.

(2) QUALIFICATIONS.—The Deputy Director of the Federal Emergency Management Agency shall have significant experience, knowledge, training, and expertise in the area of emergency preparedness, response, recovery, and mitigation as related to natural disasters and other national cataclysmic events.

(3) EXECUTIVE SCHEDULE POSITION.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

“Deputy Director of the Federal Emergency Management Agency.”.

#### SEC. 602. FUNCTIONS.

(a) IN GENERAL.—The functions of the Federal Emergency Management Agency include the following:

(1) All functions and authorities prescribed by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(2) Carrying out its mission to reduce the loss of life and property and protect the Nation from all hazards by leading and supporting the Nation in a comprehensive, risk-based emergency management program of—

(A) mitigation, by taking sustained actions to reduce or eliminate long-term risk to people and property from hazards and their effects;

(B) planning for building the emergency management profession to prepare effectively for, mitigate against, respond to, and recover from any hazard;

(C) response, by conducting emergency operations to save lives and property through positioning emergency equipment and supplies, through evacuating potential victims, through providing food, water, shelter, and medical care to those in need, and through restoring critical public services;

(D) recovery, by rebuilding communities so individuals, businesses, and governments can function on their own, return to normal life, and protect against future hazards; and

(E) increased efficiencies, by coordinating efforts relating to mitigation, planning, response, and recovery.

(b) NATIONAL RESPONSE PLAN.—

(1) ROLE OF FEMA.—Notwithstanding any provision of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), the Federal Emergency Management Agency shall remain the lead agency for the National Response Plan established under Executive Order No. 12148 (44 Fed. Reg. 43239) and Executive Order No. 12656 (53 Fed. Reg. 47491).

(2) REVISION OF RESPONSE PLAN.—Not later than 60 days after the date of enactment of this Act, the Director of the Federal Emergency Management Agency shall revise the National Response Plan to reflect the establishment of the Federal Emergency Management Agency as an independent establishment under this Act.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 507 of the Homeland Security Act of 2002 (6 U.S.C. 317) is repealed.

(2) OTHER PROVISIONS.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(A) in section 430(c)—

(i) in paragraph (7), by adding “and” at the end;

(ii) by striking paragraph (8); and

(iii) by redesignating paragraph (9) as paragraph (8); and

(B) in section 503—

(i) by striking paragraph (1); and

(ii) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively.

(3) TABLE OF CONTENTS.—The table of contents for the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by striking the item relating to section 507.

#### SEC. 603. RULE OF CONSTRUCTION.

Nothing in this title shall be construed to detract from the Department of Homeland Security’s primary mission to secure the homeland from terrorist attacks.

#### Subtitle B—Transfer and Savings Provisions

##### SEC. 611. DEFINITIONS.

In this subtitle, unless otherwise provided or indicated by the context—

(1) the term “Federal agency” has the meaning given to the term “agency” by section 551(1) of title 5, United States Code;

(2) the term “function” means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program; and

(3) the term “office” includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

##### SEC. 612. TRANSFER OF FUNCTIONS.

There are transferred to the Federal Emergency Management Agency established under section 601 of this Act all functions which the Director of the Federal Emergency Management Agency of the Department of Homeland Security exercised before the date of the enactment of this title.

##### SEC. 613. PERSONNEL PROVISIONS.

(a) APPOINTMENTS.—The Director of the Federal Emergency Management Agency may appoint and fix the compensation of such officers and employees, including investigators, attorneys, and administrative law judges, as may be necessary to carry out the respective functions transferred under this title. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5, United States Code.

(b) EXPERTS AND CONSULTANTS.—The Director of the Federal Emergency Management Agency may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate such experts and consultants for each day (including traveltime) at rates not in excess of the rate of pay for level IV of the Executive Schedule under section 5315 of such title. The Director of the Federal Emergency Management Agency may pay experts and consultants who are serving away from their homes or regular place of business, travel expenses and per diem in lieu of subsistence at rates authorized by sections 5702 and 5703 of such title for persons in Government service employed intermittently.

##### SEC. 614. DELEGATION AND ASSIGNMENT.

Except where otherwise expressly prohibited by law or otherwise provided by this title, the Director of the Federal Emergency Management Agency may delegate any of the functions transferred to the Director of the Federal Emergency Management Agency by this title and any function transferred or granted to such Director after the effective date of this title to such officers and employees of the Federal Emergency Management Agency as the Director may designate, and

may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions by the Director of the Federal Emergency Management Agency under this section or under any other provision of this title shall relieve such Director of responsibility for the administration of such functions.

##### SEC. 615. REORGANIZATION.

The Director of the Federal Emergency Management Agency is authorized to allocate or reallocate any function transferred under section 612 among the officers of the Federal Emergency Management Agency, and to establish, consolidate, alter, or discontinue such organizational entities in the Federal Emergency Management Agency as may be necessary or appropriate.

##### SEC. 616. RULES.

The Director of the Federal Emergency Management Agency is authorized to prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Director determines necessary or appropriate to administer and manage the functions of the Federal Emergency Management Agency.

##### SEC. 617. TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.

Except as otherwise provided in this title, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this title, subject to section 1531 of title 31, United States Code, shall be transferred to the Federal Emergency Management Agency. Unexpended funds transferred pursuant to this section shall be used only for the purposes for which the funds were originally authorized and appropriated.

##### SEC. 618. INCIDENTAL TRANSFERS.

The Director of the Office of Management and Budget, at such time or times as the Director shall provide, is authorized to make such determinations as may be necessary with regard to the functions transferred by this title, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this title. The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this title and for such further measures and dispositions as may be necessary to effectuate the purposes of this title.

##### SEC. 619. EFFECT ON PERSONNEL.

(a) IN GENERAL.—Except as otherwise provided by this title, the transfer pursuant to this title of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for one year after the date of transfer of such employee under this title.

(b) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this title, any person who, on the day preceding the effective date of this title, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Federal Emergency Management Agency to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated

in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

**SEC. 620. SAVINGS PROVISIONS.**

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this title, and

(2) which are in effect at the time this title takes effect, or were final before the effective date of this title and are to become effective on or after the effective date of this title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Director of the Federal Emergency Management Agency or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS NOT AFFECTED.—The provisions of this title shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Federal Emergency Management Agency at the time this title takes effect, with respect to functions transferred by this title but such proceedings and applications shall continue. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(c) SUITS NOT AFFECTED.—The provisions of this title shall not affect suits commenced before the effective date of this title, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Federal Emergency Management Agency, or by or against any individual in the official capacity of such individual as an officer of the Federal Emergency Management Agency, shall abate by reason of the enactment of this title.

(e) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Federal Emergency Management Agency relating to a function transferred under this title may be continued by the Federal Emergency Management Agency with the same effect as if this title had not been enacted.

**SEC. 621. SEPARABILITY.**

If a provision of this title or its application to any person or circumstance is held invalid, neither the remainder of this title nor the application of the provision to other persons or circumstances shall be affected.

**SEC. 622. TRANSITION.**

The Director of the Federal Emergency Management Agency is authorized to utilize—

(1) the services of such officers, employees, and other personnel of the Federal Emergency Management Agency with respect to functions transferred by this title; and

(2) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this title.

**SEC. 623. REFERENCES.**

Any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to a department, agency, or office from which a function is transferred by this title—

(1) to the head of such department, agency, or office is deemed to refer to the head of the department, agency, or office to which such function is transferred; or

(2) to such department, agency, or office is deemed to refer to the department, agency, or office to which such function is transferred.

**SEC. 624. ADDITIONAL CONFORMING AMENDMENTS.**

(a) RECOMMENDED LEGISLATION.—After consultation with the appropriate committees of the Congress and the Director of the Office of Management and Budget, the Director of the Federal Emergency Management Agency shall prepare and submit to Congress recommended legislation containing technical and conforming amendments to reflect the changes made by this title.

(b) SUBMISSION TO CONGRESS.—Not later than 6 months after the effective date of this title, the Director of the Federal Emergency Management Agency shall submit the recommended legislation referred to under subsection (a).

**SA 4564.** Mrs. CLINTON (for herself, Mr. AKAKA, Mr. LEAHY, Mr. JEFFORDS, Mrs. BOXER, Mr. LAUTENBERG, and Ms. MIKULSKI) submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

**TITLE VI—FEDERAL EMERGENCY MANAGEMENT AGENCY**  
**Subtitle A—Establishment**

**SEC. 601. ESTABLISHMENT OF AGENCY AND DIRECTOR AND DEPUTY DIRECTOR.**

(a) ESTABLISHMENT.—The Federal Emergency Management Agency is established as an independent establishment in the executive branch as defined under section 104 of title 5, United States Code.

(b) DIRECTOR.—

(1) IN GENERAL.—The Director of the Federal Emergency Management Agency shall be the head of the Federal Emergency Management Agency. The Director shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall report directly to the President.

(2) QUALIFICATIONS.—The Director of the Federal Emergency Management Agency shall have significant experience, knowledge, training, and expertise in the area of emergency preparedness, response, recovery, and mitigation as related to natural disasters and other national cataclysmic events.

(3) EXECUTIVE SCHEDULE POSITION.—Section 5312 of title 5, United States Code, is amended by adding at the end the following: “Director of the Federal Emergency Management Agency.”

(c) DEPUTY DIRECTOR.—

(1) IN GENERAL.—The Deputy Director of the Federal Emergency Management Agency

shall assist the Director of the Federal Emergency Management Agency. The Deputy Director shall be appointed by the President, by and with the advice and consent of the Senate.

(2) QUALIFICATIONS.—The Deputy Director of the Federal Emergency Management Agency shall have significant experience, knowledge, training, and expertise in the area of emergency preparedness, response, recovery, and mitigation as related to natural disasters and other national cataclysmic events.

(3) EXECUTIVE SCHEDULE POSITION.—Section 5313 of title 5, United States Code, is amended by adding at the end the following: “Deputy Director of the Federal Emergency Management Agency.”

**SEC. 602. FUNCTIONS.**

(a) IN GENERAL.—The functions of the Federal Emergency Management Agency include the following:

(1) All functions and authorities prescribed by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(2) Carrying out its mission to reduce the loss of life and property and protect the Nation from all hazards by leading and supporting the Nation in a comprehensive, risk-based emergency management program—

(A) of mitigation, by taking sustained actions to reduce or eliminate long-term risk to people and property from hazards and their effects;

(B) of planning for building the emergency management profession to prepare effectively for, mitigate against, respond to, and recover from any hazard;

(C) of response, by conducting emergency operations to save lives and property through positioning emergency equipment and supplies, through evacuating potential victims, through providing food, water, shelter, and medical care to those in need, and through restoring critical public services;

(D) of recovery, by rebuilding communities so individuals, businesses, and governments can function on their own, return to normal life, and protect against future hazards; and

(E) of increased efficiencies, by coordinating efforts relating to mitigation, planning, response, and recovery.

(b) NATIONAL RESPONSE PLAN.—

(1) ROLE OF FEMA.—Notwithstanding any provision of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), the Federal Emergency Management Agency shall remain the lead agency for the National Response Plan established under Executive Order No. 12148 (44 Fed. Reg. 43239) and Executive Order No. 12656 (53 Fed. Reg. 47491).

(2) REVISION OF RESPONSE PLAN.—Not later than 60 days after the date of enactment of this Act, the Director of the Federal Emergency Management Agency shall revise the National Response Plan to reflect the establishment of the Federal Emergency Management Agency as an independent establishment under this Act.

(c) TECHNICAL AND CONFORMING AMENDMENT.—

(1) REPEAL.—Section 507 of the Homeland Security Act of 2002 (6 U.S.C. 317) is repealed.

(2) TABLE OF CONTENTS.—The table of contents for the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by striking the item relating to section 507.

**SEC. 603. RULE OF CONSTRUCTION.**

Nothing in this title shall be construed to detract from the Department of Homeland Security's primary mission to secure the homeland from terrorist attacks.

**Subtitle B—Transfer and Savings Provisions**

**SEC. 611. DEFINITIONS.**

In this subtitle, unless otherwise provided or indicated by the context—

(1) the term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code;

(2) the term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program; and

(3) the term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

**SEC. 612. TRANSFER OF FUNCTIONS.**

There are transferred to the Federal Emergency Management Agency established under section 601 of this Act all functions which the Director of the Federal Emergency Management Agency of the Department of Homeland Security exercised before the date of the enactment of this title.

**SEC. 613. PERSONNEL PROVISIONS.**

(a) **APPOINTMENTS.**—The Director of the Federal Emergency Management Agency may appoint and fix the compensation of such officers and employees, including investigators, attorneys, and administrative law judges, as may be necessary to carry out the respective functions transferred under this title. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5, United States Code.

(b) **EXPERTS AND CONSULTANTS.**—The Director of the Federal Emergency Management Agency may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate such experts and consultants for each day (including traveltime) at rates not in excess of the rate of pay for level IV of the Executive Schedule under section 5315 of such title. The Director of the Federal Emergency Management Agency may pay experts and consultants who are serving away from their homes or regular place of business, travel expenses and per diem in lieu of subsistence at rates authorized by sections 5702 and 5703 of such title for persons in Government service employed intermittently.

**SEC. 614. DELEGATION AND ASSIGNMENT.**

Except where otherwise expressly prohibited by law or otherwise provided by this title, the Director of the Federal Emergency Management Agency may delegate any of the functions transferred to the Director of the Federal Emergency Management Agency by this title and any function transferred or granted to such Director after the effective date of this title to such officers and employees of the Federal Emergency Management Agency as the Director may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions by the Director of the Federal Emergency Management Agency under this section or under any other provision of this title shall relieve such Director of responsibility for the administration of such functions.

**SEC. 615. REORGANIZATION.**

The Director of the Federal Emergency Management Agency is authorized to allocate or reallocate any function transferred under section 612 among the officers of the Federal Emergency Management Agency, and to establish, consolidate, alter, or discontinue such organizational entities in the Federal Emergency Management Agency as may be necessary or appropriate.

**SEC. 616. RULES.**

The Director of the Federal Emergency Management Agency is authorized to prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Director determines necessary or appropriate to administer and manage the functions of

the Federal Emergency Management Agency.

**SEC. 617. TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.**

Except as otherwise provided in this title, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this title, subject to section 1531 of title 31, United States Code, shall be transferred to the Federal Emergency Management Agency. Unexpended funds transferred pursuant to this section shall be used only for the purposes for which the funds were originally authorized and appropriated.

**SEC. 618. INCIDENTAL TRANSFERS.**

The Director of the Office of Management and Budget, at such time or times as the Director shall provide, is authorized to make such determinations as may be necessary with regard to the functions transferred by this title, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this title. The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this title and for such further measures and dispositions as may be necessary to effectuate the purposes of this title.

**SEC. 619. EFFECT ON PERSONNEL.**

(a) **IN GENERAL.**—Except as otherwise provided by this title, the transfer pursuant to this title of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for one year after the date of transfer of such employee under this title.

(b) **EXECUTIVE SCHEDULE POSITIONS.**—Except as otherwise provided in this title, any person who, on the day preceding the effective date of this title, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Federal Emergency Management Agency to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

**SEC. 620. SAVINGS PROVISIONS.**

(a) **CONTINUING EFFECT OF LEGAL DOCUMENTS.**—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this title, and

(2) which are in effect at the time this title takes effect, or were final before the effective date of this title and are to become effective on or after the effective date of this title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance

with law by the President, the Director of the Federal Emergency Management Agency or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) **PROCEEDINGS NOT AFFECTED.**—The provisions of this title shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Federal Emergency Management Agency at the time this title takes effect, with respect to functions transferred by this title but such proceedings and applications shall continue. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(c) **SUITS NOT AFFECTED.**—The provisions of this title shall not affect suits commenced before the effective date of this title, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

(d) **NONABATEMENT OF ACTIONS.**—No suit, action, or other proceeding commenced by or against the Federal Emergency Management Agency, or by or against any individual in the official capacity of such individual as an officer of the Federal Emergency Management Agency, shall abate by reason of the enactment of this title.

(e) **ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.**—Any administrative action relating to the preparation or promulgation of a regulation by the Federal Emergency Management Agency relating to a function transferred under this title may be continued by the Federal Emergency Management Agency with the same effect as if this title had not been enacted.

**SEC. 621. SEPARABILITY.**

If a provision of this title or its application to any person or circumstance is held invalid, neither the remainder of this title nor the application of the provision to other persons or circumstances shall be affected.

**SEC. 622. TRANSITION.**

The Director of the Federal Emergency Management Agency is authorized to utilize—

(1) the services of such officers, employees, and other personnel of the Federal Emergency Management Agency with respect to functions transferred by this title; and

(2) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this title.

**SEC. 623. REFERENCES.**

Any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to a department, agency, or office from which a function is transferred by this title—

(1) to the head of such department, agency, or office is deemed to refer to the head of the department, agency, or office to which such function is transferred; or

(2) to such department, agency, or office is deemed to refer to the department, agency, or office to which such function is transferred.

**SEC. 624. ADDITIONAL CONFORMING AMENDMENTS.**

(a) RECOMMENDED LEGISLATION.—After consultation with the appropriate committees of the Congress and the Director of the Office of Management and Budget, the Director of the Federal Emergency Management Agency shall prepare and submit to Congress recommended legislation containing technical and conforming amendments to reflect the changes made by this title.

(b) SUBMISSION TO CONGRESS.—Not later than 6 months after the effective date of this title, the Director of the Federal Emergency Management Agency shall submit the recommended legislation referred to under subsection (a).

**SA 4565.** Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 104, line 20, after “2007:” insert the following: “Provided further, That not less than \$2,000,000 of unobligated balances under this heading shall be available for the construction of radiological laboratories at Pacific Northwest National Laboratory:”.

**SA 4566.** Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 66, line 5, strike “\$166,456,000” and insert “\$163,000,000”.

On page 83, line 9, after “facilities;” insert the following: “of which \$3,456,000 shall be available until September 30, 2009, to acquire 33-foot Special Purpose Craft—Law Enforcement (‘SPC-LE’) vessels:”.

**SA 4567.** Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, line 9, after “facilities;” insert the following: “of which \$3,631,000 shall be available until September 30, 2009, to acquire 33-foot Special Purpose Craft—Law Enforcement (‘SPC-LE’) vessels:”.

On page 83, line 9, strike “\$993,631,000” and insert “\$990,000,000”.

**SA 4568.** Mr. DEMINT (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE —NATIONAL ALERT SYSTEM****SEC. 100. TABLE OF CONTENTS.**

The table of contents for this title is as follows:

- Sec. 100. Table of contents.  
Sec. 101. Short title.

- Sec. 102. National Alert System.  
Sec. 103. Implementation and use.  
Sec. 104. National Alert Office  
Sec. 105. National Alert System Working Group.  
Sec. 106. Research and development.  
Sec. 107. Grant program for remote community alert systems.  
Sec. 108. Public familiarization, outreach, and response instructions.  
Sec. 109. Essential services disaster assistance.  
Sec. 110. Definitions.  
Sec. 111. Existing interagency activities.  
Sec. 112. Funding.

**SEC. 101. SHORT TITLE.**

This title may be cited as the “Warning, Alert, and Response Network Act”

**SEC. 102. NATIONAL ALERT SYSTEM.**

(a) ESTABLISHMENT.—There is established a National Alert System to provide a public communications system capable of alerting the public on a national, regional, or local basis to emergency situations requiring a public response.

(b) FUNCTIONS.—The National Alert System—

(1) will enable any Federal, State, tribal, or local government official with credentials issued by the National Alert Office under section 103 to alert the public to any imminent threat that presents a significant risk of injury or death to the public;

(2) will be coordinated with and supplement existing Federal, State, tribal, and local emergency warning and alert systems;

(3) will be flexible enough in its application to permit narrowly targeted alerts in circumstances in which only a small geographic area is exposed or potentially exposed to the threat; and

(4) will transmit alerts across the greatest possible variety of communications technologies, including digital and analog broadcasts, cable and satellite television, satellite and terrestrial radio, wireless communications, wireline communications, and the Internet to reach the largest portion of the affected population.

(c) CAPABILITIES.—The National Alert System—

(1) shall incorporate multiple communications technologies and be designed to adapt to, and incorporate, future technologies for communicating directly with the public;

(2) shall include mechanisms and technologies to ensure that members of the public with disabilities and older individuals (as defined in section 102(35) of the Older Americans Act of 1965 (42 U.S.C. 3002(35))) are able to receive alerts and information provided through the National Alert System;

(3) may not interfere with existing alert, warning, priority access, or emergency communications systems employed by Federal, State, tribal, or local emergency response personnel and shall incorporate existing emergency alert technologies, including the NOAA All-Hazards Radio System, digital and analog broadcast, cable, land satellite television and satellite and terrestrial radio;

(4) shall not be based upon any single technology or platform, but shall be designed to provide alerts to the largest portion of the affected population feasible and improve the ability of remote areas to receive alerts;

(5) shall incorporate technologies to alert effectively underserved communities (as determined by the Commission under section 107(a) of this title);

(6) when technologically feasible shall be capable of providing information in languages other than, and in addition to, English where necessary or appropriate; and

(7) shall be designed to promote local and regional public and private partnerships to enhance community preparedness and response.

(d) RECEPTION OF ALERTS.—The National Alert System shall—

(1) utilize multiple technologies for providing alerts to the public, including technologies that do not require members of the public to activate a particular device or use a particular technology to receive an alert provided via the National Alert System; and

(2) provide redundant alert mechanisms where practicable so as to reach the greatest number of people regardless of whether they have access to, or utilize, any specific medium of communication or any particular device.

(e) EXISTING FEDERAL WARNING SYSTEM COORDINATION.—The director shall work with the Federal Communications Commission and other relevant Federal agencies to ensure that the National Alert System—

(1) complements or incorporates, rather than duplicates, existing Federal alert systems; and

(2) obtains the maximum benefit possible from the utilization of existing research and development, technologies, and processes developed for or utilized by existing Federal alert systems.

(f) EMERGENCY ALERT SYSTEM.—Within 1 year after the date of enactment of this Act, the Federal Communications Commission shall—

(1) complete its proceeding Review of the Emergency Alert System, EB Docket No. 04-296;

(2) ensure the President, Secretary of Homeland Security, and State Governors have access to the emergency alert system; and

(3) ensure that the Emergency Alert System can transmit in languages other than English.

**SEC. 103. IMPLEMENTATION AND USE.**

(a) AUTHORITY TO ACCESS SYSTEM.—

(1) IN GENERAL.—Within 180 days after the date of enactment of this Act, the National Alert Office shall establish a process for issuing credentials to Federal, State, tribal, or local government officials with responsibility for issuing safety warnings to the public that will enable them to access the National Alert System. The Office shall approve or disapprove a request for credentials within 60 days of request by the Federal department or agency, the governor of the State or the elected leader of a federally recognized Indian tribe.

(2) REQUESTS FOR CREDENTIALS.—Requests for credentials from Federal, State, tribal, and local government agencies shall be submitted to the Office by the head of the Federal department or agency, or the governor of the State or the elected leader of a Federally recognized Indian tribe, concerned, for review and approval.

(3) SCOPE AND LIMITATIONS OF CREDENTIALS.—The Office shall—

(A) establish eligibility criteria for issuing, renewing, and revoking access credentials;

(B) limit credentials to appropriate geographic areas or political jurisdictions; and

(C) ensure that the credentials permit use of the National Alert System only for alerts that are consistent with the jurisdiction, authority, and basis for eligibility of the individual to whom the credentials are issued to use the National Alert System.

(4) PERIODIC TRAINING.—The Office shall—

(A) establish a periodic training program for Federal, State, tribal, or local government officials with credentials to use the National Alert System; and

(B) require such officials to undergo periodic training under the program as a prerequisite for retaining their credentials to use the system.

(b) ALLOWABLE ALERTS.—

(1) IN GENERAL.—Any alert transmitted via the National Alert System, other than an

alert described in paragraph (3), shall meet 1 or more of the following requirements:

(A) An alert shall notify the public of a hazardous situation that poses an imminent threat to the public health or safety.

(B) An alert shall provide appropriate instructions for actions to be taken by individuals affected or potentially affected by such a situation.

(C) An alert shall advise individuals of public addresses by Federal, State, tribal, or local officials when related to a significant threat to public safety and transmit such addresses when practicable and technically feasible.

(D) An alert shall notify the public of when the hazardous situation has ended or has been brought under control.

(2) **EVENT ELIGIBILITY REGULATIONS.**—The director of the National Alert Office, in consultation with the Working Group, shall by regulation specify—

(A) the classes of events or situations for which the National Alert System may be used to alert the public; and

(B) the content of the types of alerts that may be transmitted by or through use of the National Alert System, which may include—

(i) notifications to the public of a hazardous situation that poses an imminent threat to the public health or safety accompanied by appropriate instructions for actions to be taken by individuals affected or potentially affected by such a situation; and

(ii) when technologically feasible public addresses by Federal, State, tribal, or local officials related to a significant threat to public safety.

(3) **OPT-IN PROCEDURES FOR OPTIONAL ALERTS.**—The director of the Office may establish a procedure under which licensees who elect to participate in the National Alert System as described in paragraph (d), may transmit localized traffic, weather, community, or other non-emergency alerts via the National Alert System in a manner that enables them to be received only by individuals who take appropriate action to receive such alerts.

(c) **ACCESS POINTS.**—The National Alert System shall provide—

(1) secure, widely dispersed multiple access points to Federal, State, or local government officials with credentials that will enable them to initiate alerts for transmission to the public via the National Alert System; and

(2) system redundancies to ensure functionality in the event of partial system failures, power failures, or other interruptive events.

(d) **ELECTION TO CARRY SERVICE.**—

(1) **AMENDMENT OF LICENSE.**—Within 60 days after the date on which the National Alert Office adopts relevant technical standards based on recommendations of the Working Group, the Federal Communications Commission shall initiate a proceeding and subsequently issue an order—

(A) to allow any licensee providing commercial mobile service (as defined in section 332(d)(1) of the Communications Act of 1934 (47 U.S.C. 332(d)(1))) to transmit National Alert System alerts to all subscribers to, or users of, such service; and

(B) to require any such licensee who elects under paragraph (2) not to participate in the transmission of National Alert System alerts, to provide clear and conspicuous notice at the point of sale of any devices with which its service is included, that it will not transmit National Alert System alerts via its service.

(2) **ELECTION TO CARRY SERVICE.**—

(A) **IN GENERAL.**—Within 30 days after the Commission issues its order under paragraph (1), each such licensee shall file an election with the Commission with respect to wheth-

er or not it intends to participate in the transmission of National Alert System alerts.

(B) **PARTICIPATION.**—If a licensee elects to participate in the transmission of National Alert System alerts, the licensee shall certify to the Commission that it will participate in a manner consistent with the standards and protocols implemented by the National Alert Office.

(C) **ADVERTISING.**—Nothing in this title shall be construed to prevent a licensee from advertising that it participates in the transmission of National Alert System alerts.

(D) **WITHDRAWAL FROM OR LATER ENTRY INTO SYSTEM.**—The Commission shall establish a procedure—

(i) for a participating licensee to withdraw from the National Alert System upon notification of its withdrawal to its existing subscribers;

(ii) for a licensee to enter the National Alert System at a date later than provided in subparagraph (A); and

(iii) under which a subscriber may terminate a subscription to service provided by a licensee that withdraws from the National Alert System without penalty or early termination fee.

(E) **CONSUMER CHOICE TECHNOLOGY.**—Any licensee electing to participate in the transmission of National Alert System alerts may offer subscribers the capability of preventing the subscriber's device from receiving alerts broadcast by the system other than an alert issued by the President.

(3) **EXPANSION OF CLASS OF LICENSEES PARTICIPATING.**—The Commission, in consultation with the National Alert Office, may expand the class of the licensees allowed to participate in the transmission of National Alert System alerts subject to such requirements as the Commission, in consultation with the National Alert Office, determines to be necessary or appropriate—

(A) to ensure the broadest feasible propagation of alerts transmitted by the National Alert System to the public; and

(B) to ensure that the functionality, integrity, and security of the National Alert System is not compromised.

(e) **DIGITAL TELEVISION TRANSMISSION TOWERS.**—

(1) **RETRANSMISSION CAPABILITY.**—Within 30 days after the date on which the National Alert Office adopts relevant technical standards based on recommendations of the Working Group, the Federal Communications Commission shall initiate a proceeding to require public broadcast television licensees and permittee to install necessary equipment and technologies on, or as part of, any broadcast television digital signal transmitter to enable the transmitter to serve as a backbone for the reception, relay, and retransmission of National Alert System alerts.

(2) **COMPENSATION.**—The National Alert Office established by section 104 shall compensate any such licensee or permittee for costs incurred in complying with the requirements imposed pursuant to paragraph (1).

(f) **FCC REGULATION OF COMPLIANCE.**—Except as provided in subsections (d) and (e), the Federal Communications Commission shall have no regulatory authority under this Act except to regulate compliance with this Act by licensees and permittees regulated by the Commission under the Communications Act of 1934 (47 U.S.C. 151 et seq.).

(g) **LIMITATION OF LIABILITY.**—Any person that participates in the transmission of National Alert System alerts and that meets its obligations under this title shall not be liable to any subscriber to, or user of, such person's service or equipment for—

(1) any act or omission related to or any harm resulting from the transmission of, or

failure to transmit, a National Alert System alert to such subscriber or user;

(2) for the release to a government agency or entity, public safety, fire service, law enforcement official, or emergency facility of subscriber information used in connection with delivering an alert; or

(3) the licensee's or provider's withdrawal from or election not to participate in the National Alert System.

(h) **TESTING.**—The director shall establish testing criteria and guidelines for licensees that elect to participate in the transmission of National Alert System alerts.

## SEC. 104. NATIONAL ALERT OFFICE.

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—The National Alert Office is established within the Department of Homeland Security.

(2) **DIRECTOR.**—The office shall be headed by a director with at least 5 years' operational experience in the management and issuance of warnings and alerts, hazardous event management, or disaster planning. The Director shall serve under and report to the Secretary of Homeland Security or his designee.

(3) **STAFF.**—The office shall have a staff with significant technical expertise in the communications industry and emergency public communications. The director may request the detailing with or without reimbursement, of staff from any appropriate Federal department or agency in order to ensure that the concerns of all such departments and agencies are incorporated into the daily operation of the National Alert System.

(b) **FUNCTIONS AND RESPONSIBILITIES.**—

(1) **IN GENERAL.**—The Office shall administer, operate, and manage the National Alert System.

(2) **IMPLEMENTATION OF WORKING GROUP RECOMMENDATIONS.**—The Office shall be responsible for implementing the recommendations of the Working Group established by section 105 regarding—

(A) the technical transmission of alerts;

(B) the incorporation of new technologies into the National Alert System;

(C) the technical capabilities of the National Alert System; and

(D) any other matters that fall within the duties of the Working Group.

(3) **TRANSMISSION OF ALERTS.**—In administering the National Alert System, the director of the National Alert Office shall ensure that—

(A) the National Alert System is available to, and enables, only Federal, State, tribal, or local government officials with credentials issued by the National Alert Office under section 103 to access and utilize the National Alert System;

(B) the National Alert System is capable of providing geographically targeted alerts where such alerts are appropriate;

(C) the legitimacy and authenticity of any proffered alert is verified before it is transmitted;

(D) each proffered alert complies with formats, protocols, and other requirements established by the Office to ensure the efficacy and usefulness of alerts transmitted via the National Alert System;

(E) the security and integrity of the National Alert System alert from the point of origination to delivery is maintained; and

(F) the security and integrity of the National Alert System is maintained and protected.

(c) **REPORTS.**—

(1) **ANNUAL REPORTS.**—The director shall submit an annual report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Homeland Security and Governmental Affairs, the

House of Representatives Committee on Homeland Security, the House of Representatives Committee on Energy and Commerce, the House of Representatives Committee on Science, and the House of Representatives Committee on Transportation and Infrastructure on the status of, and plans for, the National Alert System. In the first annual report, the director shall report on—

(A) the progress made toward operational activation of the alerting capabilities of the National Alert System; and

(B) the anticipated date on which the National Alert System will be available for utilization by Federal, State, and local officials.

(2) 5-YEAR PLAN.—Within 1 year after the date of enactment of this Act and every 5 years thereafter, the director shall publish a 5-year plan that outlines future capabilities and communications platforms for the National Alert System. The plan shall serve as the long-term planning document for the Office.

(d) GAO AUDITS.—

(1) IN GENERAL.—The Comptroller General shall audit the National Alert Office every 3 years after the date of enactment of this Act and periodically thereafter and transmit the findings thereof to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Homeland Security and Governmental Affairs, the House of Representatives Committee on Homeland Security, the House of Representatives Committee on Energy and Commerce, the House of Representatives Committee on Science, the House of Representatives Committee on Transportation and Infrastructure.

(2) RESPONSE REPORT.—If, as a result of the audit, the Comptroller General expresses concern about any matter addressed by the audit, the director of the National Alert Office shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Homeland Security and Governmental Affairs, the House of Representatives Committee on Homeland Security, the House of Representatives Committee on Energy and Commerce, the House of Representatives Committee on Science, and the House of Representatives Committee on Transportation and Infrastructure describing what action, if any, the director is taking to respond to any such concern.

#### SEC. 105. NATIONAL ALERT SYSTEM WORKING GROUP.

(a) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the director of the National Alert Office shall establish a working group, to be known as the National Alert System Working Group.

(b) MEMBERSHIP.—

(1) APPOINTMENT; CHAIR.—The director shall appoint the members of the Working Group as soon as practicable after the date of enactment of this Act and shall serve as its chair. In appointing members of the Working Group, the director shall ensure that the number of members appointed under paragraph (5) provides appropriate and adequate representation for all stakeholders and interested and affected parties.

(2) FEDERAL AGENCY REPRESENTATIVES.—Appropriate personnel from the National Institute of Standards and Technology, the National Oceanic and Atmospheric Administration, the Federal Communications Commission, the Federal Emergency Management Agency, the Nuclear Regulatory Commission, the Department of Justice, the National Communications System, the Department of Homeland Security's Preparedness Directorate, the United States Postal Service, and other appropriate Federal agencies shall serve as members of the Working Group.

(3) STATE AND LOCAL GOVERNMENT REPRESENTATIVES.—The director shall appoint representatives of State and local governments and representatives of emergency services personnel, selected from among individuals nominated by national organizations representing such governments and personnel, to serve as members of the Working Group.

(4) TRIBAL GOVERNMENTS.—The director shall appoint representatives from Federally recognized Indian tribes and National Indian organizations.

(5) SUBJECT MATTER EXPERTS.—The director shall appoint individuals who have the requisite technical knowledge and expertise to serve on the Working Group in the fulfillment of its duties, including representatives of—

(A) communications service providers;

(B) vendors, developers, and manufacturers of systems, facilities; equipment, and capabilities for the provision of communications services;

(C) third-party service bureaus;

(D) technical experts from the broadcasting industry;

(E) the national organization representing the licensees and permittees of noncommercial broadcast television stations;

(F) national organizations representing individuals with special needs; and

(G) other individuals with technical expertise that would enhance the National Alert System.

(c) DUTIES OF THE WORKING GROUP.—

(1) DEVELOPMENT OF SYSTEM-CRITICAL RECOMMENDATIONS.—Within 1 year after the date of enactment of this Act, the Working Group shall develop and transmit to the National Alert Office recommendations for—

(A) protocols, including formats, source or originator identification, threat severity, hazard description, and response requirements or recommendations, for alerts to be transmitted via the National Alert System that ensures that alerts are capable of being utilized across the broadest variety of communication technologies, at National, State, and local levels;

(B) procedures for verifying, initiating, modifying, and canceling alerts transmitted via the National Alert System;

(C) guidelines for the technical capabilities of the National Alert System;

(D) guidelines for technical capability that provides for the priority transmission of National Alert System alerts;

(E) guidelines for other capabilities of the National Alert System as specified in this title;

(F) standards for equipment and technologies used by the National Alert System;

(G) guidelines for the transmission of National System Alerts in languages in addition to English, to the extent practicable; and

(H) guidelines for incorporating the National Alert System into comprehensive emergency planning standards for public alert and notification and emergency public communications.

(2) INTEGRATION OF EMERGENCY AND NATIONAL ALERT SYSTEMS.—The Working Group shall work with the operators of nuclear power plants and other critical infrastructure facilities to integrate emergency alert systems for those facilities with the National Alert System.

(d) MEETINGS.—

(1) INITIAL MEETING.—The initial meeting of the Working Group shall take place not later than 60 days after the date of the enactment of this Act.

(2) OTHER MEETINGS.—After the initial meeting, the Working Group shall meet at the call of the chair.

(3) NOTICE; OPEN MEETINGS.—Any meetings held by the Working Group shall be duly no-

ticed at least 14 days in advance and shall be open to the public.

(e) RESOURCES.—

(1) FEDERAL AGENCIES.—The Working Group shall have reasonable access to—

(A) materials, resources, data, and other information from the National Institute of Standards and Technology, the Department of Commerce and its agencies, the Department of Homeland Security and its bureaus, and the Federal Communications Commission; and

(B) the facilities of any such agency for purposes of conducting meetings.

(2) GRANTS AND GIFTS.—The Working Group may accept, use, and dispose of gifts or grants of services or property, both real and personal, for purposes of aiding or facilitating the work of the Working Group. Gifts or grants not used at the expiration of the Working Group shall be returned to the donor or grantor.

(f) RULES.—

(1) QUORUM.—One-third of the members of the Working Group shall constitute a quorum for conducting business of the Working Group.

(2) SUBCOMMITTEES.—To assist the Working Group in carrying out its functions, the chair may establish appropriate subcommittees composed of members of the Working Group and other subject matter experts as deemed necessary.

(3) ADDITIONAL RULES.—The Working Group may adopt other rules as needed.

(g) FEDERAL ADVISORY COMMITTEE ACT.—Neither the Federal Advisory Committee Act (5 U.S.C. App.) nor any rule, order, or regulation promulgated under that Act shall apply to the Working Group.

#### SEC. 106. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Undersecretary of Homeland Security for Science and Technology and the director jointly shall establish an extramural research and development program based on the recommendations of the Working Group to support the development of technology that will enable all existing and future providers of communications services and all existing and future communications devices to be utilized effectively with the National Alert System.

(b) FUNCTIONS.—IN CARRYING OUT SUBSECTION (A) THE UNDERSECRETARY FOR SCIENCE AND TECHNOLOGY AND THE DIRECTOR SHALL—

(1) fund research and development which may include academia, the private sector, and government laboratories; and

(2) ensure that the program addresses, at a minimum—

(A) developing innovative technologies that will transmit geographically targeted emergency messages to the public;

(B) enhancing participation in the national alert system;

(C) understanding and improving public response to warnings; and

(D) enhancing the ability of local communities to integrate the National Alert System operations management.

(c) USE OF EXISTING PROGRAMS AND RESOURCES.—In developing the program, the Undersecretary for Science and Technology shall utilize existing expertise of the Department of Commerce, including the National Institute of Standards and Technology.

#### SEC. 107. GRANT PROGRAM FOR REMOTE COMMUNITY ALERT SYSTEMS.

(a) GRANT PROGRAM.—The Undersecretary of Commerce for Oceans and Atmosphere shall establish a program under which grants may be made to provide for the installation of technologies in remote communities effectively unserved by commercial mobile radio service (as determined by the Federal Communications Commission within 180 days

after the date of enactment of this Act) for the purpose of enabling residents of those communities to receive National Alert System alerts.

(b) APPLICATIONS AND CONDITIONS.—In conducting the program, the Undersecretary—

(1) shall establish a notification and application procedure; and

(2) may establish such conditions, and require such assurances, as may be appropriate to ensure the efficiency and integrity of the grant program.

(c) SUNSET.—The Undersecretary may not make grants under subsection (a) more than 5 years after the date of enactment of this Act.

**SEC. 108. PUBLIC FAMILIARIZATION, OUTREACH, AND RESPONSE INSTRUCTIONS.**

The director of the National Office, in consultation with the Working Group, shall conduct a program of public outreach to ensure that the public is aware of the National Alert System and understands its capabilities and uses for emergency preparedness and response. The program shall incorporate multiple communications technologies and methods, including inserts in packaging for wireless devices, Internet websites, and the use broadcast radio and television Non-Commercial Sustaining Announcement Programs.

**SEC. 109. ESSENTIAL SERVICES DISASTER ASSISTANCE.**

Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) is amended by adding at the end the following:

**“SEC. 425. ESSENTIAL SERVICE PROVIDERS.**

“(a) DEFINITION.—In this section, the term ‘essential service provider’ means an entity that—

“(1) provides—  
 “(A) telecommunications service;  
 “(B) electrical power;  
 “(C) natural gas;  
 “(D) water and sewer services; or  
 “(E) any other essential service, as determined by the President;

“(2) is—  
 “(A) a municipal entity;  
 “(B) a nonprofit entity; or  
 “(C) a private, for-profit entity; and  
 “(3) is contributing to efforts to respond to an emergency or major disaster.

“(b) AUTHORIZATION.—In an emergency or major disaster, the President may use Federal equipment, supplies, facilities, personnel, and other non-monetary resources to assist an essential service provider, in exchange for reasonable compensation.

“(c) COMPENSATION.—  
 “(1) IN GENERAL.—The President shall, by regulation, establish a mechanism to set reasonable compensation to the Federal Government for the provision of assistance under subsection (b).

“(2) CRITERIA.—The mechanism established under paragraph (1)—

“(A) shall reflect the cost to the government (or if this is not readily obtainable, the full market value under the applicable circumstances) for assistance provided under subsection (b) in setting compensation;  
 “(B) shall have, to the maximum degree feasible, streamlined procedures for determining compensation; and

“(C) may, at the President’s discretion, be based on a good faith estimate of cost to the government rather than an actual accounting of costs.

“(3) PERIODIC REVIEW.—The President shall periodically review, and if necessary revise, the regulations established pursuant to paragraphs (1) and (2) to ensure that those regulations result in full compensation to the government for transferred resources. Such

reviews shall occur no less frequently than once every 2 years, and the results of such reviews shall be reported to the House Transportation and Infrastructure Committee and the Senate Homeland Security and Governmental Affairs Committee.”.

**SEC. 110 DEFINITIONS.**

In this title:

(1) DIRECTOR.—The term “director” means the director of the National Alert Office.

(2) OFFICE.—The term “Office” means the National Alert Office established by section—104.

(3) NATIONAL ALERT SYSTEM.—The term “National Alert System” means the National Alert System established by section—102.

(4) NON-COMMERCIAL SUSTAINING ANNOUNCEMENT PROGRAM.—The term “Non-Commercial Sustaining Announcement Program” means a radio and television campaign conducted for the benefit of a nonprofit organization or government agency using unsold commercial air time donated by participating broadcast stations for use in such campaigns, and for which the campaign’s sponsoring organization or agency funds the cost of underwriting programs that serve the public convenience, interest, and necessity, as described in section 307 of the Communications Act of 1934 (47 U.S.C. 307).

(5) WORKING GROUP.—The term “Working Group” means the National Alert System Working Group on the established under section—105.

**SEC. 111. EXISTING INTERAGENCY ACTIVITIES.**

Nothing in this title shall be construed to require the termination of existing interagency programs or activities, or cooperative or consultative arrangements, related to the provision of notice or information to the public about emergency situations that may require a public response.

**SEC. 112. FUNDING.**

Funding for this title shall be provided from the Digital Transition and Public Safety Fund in accordance with section 3010 of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note).

**SA 4569.** Mr. FEINGOLD (for himself and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

**SEC. 540. DATA-MINING.**

(a) DEFINITIONS.—In this section:

(1) DATA-MINING.—The term “data-mining” means a query or search or other analysis of 1 or more electronic databases, whereas—

(A) at least 1 of the databases was obtained from or remains under the control of a non-Federal entity, or the information was acquired initially by another department or agency of the Federal Government for purposes other than intelligence or law enforcement;

(B) a department or agency of the Federal Government or a non-Federal entity acting on behalf of the Federal Government is conducting the query or search or other analysis to find a predictive pattern indicating terrorist or criminal activity; and

(C) the search does not use a specific individual’s personal identifiers to acquire information concerning that individual.

(2) DATABASE.—The term “database” does not include telephone directories, news reporting, information publicly available via

the Internet or available by any other means to any member of the public without payment of a fee, or databases of judicial and administrative opinions.

(b) REPORTS ON DATA-MINING ACTIVITIES BY THE DEPARTMENT OF HOMELAND SECURITY.—

(1) REQUIREMENT FOR REPORT.—The head of each department or agency in the Department of Homeland Security that is engaged in any activity to use or develop data-mining technology shall each submit a report to Congress on all such activities of the agency under the jurisdiction of that official. The report shall be made available to the public.

(2) CONTENT OF REPORT.—Each report submitted under paragraph (1) shall include, for each activity to use or develop data-mining technology that is required to be covered by the report, the following information:

(A) A thorough description of the data-mining technology and the data that is being or will be used.

(B) A thorough description of the goals and plans for the use or development of such technology and, where appropriate, the target dates for the deployment of the data-mining technology.

(C) An assessment of the efficacy or likely efficacy of the data-mining technology in providing accurate information consistent with and valuable to the stated goals and plans for the use or development of the technology.

(D) An assessment of the impact or likely impact of the implementation of the data-mining technology on the privacy and civil liberties of individuals.

(E) A list and analysis of the laws and regulations that govern the information being or to be collected, reviewed, gathered, analyzed, or used with the data-mining technology.

(F) A thorough discussion of the policies, procedures, and guidelines that are in place or that are to be developed and applied in the use of such technology for data-mining in order to—

(i) protect the privacy and due process rights of individuals; and

(ii) ensure that only accurate information is collected, reviewed, gathered, analyzed, or used.

(G) Any necessary classified information in an annex that shall be available to the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Committee on Appropriations of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives.

(3) TIME FOR REPORT.—Each report required under paragraph (1) shall be submitted not later than 90 days after the end of fiscal year 2007.

**SA 4570.** Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 99, line 4, strike “Act.” and insert the following: “ Act; *Provided further*, That the Department of Homeland Security Inspector General shall investigate whether, and to what extent, in adjusting and settling claims resulting from Hurricane Katrina, insurers making flood insurance coverage available under the Write-Your-Own program pursuant to section 1345 of the National Flood Insurance Act of 1968 (42 U.S.C. 4081) and subpart C of part 62 of title 44, Code of Federal Regulations, improperly attributed damages from such hurricane to flooding

covered under the insurance coverage provided under the national flood insurance program rather than to windstorms covered under coverage provided by such insurers or by windstorm insurance pools in which such insurers participated; *Provided further*, That the Department of Homeland Security Inspector General may request the assistance of the Attorney General and the Department of Justice in conducting such investigation and may reimburse the costs of the Attorney General and the Department of Justice in providing such assistance from such funds; *Provided further*, That the Department of Homeland Security Inspector General shall submit a report to Congress not later than April 1, 2007, setting forth the conclusions of such investigation.”

**SA 4571.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 111, strike lines 6 through 15.

**SA 4572.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. (a) Not later than 60 days after the initiation of any contract relating to the Secure Border Initiative that is valued at more than \$20,000,000, and upon the conclusion of the performance of such contract, the Inspector General of the Department of Homeland Security shall review each action relating to such contract to determine whether such action fully complies with applicable cost requirements, performance objectives, program milestones, inclusion of small, minority-owned, and women-owned businesses, and time lines.

(b) If a contract review under subsection (a) uncovers information regarding improper conduct or wrongdoing, the Inspector General shall, as expeditiously as practicable, submit such information to the Secretary of Homeland Security, or to another appropriate official of the Department of Homeland Security, who shall determine if the contractor should be suspended from further participation in the Secure Border Initiative.

(c) Upon the completion of each review under subsection (a), the Inspector General shall submit a report to the Secretary that contains the findings of the review, including findings regarding—

- (1) cost overruns;
- (2) significant delays in contract execution;
- (3) lack of rigorous departmental contract management;
- (4) insufficient departmental financial oversight;
- (5) contract bundling that limits the ability of small businesses to compete; or
- (6) other high risk business practices.

(d) Not later than 30 days after the receipt of each report submitted under subsection (c), the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes—

(1) the findings of the report received from the Inspector General; and

(2) the steps the Secretary has taken, or plans to take, to address the problems identified in the report.

(e) Not later than 60 days after the initiation of each contract action with a company whose headquarters is outside of the United States, the Secretary shall submit a report regarding the Secure Border Initiative to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

**SA 4573.** Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 98, line 6, before the period insert the following: “*Provided further*, That the Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services and the Attorney General of the United States, shall conduct an assessment of the models used by the Louisiana family assistance call center and the National Center for Missing and Exploited Children in assisting individuals displaced by Hurricane Katrina of 2005 in locating members of their family to determine how these models may be modified to assist individuals displaced in a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) in locating members of their family: *Provided further*, That the Secretary of Homeland Security shall submit to the chairman and ranking member of the Committee on Homeland Security and Governmental Affairs, the Committee on Health, Education, Labor, and Pensions, and the Committee on the Judiciary of the Senate and the chairman and ranking member of the Committee on Homeland Security, the Committee on Energy and Commerce, and the Committee on the Judiciary of the House of Representatives regarding the assessment conducted under the previous proviso: *Provided further*, That not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services and the Attorney General of the United States, shall issue regulations to implement the findings of such assessment, to the maximum extent practicable”.

**SA 4574.** Mr. COLEMAN (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . . PILOT INTEGRATED SCANNING SYSTEM.**

(a) DESIGNATIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security (referred to in this section as the “Secretary”) shall designate 3 foreign seaports through which containers pass or are transhipped to the United States to pilot an integrated scanning system that couples nonintrusive imaging equipment and radiation detection equipment, which may be provided by the Megaports Initiative of the Department of

Energy. In making designations under this subsection, the Secretary shall consider 3 distinct ports with unique features and differing levels of trade volume.

(2) COLLABORATION AND COOPERATION.—The Secretary shall collaborate with the Secretary of Energy and cooperate with the private sector and host foreign government to implement the pilot program under this subsection.

(b) IMPLEMENTATION.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall achieve a full-scale implementation of the pilot integrated screening system, which shall—

(1) scan all containers destined for the United States that transit through the port;

(2) electronically transmit the images and information to the container security initiative personnel in the host country and the National Targeting Center for evaluation and analysis;

(3) resolve every radiation alarm according to established Department procedures;

(4) utilize the information collected to enhance the Automated Targeting System or other relevant programs; and

(5) store the information for later retrieval and analysis.

(c) REPORT.—Not later than 120 days after achieving full-scale implementation under subsection (b), the Secretary, in consultation with the Secretary of Energy and the Secretary of State, shall submit a report, to the appropriate congressional committees, that includes—

(1) an evaluation of the lessons derived from the pilot program implemented under this section;

(2) an analysis of the efficacy of the Automated Targeted System or other relevant programs in utilizing the images captured to examine high-risk containers;

(3) a valuation of software that is capable of automatically identifying potential anomalies in scanned containers; and

(4) a plan and schedule to expand the integrated scanning system developed under this section to other container security initiative ports.

(d) IMPLEMENTATION.—As soon as practicable and possible after the date of enactment of this Act, an integrated scanning system shall be implemented to scan all containers entering the United States prior to arrival in the United States.

**SA 4575.** Mr. SANTORUM (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, line 3, strike “\$5,285,874,000; of which” and insert “\$5,459,135,000; of which \$459,863,000 shall be for 1,500 additional Border Patrol Agents and the necessary operational and mission support positions, information technology, relocation costs, and training for those agents; of which”.

On page 127, between lines 2 and 3, insert the following:

“SEC. 540 (a) Section 255 of the National Housing Act (12 U.S.C. 1715z-20) is amended—

(1) in subsection (g)—

(A) by striking the first sentence; and

(B) by striking ‘established under section 203(b)(2)’ and all that follows through ‘located’ and inserting ‘limitation established under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence’; and

(2) in subsection (i)(1)(C), by striking ‘limitations’ and inserting ‘limitation’.

(b) The Secretary of Housing and Urban Development shall by notice establish any additional requirements that may be necessary to immediately carry out the provisions of this section. The notice shall take effect upon issuance."

**SA 4576.** Mrs. CLINTON (for herself, Mr. SCHUMER, Ms. MILKULSKI, Mr. MENDENDEZ, Ms. CANTWELL, Mr. KENNEDY, Mr. KERRY, Mr. LIEBERMAN, Mr. REED, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 91, line 6, strike "\$2,393,500,000" and insert "\$3,183,500,000, of which \$790,000,000 is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234".

On page 91, line 8, strike "\$500,000,000" and insert "\$1,100,000,000".

On page 91, line 9, strike "\$350,000,000" and insert "\$400,000,000".

On page 91, line 22, strike "\$1,172,000,000" and insert "\$1,312,000,000".

On page 92, line 1, strike "\$745,000,000" and insert "\$885,000,000".

**SA 4577.** Mr. CORNYN proposed an amendment to amendment SA 4566 submitted by Mrs. MURRAY and intended to be proposed to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the end of the amendment, add the following:

**SEC. 541. IMMIGRATION INJUNCTION REFORM.**

(a) **SHORT TITLE.**—This section may be cited as the "Fairness in Immigration Litigation Act of 2006".

(b) **APPROPRIATE REMEDIES FOR IMMIGRATION LEGISLATION.**—

(1) **REQUIREMENTS FOR AN ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.**—

(A) **IN GENERAL.**—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall—

(i) limit the relief to the minimum necessary to correct the violation of law;

(ii) adopt the least intrusive means to correct the violation of law;

(iii) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety, and

(iv) provide for the expiration of the relief on a specific date, which is not later than the earliest date necessary for the Government to remedy the violation.

(B) **WRITTEN EXPLANATION.**—The requirements described in subparagraph (A) shall be discussed and explained in writing in the order granting prospective relief and must be sufficiently detailed to allow review by another court.

(C) **EXPIRATION OF PRELIMINARY INJUNCTIVE RELIEF.**—Preliminary injunctive relief shall automatically expire on the date that is 90 days after the date on which such relief is entered, unless the court—

(i) makes the findings required under subparagraph (A) for the entry of permanent prospective relief; and

(ii) makes the order final before expiration of such 90-day period.

(D) **REQUIREMENTS FOR ORDER DENYING MOTION.**—This paragraph shall apply to any order denying the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(2) **PROCEDURE FOR MOTION AFFECTING ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.**—

(A) **IN GENERAL.**—A court shall promptly rule on the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(B) **AUTOMATIC STAYS.**—

(i) **IN GENERAL.**—The Government's motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief made in any civil action pertaining to the administration or enforcement of the immigration laws of the United States shall automatically, and without further order of the court, stay the order granting prospective relief on the date that is 15 days after the date on which such motion is filed unless the court previously has granted or denied the Government's motion.

(ii) **DURATION OF AUTOMATIC STAY.**—An automatic stay under clause (i) shall continue until the court enters an order granting or denying the Government's motion.

(iii) **POSTPONEMENT.**—The court, for good cause, may postpone an automatic stay under clause (i) for not longer than 15 days.

(iv) **ORDERS BLOCKING AUTOMATIC STAYS.**—Any order staying, suspending, delaying, or otherwise barring the effective date of the automatic stay described in clause (i), other than an order to postpone the effective date of the automatic stay for not longer than 15 days under clause (iii), shall be—

(I) treated as an order refusing to vacate, modify, dissolve or otherwise terminate an injunction; and

(II) immediately appealable under section 1292(a)(1) of title 28, United States Code.

(3) **SETTLEMENTS.**—

(A) **CONSENT DECREES.**—In any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court may not enter, approve, or continue a consent decree that does not comply with paragraph (1).

(B) **PRIVATE SETTLEMENT AGREEMENTS.**—Nothing in this subsection shall preclude parties from entering into a private settlement agreement that does not comply with paragraph (1) if the terms of that agreement are not subject to court enforcement other than reinstatement of the civil proceedings that the agreement settled.

(4) **EXPEDITED PROCEEDINGS.**—It shall be the duty of every court to advance on the docket and to expedite the disposition of any civil action or motion considered under this subsection.

(5) **DEFINITIONS.**—In this subsection:

(A) **CONSENT DECREE.**—The term "consent decree"—

(i) means any relief entered by the court that is based in whole or in part on the consent or acquiescence of the parties; and

(ii) does not include private settlements.

(B) **GOOD CAUSE.**—The term "good cause" does not include discovery or congestion of the court's calendar.

(C) **GOVERNMENT.**—The term "Government" means the United States, any Federal department or agency, or any Federal agent

or official acting within the scope of official duties.

(D) **PERMANENT RELIEF.**—The term "permanent relief" means relief issued in connection with a final decision of a court.

(E) **PRIVATE SETTLEMENT AGREEMENT.**—The term "private settlement agreement" means an agreement entered into among the parties that is not subject to judicial enforcement other than the reinstatement of the civil action that the agreement settled.

(F) **PROSPECTIVE RELIEF.**—The term "prospective relief" means temporary, preliminary, or permanent relief other than compensatory monetary damages.

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—This section shall apply with respect to all orders granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, whether such relief was ordered before, on, or after the date of the enactment of this Act.

(2) **PENDING MOTIONS.**—Every motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any such action, which motion is pending on the date of the enactment of this Act, shall be treated as if it had been filed on such date of enactment.

(3) **AUTOMATIC STAY FOR PENDING MOTIONS.**—

(A) **IN GENERAL.**—An automatic stay with respect to the prospective relief that is the subject of a motion described in paragraph (2) shall take effect without further order of the court on the date which is 10 days after the date of the enactment of this Act if the motion—

(i) was pending for 45 days as of the date of the enactment of this Act; and

(ii) is still pending on the date which is 10 days after such date of enactment.

(B) **DURATION OF AUTOMATIC STAY.**—An automatic stay that takes effect under subparagraph (A) shall continue until the court enters an order granting or denying the Government's motion under subsection (b)(2). There shall be no further postponement of the automatic stay with respect to any such pending motion under subsection (b)(2)(B). Any order, staying, suspending, delaying or otherwise barring the effective date of this automatic stay with respect to pending motions described in paragraph (2) shall be an order blocking an automatic stay subject to immediate appeal under subsection (b)(2)(B)(iv).

**SA 4578.** Mr. WARNER (for himself, Mr. ALLEN, Mr. SARBANES, Ms. MIKULSKI, Mr. VOINOVICH, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 90, line 15, strike "of which \$8,000,000" and insert "of which no less than \$2,741,000 may be used for the Office of National Capital Region Coordination, and of which \$8,000,000".

**SA 4579.** Mr. GREGG proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 118, strike line 7 through page 119, line 2 and inset in lieu thereof the following:

SEC. 524. Using funds made available in this Act:

(a) Within 60 days of enactment of this Act, the Secretary of the Department of Homeland Security shall revise DHS MD [Management Directive] 11056 to provide for the following:

(1) that when a lawful request is made to publicly release a document containing information designated as SSI, the document shall be reviewed in a timely manner to determine whether any information contained in the document meets the criteria for continued SSI protection under applicable law and regulation and shall further provide that all portions that no longer require SSI designation be released, subject to applicable law, including sections 552 and 552a of title 5, United States Code;

(2) that sensitive security information that is four years old shall be subject to release upon request unless:

(A) the Secretary or his designee makes a written determination that identifies a rational basis why the information must remain SSI;

(B) the information is covered by a current sensitive security information application guide approved by the Secretary or his designee in writing; or

(C) such information is otherwise exempt from disclosure under applicable law.

Any determination made by the secretary under clause (a)(2)(A) shall be provided to the party making a request to release such information and to the Committees on Appropriations of the Senate and House of Representatives as part of the annual reporting requirement pursuant to section 537 of the Department of Homeland Security Appropriations Act, 2006 (Public Law 109-90; 119 Stat. 2088);

(3) common and extensive examples of the individual categories of SSI information cited under 49 CFR 1520(b)(1) through (16) in order to minimize and standardize judgment by covered persons in the application of SSI marking; and

(b) Not later than 120 days after the date of enactment of this Act, the Secretary of Homeland Security shall report to the Committees on Appropriations of the Senate and the House of Representatives on the progress that the Department has made in implementing the remaining requirements of section 537 of the Department of Homeland Security Appropriations Act, 2006 (Public Law 109-90; 119 Stat. 2088), including information on the current procedures regarding access to sensitive security information (SSI) by civil litigants and the security risks and benefits of any proposed changes to these procedures.

**SA 4580.** Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, line 8 strike "\$3,740,357,000; of which" and insert "\$3,780,357,000; of which \$40 million shall be authorized for 1,150 additional detention beds spaces and the necessary operational and mission support positions, information technology, relocation costs, and training for those beds; of which".

SEC. . At the appropriate place in the bill, insert:

Section 255 of the National Housing Act (12 U.S.C. 1715z-20) is amended by adding at the end the following new subsection:

"(n) **AUTHORITY TO INSURE HOME PURCHASE MORTGAGE—**

"(1) **IN GENERAL.**—Notwithstanding any other provision in this section, the Secretary

may insure, upon application by a mortgagee, a home equity conversion mortgage upon such terms and conditions as the Secretary may prescribe, when the primary purpose of the home equity conversion mortgage is to enable an elderly mortgagor to purchase a 1-to 4 family dwelling in which the mortgagor will occupy or occupies one of the units.

"(2) **LIMITATION ON PRINCIPAL OBLIGATION.**—A home equity conversion mortgage insured pursuant to paragraph (1) shall involve a principal obligation that does not exceed the dollar amount limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a residence of the applicable size."

#### NOTICE OF INTENT

Mr. DEMINT. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill H.R. 5441 amendment No. 4568.

(The amendment is printed in today's RECORD under "Text of Amendments".)

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 11, 2006, at 10 a.m., to conduct a hearing on "Insurance Regulation Reform."

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

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, July 11, 2006, at 2:30 p.m. The purpose of this hearing is to receive testimony relating to implementation of the Energy Policy Act of 2005.

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

##### COMMITTEE ON FOREIGN RELATIONS

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 11, 2006, at 9 a.m., to hold a briefing on North Korea.

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

##### COMMITTEE ON FOREIGN RELATIONS

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 11, 2006, at 2 p.m. to hold a Subcommittee hearing on Somalia.

The PRESIDING OFFICER. Without objection, it is so ordered

##### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Tuesday, July 11, 2006, at 10 a.m. to consider the nominations of the Honorable Anna Blackburne-Rigsby to be Associate Judge, District of Columbia Court of Appeals; Phyllis D. Thompson to be Associate Judge, District of Columbia Court of Appeals; and Jennifer M. Anderson to be Associate Judge, Superior Court of the District of Columbia.

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

##### COMMITTEE ON THE JUDICIARY

Mr. THUNE. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on "Hamdan V. Rumsfeld: Establishing a Constitutional Process" on Tuesday, July 11, 2006, at 9:30 a.m. in Hart Senate Office Building Room 216. Witness list:

Panel I: Mr. Steve Bradbury, Acting Assistant Attorney General, Office of Legal Counsel, United States Department of Justice, Washington, DC.

Mr. Daniel Dell'Orto, Principal Deputy General Counsel, United States Department of Defense, Washington, DC.

Panel II: The Honorable Theodore Olsen, Former Solicitor General, Partner, Gibson, Dunn & Crutcher, Washington, DC.

Professor Harold Koh, Dean, Yale Law School, New Haven, CT.

Mr. Paul "Whit" Cobb, Former Deputy General Counsel, United States Department of Defense, Washington, DC.

Lt. Commander Charles Swift, Office of Military Commissions, Office of Chief Defense Counsel, United States Department of Defense, Washington, DC.

Professor Scott L. Silliman, Former Judge Advocate General, USAF, Center on Law, Ethics and National Security, Duke University School of Law, Durham, NC.

Mr. Daniel Collins, Former Associate Deputy Attorney General, Partner, Munger, Tolles & Olson, Los Angeles, CA.

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

##### COMMITTEE ON THE JUDICIARY

Mr. THUNE. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on "Judicial Nominations" on Tuesday, July 11, 2006, at 2:15 p.m. in Dirksen Senate Office Building Room 226.

##### Witness list

Panel I: Members of Congress.

Panel II: William James Haynes, II to be United States Circuit Judge for the Fourth Circuit.

Panel III: Frances Marie Tydingco-Gatewood to be United States District Judge for the District of Guam.

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