

I'm against the use of private collection agencies (PCAs) because, first, I don't believe that taxpayer privacy will be adequately protected. When the IRS attempted the use of PCAs once before in the 1990s, it was a dismal failure. The IRS has not had a good track record of protecting taxpayer information and the Treasury Department's performance in providing information security protections to protect data confidentiality has worsened.

Second, I am concerned that private debt collectors will not show the level of professionalism, sensitivity, and respect that taxpayers deserve. In 2005, the Federal Trade Commission received more consumer complaints about private debt collectors than any other industry.

Due to the nature of the debts that the IRS intends to transfer to PCAs, the likely result will be that these agencies will end up going after the most vulnerable taxpayers in our society. We should not allow a system to emerge where better-off taxpayers get the benefit of interacting with a professional IRS agent, while economically-disadvantaged taxpayers are relegated to the harassing tactics of private collection agencies.

Third, I am deeply concerned with the cost-effectiveness of this initiative. The IRS Commissioner, himself, testified that it would be more cost-effective for the IRS to collect these debts than to contract them out to PCAs. Initially, I am told that it will require 55 IRS personnel to oversee 75 private tax collectors. Taken as a whole, I have to wonder whether the Federal Treasury will really benefit at all from this initiative.

Finally, the IRS should not be moving ahead with this activity while Congress is still debating its merits. More than 400 Members of the House approved a bill that included a prohibition on outsourcing tax collection. The IRS should suspend this effort immediately until the Congress has debated its fate and reached a final judgment.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 565—EX-PRESSING THE SENSE OF THE SENATE UPON THE FIVE-YEAR ANNIVERSARY OF THE TERRORIST ATTACKS AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

Mr. FRIST (for himself, Mr. REID, Mr. KYL, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEMINT, Mr. DEWINE, Mr. DODD, Mrs.

DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mr. MCCONNELL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 565

Whereas on September 11, 2001, terrorists hijacked four civilian aircraft; crashed two of them into the towers of the World Trade Center in New York City; and crashed the third into the Pentagon outside Washington, D.C.;

Whereas the fourth hijacked plane, United Airlines flight 93, crashed in Somerset County, Pennsylvania, near the town of Shanksville, after the passengers and crew of that flight struggled with the terrorist-hijackers to take back control of the plane, ultimately preventing the flight from reaching its likely destination in Washington, DC;

Whereas the heroic actions of the rescue workers, volunteers, federal, state and local officials who responded to the attacks with courage, determination, and skill is to be commended;

Whereas thousands of innocent Americans, and civilians from many other countries, were killed and injured as a result of these attacks;

Whereas Congress declared, in the aftermath of the attacks, September 12, 2001 to be a National Day of Unity and Mourning;

Whereas there has not been a terrorist attack on the United States homeland since the terrorist attacks five years ago; but al Qaeda has perpetrated terrorist attacks throughout the world against U.S. persons, facilities, and interests, as well as U.S. allies during that time;

Now, therefore, be it *Resolved*, That the Senate

(1) commemorates the life of each individual who died as a result of the attacks of September 11, 2001;

(2) extends its deepest condolences to the victims of these attacks, as well as to their families, friends, and loved ones;

(3) once again condemns in the strongest possible terms the attacks, the terrorists who perpetrated them, and their sponsors;

(4) commits to support the necessary steps to interdict and defeat terrorists who plot to do harm to the American people;

(5) recommits itself and the nation to bringing to justice the perpetrators of the attacks, along with their sponsors;

(6) honors and expresses its gratitude to members of its Armed Forces, law enforcement personnel, first responders, members of intelligence community and others who have bravely and faithfully participated in the War on Terrorism since September 11, 2001;

(7) declares September 11, 2006 to be a National Day of Remembrance, in commemoration of the terrorist attacks against the United States on September 11, 2001;

(8) declares that when the Senate adjourns today, it stand adjourned as a further mark of respect to each individual who died as a result of the attacks of September 11, 2001.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4924. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table.

SA 4925. Mr. SHELBY (for himself, Mr. SARBANES, Mr. SANTORUM, Mr. REED, Mr. MENENDEZ, Mrs. CLINTON, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4926. Mr. STEVENS (for himself, Mr. INOUE, Mr. MCCAIN, Mr. LAUTENBERG, and Mrs. CLINTON) proposed an amendment to amendment SA 4922 submitted by Mr. MCCAIN (for himself, Ms. SNOWE, Mr. DEWINE, Mr. BIDEN, and Mr. LIEBERMAN) to the bill H.R. 4954, supra.

SA 4927. Mr. STEVENS (for Mr. DEMINT (for himself, Mr. STEVENS, and Mr. INOUE)) proposed an amendment to amendment SA 4921 proposed by Mr. DEMINT to the bill H.R. 4954, supra.

SA 4928. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4924. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

SEC. ——. ESTABLISHMENT OF COMPETITIVE RESEARCH PROGRAM.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following: “SEC. 314. COMPETITIVE RESEARCH PROGRAM.

“(a) IN GENERAL.—

“(1) ESTABLISHMENT.—The Secretary, acting through the Under Secretary for Science and Technology, shall establish a competitive research program within the Directorate.

“(2) DIRECTOR.—The program shall be headed by a Director, who shall be appointed by the Secretary. The Director shall report to the Under Secretary.

“(3) DUTIES OF DIRECTOR.—In the administration of the program, the Director shall—

“(A) establish a cofunding mechanism for States with academic facilities that have not fully developed security-related science and technology to support burgeoning research efforts by the faculty or link them to established investigators;

“(B) provide for conferences, workshops, outreach, and technical assistance to researchers and institutions of higher education in States on topics related to developing science and technology expertise in areas of high interest and relevance to the Department;

“(C) monitor the efforts of States to develop programs that support the Department's mission;

“(D) implement a merit review program, consistent with program objectives, to ensure the quality of research conducted with Program funding; and

“(E) provide annual reports on the progress and achievements of the Program to the Secretary.

“(b) ASSISTANCE UNDER THE PROGRAM.—

“(1) SCOPE.—The Director shall provide assistance under the program for research and development projects that are related to, or qualify as, homeland security research (as defined in section 307(a)(2)) under the program.

“(2) FORM OF ASSISTANCE.—Assistance under the program can take the form of grants, contracts, or cooperative arrangements.

“(3) APPLICATIONS.—Applicants shall submit proposals or applications in such form, at such times, and containing such information as the Director may require.

“(c) IMPLEMENTATION.—

“(1) START-UP PHASES.—For the first 3 fiscal years beginning after the date of enactment of the Border Infrastructure and Technology Integration Act of 2004, assistance under the program shall be limited to institutions of higher education located in States in which an institution of higher education with a grant from, or a contract or cooperative agreement with, the National Science Foundation under section 113 of the National Science Foundation Act of 1988 (42 U.S.C. 1862) is located.

“(2) SUBSEQUENT FISCAL YEARS.—

“(A) IN GENERAL.—Beginning with the 4th fiscal year after the date of enactment of this Act, the Director shall rank order the States (excluding any noncontiguous State (as defined in section 2(14)) other than Alaska, Hawaii, the Commonwealth of Puerto Rico, and the Virgin Islands) in descending order in terms of the average amount of funds received by institutions of higher education (as that term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) in each State that received financial assistance in the form of grants, contracts, or cooperative arrangements under this title during each of the preceding 3 fiscal years.

“(B) ALLOCATION.—Beginning with the 4th fiscal year after the date of enactment of this Act, assistance under the program for any fiscal year is limited to institutions of higher education located in States in the lowest third of those ranked under subparagraph (A) for that fiscal year.

“(C) DETERMINATION OF LOCATION.—For purposes of this paragraph, an institution of higher education shall be considered to be located in the State in which its home campus is located, except that assistance provided under the program to a division, institute, or other facility located in another State for use in that State shall be considered to have been provided to an institution of higher education located in that other State.

“(D) MULTIYEAR ASSISTANCE.—For purposes of this paragraph, assistance under the program that is provided on a multi-year basis shall be counted as provided in each such year in the amount so provided for that year.

“(d) FUNDING.—The Secretary shall ensure that no less than 5 percent of the amount appropriated for each fiscal year to the Acceleration Fund for Research and Development of Homeland Security Technologies established by section 307(c)(1) is allocated to the program established by subsection (a).”.

(b) CONFORMING AMENDMENT.—The table of contents of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 313 the following:

“Sec. 314. Competitive research program.”.

SA 4925. Mr. SHELBY (for himself, Mr. SARBANES, Mr. SANTORUM, Mr. REED, Mr. MENENDEZ, Mrs. CLINTON, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —MASS TRANSIT SECURITY

SEC. 01. SHORT TITLE.

This title may be cited as the “Public Transportation Terrorism Prevention Act of 2006”.

SEC. 02. FINDINGS.

Congress finds that—

(1) public transportation systems throughout the world have been a primary target of terrorist attacks, causing countless deaths and injuries;

(2) 5,800 public transportation agencies operate in the United States;

(3) 14,000,000 people in the United States ride public transportation each work day;

(4) safe and secure public transportation systems are essential for the Nation’s economy and for significant national and international public events;

(5) the Federal Transit Administration has invested \$74,900,000,000 since 1992 for construction and improvements to the Nation’s public transportation systems;

(6) the Federal Government appropriately invested \$18,100,000,000 in fiscal years 2002 through 2005 to protect our Nation’s aviation system and its 1,800,000 daily passengers;

(7) the Federal Government has allocated \$250,000,000 in fiscal years 2003 through 2005 to protect public transportation systems in the United States;

(8) the Federal Government has invested \$7.38 in aviation security improvements per passenger, but only \$0.007 in public transportation security improvements per passenger;

(9) the Government Accountability Office, the Mineta Institute for Surface Transportation Policy Studies, the American Public Transportation Association, and many transportation experts have reported an urgent need for significant investment in public transportation security improvements; and

(10) the Federal Government has a duty to deter and mitigate, to the greatest extent practicable, threats against the Nation’s public transportation systems.

SEC. 03. SECURITY ASSESSMENTS.

(a) PUBLIC TRANSPORTATION SECURITY ASSESSMENTS.—

(1) SUBMISSION.—Not later than 30 days after the date of the enactment of this Act, the Federal Transit Administration of the Department of Transportation shall submit all public transportation security assessments and all other relevant information to the Secretary of Homeland Security.

(2) REVIEW.—Not later than July 31, 2007, the Secretary of Homeland Security shall review and augment the security assessments received under paragraph (1).

(3) ALLOCATIONS.—The Secretary of Homeland Security shall use the security assessments received under paragraph (1) as the basis for allocating grant funds under section 04, unless the Secretary notifies the Committee on Banking, Housing, and Urban Affairs of the Senate that the Secretary has determined that an adjustment is necessary to respond to an urgent threat or other significant factors.

(4) SECURITY IMPROVEMENT PRIORITIES.—Not later than September 30, 2007, the Secretary of Homeland Security, after consulta-

tion with the management and employee representatives of each public transportation system for which a security assessment has been received under paragraph (1) and with appropriate State and local officials, shall establish security improvement priorities that will be used by public transportation agencies for any funding provided under section 04.

(5) UPDATES.—Not later than July 31, 2008, and annually thereafter, the Secretary of Homeland Security shall—

(A) update the security assessments referred to in this subsection; and

(B) conduct security assessments of all public transportation agencies considered to be at greatest risk of a terrorist attack.

(b) USE OF SECURITY ASSESSMENT INFORMATION.—The Secretary of Homeland Security shall use the information collected under subsection (a)—

(1) to establish the process for developing security guidelines for public transportation security; and

(2) to design a security improvement strategy that—

(A) minimizes terrorist threats to public transportation systems; and

(B) maximizes the efforts of public transportation systems to mitigate damage from terrorist attacks.

(c) BUS AND RURAL PUBLIC TRANSPORTATION SYSTEMS.—Not later than July 31, 2007, the Secretary of Homeland Security shall conduct security assessments, appropriate to the size and nature of each system, to determine the specific needs of—

(1) local bus-only public transportation systems; and

(2) selected public transportation systems that receive funds under section 5311 of title 49, United States Code.

SEC. 04. SECURITY ASSISTANCE GRANTS.

(a) CAPITAL SECURITY ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary of Homeland Security shall award grants directly to public transportation agencies for allowable capital security improvements based on the priorities established under section 03(a)(4).

(2) ALLOWABLE USE OF FUNDS.—Grants awarded under paragraph (1) may be used for—

(A) tunnel protection systems;

(B) perimeter protection systems;

(C) redundant critical operations control systems;

(D) chemical, biological, radiological, or explosive detection systems;

(E) surveillance equipment;

(F) communications equipment;

(G) emergency response equipment;

(H) fire suppression and decontamination equipment;

(I) global positioning or automated vehicle locator type system equipment;

(J) evacuation improvements; and

(K) other capital security improvements.

(b) OPERATIONAL SECURITY ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary of Homeland Security shall award grants directly to public transportation agencies for allowable operational security improvements based on the priorities established under section 03(a)(4).

(2) ALLOWABLE USE OF FUNDS.—Grants awarded under paragraph (1) may be used for—

(A) security training for public transportation employees, including bus and rail operators, mechanics, customer service, maintenance employees, transit police, and security personnel;

(B) live or simulated drills;

(C) public awareness campaigns for enhanced public transportation security;

(D) canine patrols for chemical, biological, or explosives detection;

(E) overtime reimbursement for enhanced security personnel during significant national and international public events, consistent with the priorities established under section 03(a)(4); and

(F) other appropriate security improvements identified under section 03(a)(4), excluding routine, ongoing personnel costs.

(c) STATE HOMELAND SECURITY PLANS.—In establishing security improvement priorities under section 3(a)(4) and in awarding grants for capital security improvements and operational security improvements under subsections (a) and (b), respectively, the Secretary of Homeland Security shall ensure that its actions are consistent with relevant State Homeland Security Plans.

(d) MULTI-STATE TRANSPORTATION SYSTEMS.—In cases where a public transportation system operates in more than 1 State, the Secretary of Homeland Security shall give appropriate consideration to the risks of the entire system, including those portions of the States into which the system crosses, in establishing security improvement priorities under section 3(a)(4), and in awarding grants for capital security improvements and operational security improvements under subsections (a) and (b), respectively.

(e) CONGRESSIONAL NOTIFICATION.—Not later than 3 days before the award of any grant under this section, the Secretary of Homeland Security shall notify the Committee on Banking, Housing, and Urban Affairs of the Senate of the intent to award such grant.

(f) PUBLIC TRANSPORTATION AGENCY RESPONSIBILITIES.—Each public transportation agency that receives a grant under this section shall—

(1) identify a security coordinator to coordinate security improvements;

(2) develop a comprehensive plan that demonstrates the agency's capacity for operating and maintaining the equipment purchased under this section; and

(3) report annually to the Department of Homeland Security on the use of grant funds received under this section.

(g) RETURN OF MISSPENT GRANT FUNDS.—If the Secretary of Homeland Security determines that a grantee used any portion of the grant funds received under this section for a purpose other than the allowable uses specified for that grant under this section, the grantee shall return any amount so used to the Treasury of the United States.

SEC. 05. INTELLIGENCE SHARING.

(a) INTELLIGENCE SHARING.—The Secretary of Homeland Security shall ensure that the Department of Transportation receives appropriate and timely notification of all credible terrorist threats against public transportation assets in the United States.

(b) INFORMATION SHARING ANALYSIS CENTER.—

(1) ESTABLISHMENT.—The Secretary of Homeland Security shall provide sufficient financial assistance for the reasonable costs of the Information Sharing and Analysis Center for Public Transportation (referred to in this subsection as the "ISAC") established pursuant to Presidential Directive 63, to protect critical infrastructure.

(2) PUBLIC TRANSPORTATION AGENCY PARTICIPATION.—The Secretary of Homeland Security—

(A) shall require those public transportation agencies that the Secretary determines to be at significant risk of terrorist attack to participate in the ISAC;

(B) shall encourage all other public transportation agencies to participate in the ISAC; and

(C) shall not charge a fee to any public transportation agency for participating in the ISAC.

SEC. 06. RESEARCH, DEVELOPMENT, AND DEMONSTRATION GRANTS AND CONTRACTS.

(a) GRANTS AND CONTRACTS AUTHORIZED.—The Secretary of Homeland Security, through the Homeland Security Advanced Research Projects Agency in the Science and Technology Directorate and in consultation with the Federal Transit Administration, shall award grants or contracts to public or private entities to conduct research into, and demonstrate, technologies and methods to reduce and deter terrorist threats or mitigate damages resulting from terrorist attacks against public transportation systems.

(b) USE OF FUNDS.—Grants or contracts awarded under subsection (a)—

(1) shall be coordinated with Homeland Security Advanced Research Projects Agency activities; and

(2) may be used to—

(A) research chemical, biological, radiological, or explosive detection systems that do not significantly impede passenger access;

(B) research imaging technologies;

(C) conduct product evaluations and testing; and

(D) research other technologies or methods for reducing or deterring terrorist attacks against public transportation systems, or mitigating damage from such attacks.

(c) REPORTING REQUIREMENT.—Each entity that is awarded a grant or contract under this section shall report annually to the Department of Homeland Security on the use of grant or contract funds received under this section.

(d) RETURN OF MISSPENT GRANT OR CONTRACT FUNDS.—If the Secretary of Homeland Security determines that a grantee or contractor used any portion of the grant or contract funds received under this section for a purpose other than the allowable uses specified under subsection (b), the grantee or contractor shall return any amount so used to the Treasury of the United States.

SEC. 07. REPORTING REQUIREMENTS.

(a) SEMI-ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than March 31 and September 30 each year, the Secretary of Homeland Security shall submit a report, containing the information described in paragraph (2), to—

(A) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Appropriations of the Senate.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) a description of the implementation of the provisions of sections 03 through 06;

(B) the amount of funds appropriated to carry out the provisions of each of sections 03 through 06 that have not been expended or obligated; and

(C) the state of public transportation security in the United States.

(b) ANNUAL REPORT TO GOVERNORS.—

(1) IN GENERAL.—Not later than March 31 each year, the Secretary of Homeland Security shall submit a report to the Governor of each State with a public transportation agency that has received a grant under this title.

(2) CONTENTS.—The report submitted under paragraph (1) shall specify—

(A) the amount of grant funds distributed to each such public transportation agency; and

(B) the use of such grant funds.

SEC. 08. AUTHORIZATION OF APPROPRIATIONS.

(a) CAPITAL SECURITY ASSISTANCE PROGRAM.—There are authorized to be appro-

riated \$2,370,000,000 for fiscal year 2007 to carry out the provisions of section 04(a), which shall remain available until expended.

(b) OPERATIONAL SECURITY ASSISTANCE PROGRAM.—There are authorized to be appropriated to carry out the provisions of section 04(b)—

(1) \$534,000,000 for fiscal year 2007;

(2) \$333,000,000 for fiscal year 2008; and

(3) \$133,000,000 for fiscal year 2009.

(c) INTELLIGENCE.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of section 05.

(d) RESEARCH.—There are authorized to be appropriated \$130,000,000 for fiscal year 2007 to carry out the provisions of section 06, which shall remain available until expended.

SEC. 09. SUNSET PROVISION.

The authority to make grants under this title shall expire on October 1, 2010.

SA 4926. Mr. STEVENS (for himself, Mr. INOUE, Mr. MCCAIN, Mr. LAUTENBERG, and Mrs. CLINTON) proposed an amendment to amendment SA 4922 submitted by Mr. MCCAIN (for himself, Ms. SNOWE, Mr. DEWINE, Mr. BIDEN, and Mr. LIEBERMAN) to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

On page 19, line 5, strike "and".

On page 19, line 6, strike "efforts." and insert "efforts; and".

On page 19, between lines 6 and 7, insert the following:

(8) for employee security training.

On page 20, line 1, strike "2007" and insert "2007, \$30,000,000 for fiscal year 2008, and \$30,000,000 for fiscal year 2009".

On page 31, line 15, strike "20116." and insert "20118.".

On page 31, line 25, strike "perceived threat to security; or" and insert "reasonably perceived threat, in good faith, to security; or".

On page 32, line 4, strike "perceived threat to security; or" and insert "reasonably perceived threat, in good faith, to security; or".

On page 33, line 7, after "(2)," insert "or with the written consent of the employee.".

On page 33, beginning in line 10, strike "section without the written consent of the employee." and insert "section.".

On page 33, after line 11, strike the item relating to section 20116 and insert the following:

"20118. Whistleblower protection for rail security matters".

On page 33, after the item appearing after line 11, insert the following:

SEC. —118. RAIL WORKER SECURITY TRAINING PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security and the Secretary of Transportation, in consultation with appropriate law enforcement, security, and terrorism experts, representatives of railroad carriers, and nonprofit employee organizations that represent rail workers, shall develop and issue detailed guidance for a rail worker security training program to prepare front-line workers for potential threat conditions. The guidance shall take into consideration any current security training requirements or best practices.

(b) PROGRAM ELEMENTS.—The guidance developed under subsection (a) shall include elements, as appropriate to passenger and freight rail service, that address the following:

(1) Determination of the seriousness of any occurrence.

(2) Crew communication and coordination.
 (3) Appropriate responses to defend or protect oneself.
 (4) Use of protective devices.
 (5) Evacuation procedures.
 (6) Psychology of terrorists to cope with hijacker behavior and passenger responses.
 (7) Situational training exercises regarding various threat conditions.
 (8) Any other subject the Secretary considers appropriate.

(c) RAILROAD CARRIER PROGRAMS.—Not later than 90 days after the Secretary of Homeland Security issues guidance under subsection (a) in final form, each railroad carrier shall develop a rail worker security training program in accordance with that guidance and submit it to the Secretary for review. Not later than 30 days after receiving a railroad carrier's program under this subsection, the Secretary shall review the program and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary for the program to meet the guidance requirements. A railroad carrier shall respond to the Secretary's comments within 30 days after receiving them.

(d) TRAINING.—Not later than 1 year after the Secretary reviews the training program developed by a railroad carrier under this section, the railroad carrier shall complete the training of all front-line workers in accordance with that program. The Secretary shall review implementation of the training program of a representative sample of railroad carriers and report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security on the number of reviews conducted and the results. The Secretary may submit the report in both classified and redacted formats as necessary.

(e) UPDATES.—The Secretary shall update the training guidance issued under subsection (a) as appropriate to reflect new or different security threats. Railroad carriers shall revise their programs accordingly and provide additional training to their front-line workers within a reasonable time after the guidance is updated.

(f) FRONT-LINE WORKERS DEFINED.—In this section, the term "front-line workers" means security personnel, dispatchers, train operators, other onboard employees, maintenance and maintenance support personnel, bridge tenders, as well as other appropriate employees of railroad carriers, as defined by the Secretary.

(g) OTHER EMPLOYEES.—The Secretary of Homeland Security shall issue guidance and best practices for a rail shipper employee security program containing the elements listed under subsection (b) as appropriate.

SEC. —119. HIGH HAZARD MATERIAL SECURITY THREAT MITIGATION PLANS.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration) and the Secretary of Transportation, shall require rail carriers transporting a high hazard material, and of a quantity equal or exceeding the quantities of such material listed in subpart 172.800, title 49, Federal Code of Regulations, to develop a high hazard material security threat mitigation plan containing appropriate measures, including alternative routing and temporary shipment suspension options, to address assessed risks to high consequence targets. The plan, and any information submitted to the Secretary under this section shall be protected as sensitive security information under the regulations prescribed under section 114(s) of title 49, United States Code.

(b) IMPLEMENTATION.—A high hazard material security threat mitigation plan shall be put into effect by a rail carrier for the shipment of high hazardous materials by rail on the rail carrier's right-of-way when the threat levels of the Homeland Security Advisory System are high or severe and specific intelligence of probable or imminent threat exists towards—

(1) a high-consequence target that is within the catastrophic impact zone of a railroad right-of-way used to transport high hazardous material; or

(2) rail infrastructure or operations within the immediate vicinity of a high-consequence target.

(c) COMPLETION AND REVIEW OF PLANS.—

(1) PLANS REQUIRED.—Each rail carrier shall—

(A) submit a list of routes used to transport high hazard materials to the Secretary of Homeland Security within 60 days after the date of enactment of this Act;

(B) develop and submit a high hazard material security threat mitigation plan to the Secretary within 180 days after it receives the notice of high consequence targets on such routes by the Secretary; and

(C) submit any subsequent revisions to the plan to the Secretary within 30 days after making the revisions.

(2) REVIEW AND UPDATES.—The Secretary, with assistance of the Secretary of Transportation, shall review the plans and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary. A railroad carrier shall respond to the Secretary's comments within 30 days after receiving them. Each rail carrier shall update and resubmit its plan for review not less than every 2 years.

(d) DEFINITIONS.—In this section:

(1) CATASTROPHIC IMPACT ZONE.—The term "catastrophic impact zone" means the area immediately adjacent to, under, or above an active railroad right-of-way used to ship high hazard materials in which the potential release or explosion of the high hazard material being transported would likely cause—

(A) loss of life; or

(B) significant damage to property or structures.

(2) HIGH-CONSEQUENCE TARGET.—The term "high-consequence target" means a building, buildings, infrastructure, public space, or natural resource designated by the Secretary of Homeland Security that is viable terrorist target of national significance, the attack of which could result in—

(A) catastrophic loss of life; and

(B) significantly damaged national security and defense capabilities; or

(C) national economic harm.

(3) HIGH HAZARD MATERIALS.—The term "high hazard materials" means quantities of poison inhalation hazard materials, Class 2.3 gases, Class 6.1 materials, and anhydrous ammonia that the Secretary, in consultation with the Secretary of Transportation, determines pose a security risk.

(4) RAIL CARRIER.—The term "rail carrier" has the meaning given that term by section 10102(5) of title 49, United States Code.

SEC. —120. PUBLIC AWARENESS.

Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall develop a national plan for public outreach and awareness. Such plan shall be designed to increase awareness of measures that the general public, railroad passengers, and railroad employees can take to increase railroad system security. Such plan shall also provide outreach to railroad carriers and their employees to improve their awareness of available technologies, ongoing research and development

efforts, and available Federal funding sources to improve railroad security. Not later than 9 months after the date of enactment of this Act, the Secretary of Homeland Security shall implement the plan developed under this section.

SEC. —121. RAILROAD HIGH HAZARD MATERIAL TRACKING.

(a) WIRELESS COMMUNICATIONS.—

(1) IN GENERAL.—In conjunction with any rail security research and development program administered by the Department of Homeland Security and consistent with the results of research relating to wireless tracking technologies, the Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), shall develop a program that will encourage the equipping of rail cars transporting high hazard materials (as defined in section —104) in quantities equal to or greater than the quantities specified in subpart 171.800 of title 49, Code of Federal Regulations, with wireless terrestrial or satellite communications technology that provides—

(A) car position location and tracking capabilities;

(B) notification of rail car depressurization, breach, or unsafe temperature; and

(C) notification of hazardous material release.

(2) COORDINATION.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for rail car tracking at the Department of Transportation; and

(B) ensure that the program is consistent with recommendations and findings of the Department of Homeland Security's hazardous material tank rail car tracking pilot programs.

(b) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section \$3,000,000 for each of fiscal years 2007, 2008, and 2009.

SA 4927. Mr. STEVENS (for Mr. DEMINT (for himself, Mr. STEVENS, and Mr. INOUE)) proposed an amendment to amendment SA 4921 proposed by Mr. DEMINT to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

TITLE —NATIONAL ALERT SYSTEM

SEC. —100. TABLE OF CONTENTS.

The table of contents for this title is as follows:

TITLE	—NATIONAL ALERT SYSTEM
Sec. —100.	Table of contents.
Sec. —101.	Short title.
Sec. —102.	National Alert System.
Sec. —103.	Implementation and use.
Sec. —104.	Coordination with existing public alert systems and authority.
Sec. —105.	National Alert Office.
Sec. —106.	National Alert System Working Group.
Sec. —107.	Research and development.
Sec. —108.	Grant program for remote community alert systems.
Sec. —109.	Public familiarization, outreach, and response instructions.
Sec. —110.	Essential services disaster assistance.
Sec. —111.	Definitions.
Sec. —112.	Savings clause.
Sec. —113.	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) shall not interfere with existing alert, warning, priority access, or emergency communications systems employed by Federal, State, tribal, or local emergency response personnel and may utilize existing emergency alert technologies, including the NOAA All-Hazards Radio System, digital and analog broadcast, cable, and 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 108(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) **EMERGENCY ALERT SYSTEM.**—Within 1 year after the date of enactment of this Act, the Federal Communications Commission shall—

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

(2) 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 and preserves access to existing alert, warning, and emergency communications systems pursuant to section 102(c)(3). 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, in coordination with the Working Group, may establish a procedure under which licensees who elect to participate in the National Alert System as described in subsection (d), may transmit non-emergency information via the National Alert System to individuals who request such information.

(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 whether 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 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 permittees 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 105 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 title except to regulate compliance with this title 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; or

(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.

(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. COORDINATION WITH EXISTING PUBLIC ALERT SYSTEMS AND AUTHORITY.

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

(1) complements, 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.

(b) **EXISTING ALERT AUTHORITY.**—Nothing in this title shall be construed—

(1) to interfere with the authority of a Federal, State, or local government official

under any other provision of law to transmit public alerts via the NOAA All-Hazards Radio System, digital and analog broadcast, cable, and satellite television and satellite and terrestrial radio, or any other emergency alert system in existence on the date of enactment of this Act;

(2) to require alerts transmitted under the authority described in paragraph (1) to comply with any standard established pursuant to section 103; or

(3) to require any Federal, State, or local government official to obtain credentials or undergo training under this title before transmitting alerts under the authority described in paragraph (1).

SEC. 105. 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 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 established under this title.

(2) **IMPLEMENTATION OF WORKING GROUP RECOMMENDATIONS.**—The Office shall be responsible for implementing the recommendations of the Working Group established by section 106 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 a 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, and 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. 106. 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 National Telecommunications and Information Administration, 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 noticed 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) GIFTS AND GRANTS.—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. —107. 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 into their overall 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. —108. 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. —109. 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 of broadcast radio and television Non-Commercial Sustaining Announcement Programs.

SEC. —110. 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 these 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.—111. 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 —105.

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

(4) **NOAA.**—The term “NOAA” means the National Oceanic and Atmospheric Administration.

(5) **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).

(6) **WORKING GROUP.**—The term “Working Group” means the National Alert System Working Group on the established under section —106.

SEC.—112. SAVINGS CLAUSE.

Nothing in this title shall interfere with or supersede the authorities, missions, programs, operations, or activities of the Federal Communications Commission or the Department of Commerce, including those of the National Oceanic and Atmospheric Administration, the National Institute of Standards and Technology, and the National Telecommunications and Information Administration.

SEC.—113. 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 4928. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . PILOT PROGRAM TO EXTEND CERTAIN COMMERCIAL OPERATIONS.

(a) **IN GENERAL.**—During fiscal year 2007, the Commissioner shall extend the hours of commercial operations at the port of entry located at Santa Teresa, New Mexico, to a minimum of 16 hours a day.

(b) **REPORT.**—The Commissioner shall submit a report to the appropriate congressional committees not later than September 30, 2007, with respect to the extension of hours of commercial operations described in subsection (a). The report shall include

(1) an analysis of the impact of the extended hours of operation on the port facility, staff, and trade volume handled at the port; and

(2) recommendations regarding whether to extend such hours of operation beyond fiscal year 2007.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the hearing scheduled before the Committee on Energy and Natural Resources for Tuesday, September 12th at 10 a.m. has been relocated to room SD-106.

The purpose of the hearing is to receive testimony relating to the effects of the BP pipeline failure in the Prudhoe Bay Oil Field on U.S. oil supply and to examine what steps may be taken to prevent a recurrence of such an event.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact Dick Bouts or Sara Zecher.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Monday, September 11, 2006, at 2 p.m., in 215 Dirksen Senate Office Building, to hear testimony on “NAFTA at Year Twelve.”

The PRESIDENT pro tempore. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following interns with the Finance Committee staff be allowed on the Senate floor today and for the duration of the debate on the Port Security Improvement Act: John Lageson, Tory Cyr, and Brett Youngerman.

The PRESIDENT pro tempore. Without objection, it is so ordered.

REMEMBERING SEPTEMBER 11, 2001

Mr. FRIST. Mr. President, about an hour ago a number of Members of the House and the Senate, principally leadership, participated in a wreath-laying ceremony by the President at the Pentagon. The President has participated over the last 48 hours in similar events in New York, earlier today in Pennsylvania, and later at the Pentagon today.

A number of colleagues have come to the Senate to offer statements in remembrance of that day 5 years ago and

that question of: What were you doing? Whom did you talk to? What were your memories? Whom were you with? This is a familiar question and one we have all gone back over the course of the last several days and thought about.

I remember where I was. I remember exactly what I was doing. I remember whom I was with. I was across the street in the Russell Building with my chief of staff, Emily Reynolds, at the time, who is now Secretary of the Senate. We were in a meeting with a colleague of mine, Senator HUTCHISON, talking over issues, when a member of her staff came in and told us that a plane had struck the Twin Towers.

At that time, it was thought initially to be a corporate plane, but as a pilot it was very clear to me that would not have happened by accident. While our discussion continued for a few moments, someone wheeled in a television, and then, dumbstruck, we watched that second plane strike the tower. Shortly thereafter, of course, we heard there was smoke coming from the Pentagon, where we were a few moments ago. Clearly, we were under attack.

I remember my first phone call home. We all remember our phone calls, reaching out to touch others whom we loved. I called my wife Karyn. Immediately, we talked about what should be done with our three boys who were at school in Washington, DC.

Of course, later that afternoon, we were standing on the steps of the Capitol with so many of our colleagues, spontaneously, together, breaking out in “God Bless America,” to let the world know that America will not cower to such terrorism. Indeed, in about 30 minutes, a number of our colleagues from both the House and the Senate will, once again, go to those Senate steps.

Those are the moments that are indelibly etched into my mind in terms of where I was and whom I was with. But it really goes out to the people we were just with over at the Pentagon, as I talked to one man I never met before whom, as we were waiting just prior to the ceremony, I turned to and introduced myself. He told me his story, his story of Amelia, who, on her second day of work, indeed, her birthday, September 11, 5 years ago, at the Pentagon was struck and died. And then there are the images of all the first responders—the law enforcement, the firefighters—and the family responses. All of those feelings come tumbling in.

Nearly 3,000 Americans lost their lives to those vicious acts of terror that day. The attacks shattered the longstanding illusions I had through my entire life of safety and security, at least in this great country of ours. Indeed, we found ourselves hard pressed on every side but not crushed; perplexed but not in despair; persecuted but not abandoned; struck down but not destroyed.