MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 3377. An act to provide an extension of highway, highway safety, mass transit safety, and airport safety and security, and other programs funded out of the Highway Trust Fund pending enactment of a law authorizing the Transportation Equity and Job Creation Act of 2005.

The message also announced that the Senate has passed a bill of the following title in which concurrence of the House is requested:

S. 45. An act to amend the Controlled Substances Act to lift the patient limitation on prescribing drug addiction treatments by medical practitioners in group practices, and for other purposes.

The SPEAKER pro tempore. The Committee will resume its sitting.

USA PATRIOT AND TERRORISM PREVENTION REAUTHORIZATION ACT OF 2005

The Committee resumed its sitting. Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this provides mandatory minimums, which we have frequently said if it had come up in committee we would have a letter ready from the Judicial Conference reminding us that mandatory minimums violate common sense, because if the penalty makes sense, it can be imposed; if it does not make sense, it has to be imposed anyway.

This amendment is unnecessarily confusing and duplicative of current law. It is already a crime punishable by 20 years in prison, or life in prison in some circumstances, to provide material support of any kind to a terrorist organization or to support a person in carrying out terrorist acts regardless of how the money came about, whether it was from drug proceeds or otherwise. If we are already in drug trafficking of any significance in order to support terrorism, they can already be charged with both a drug offense and the material support of terrorism.

This might, unfortunately, bring in more penalties for the most egregious offenses, so we do not need them anew in this case.

Mr. Chairman, I hope we defeat this amendment. We did not put it into the bill in committee when we would have had an opportunity to ensure it did not conflict with various other provisions of the law or was unnecessarily duplicative.

Mr. Chairman, I reserve the balance of my time.

Mr. HYDE. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. SOURDER).

Mr. SOURDER. Mr. Chairman, I thank the distinguished chairman of the Committee on International Relations for yielding me this time and for his continued leadership on narcotics issues as we tackle these questions at the international level.

The preceding speaker said that some of these amounts might be fairly small. Well, in Madrid it probably was fairly small. Spanish authorities have said that the Muslim militant cell exchanged for hashish and cash to fund it. I do not know how much it was. It probably was not a truckload of hashish. It may not have been a big thing, but there are a lot of these.

The link between narcotics and terrorism is growing, as the distinguished chairman pointed out; and we have heard the same thing in the drug policy subcommittee, and that is anywhere from slightly below half to slightly over half of the major terrorist organizations in the world are funded by drugs, most likely heroin and hashish, but also cocaine.

As we get better at driving them underground, we are going to see an increase in narcotrafficking and terrorism around the world, as we will see in human trafficking, as well, as we drive this underground.

As far as mandatory minimums, I hope there are mandatory minimums on people funding direct terrorist attacks on the United States. If you are selling drugs, and even inadvertently, and these groups often are hear no evil, and see no evil, and they are not involved in narcotics trafficking, but as they swap with different cells and work with these cells around the world, I hope they have a mandatory minimum, if they blow up and terrorize America, terrorize London and terrorize Spain. We need stiff penalties.

We need to look for these gaps and these holes so we can go after these groups and break them up. We have had multiple efforts around the world where we are some of these terrorist organizations starting to interact with each other. We need to have conspiracy clauses that enable us, as they start to interconnect from South America, Asia and the Middle Eastern gangs as they swap cell phones and convert and move in the underground market. We need to stay up with how the terrorists are working.

As they start to interconnect, we need laws that can address this, and I commend the gentleman from the Committee on International Relations with trying to address this rapidly growing threat in all regions of the world.

I urge this Congress to send a strong message that this needs to be part of the PATRIOT Act as we look at the international efforts and the international connection in the funding of terrorism.

Mr. SCOTT of Virginia. Mr. Chairman, I reserve the balance of my time.

Mr. HYDE. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, the Hyde amendment recognizes a new reality in a very dangerous world that is a deadly mix of drug trafficking and terrorism. It has now been estimated that nearly half of the designated foreign terrorist organizations are involved in the trafficking of illegal drugs. That is illegal drugs that end up on the streets of our cities, the cities of our allies, poisoning the fabric of their society and our society.

Terrorists, like old organized crime syndicates from the past, have recognized that illegally drug trafficking is a valuable source of just another way to threaten our country. The evidence linking these two criminal activities is overwhelming. Terrorists in Afghanistan are now infiltrating and controlling the cultivation of poppy and ultimately heroin. The deadly bombings in Spain were financed through drug money. Hezbollah has been linked to drug trafficking from South America to the Middle East; and of course the Revolutionary Armed Forces of Colombia has long-standing drug trafficking operations which fund their deadly activities.

The Hyde amendment simply creates a new Federal crime for the trafficking of controlled substances which are intended to benefit a foreign terrorist organization or any other terrorist organization and imposes a stiff mandatory minimum penalty of 20 years. It is a serious crime and one that needs to be stopped, and this amendment would do the job.

I would say that those who have some question about mandatory minimum penalties, this is hardly the place to object to them. This is really seriously two crimes: the one of drug trafficking connected with terrorism. It seems to me this would be precisely the place we would support mandatory minimum penalties.

I think we should be thanking the gentleman from Illinois (Mr. HYDE) for bringing this to our attention. Let us remember that since most of the Afghan heroin goes to Europe and not to the United States, the Justice Department and hard-pressed DEA are very limited in going after the drug dealers and drug lords who facilitate terrorism directed at our troops. They need some nexus to the drugs coming to the USA.

Please join me in supporting the Hyde amendment. It makes sense. Yes, it is tough; but we need to be tough in this circumstance.
Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to respond to the suggestion about mandatory minimums. This may be a crime where high sentences may be appropriate; and if they are appropriate in the individual case, they can be applied.

What the mandatory minimum imposes, whether it makes any sense or not, whether it violates common sense, it still has to be applied. That is why we get a letter from the Judicial Conference every time we have a bill before us with mandatory minimums in it, that they remind us that the mandatory minimums violate common sense.

We also have the opportunity to review the studies that we have seen that show that mandatory minimums waste taxpayer money, as opposed to other ways that we can spend a sentence.

Mr. Chairman, I reserve the balance of my time.

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

There is a definite link between the illicit narcotics trade and the financing of terrorism. We have taken a focused look at that link, and this is an attempt to disrupt it and destroy it.

The gentleman from Virginia uses the term 'common sense.' I think it is the utmost of common sense for us to address the flourishing of illicit drug trade and its link with narcoterrorism, so I respectfully hope that the Members will support this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from Illinois (Mr. HYDE).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 17 printed in House Report 109-178.

Mr. SCOTT of Virginia. Mr. Chairman, a Democratic amendment was scheduled next, but I believe that amendment is not going to be offered.

The Acting CHAIRMAN. It is now in order to consider amendment No. 18 printed in House Report 109-178.

AMENDMENT NO. 18 OFFERED BY MR. SESSIONS.

Mr. SESSIONS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

SEC. 17. INTERFERING WITH THE OPERATION OF AN AIRCRAFT.

Section 32 of title 18, United States Code, is amended—

1) in subsection (a), by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8) respectively;

2) by inserting after paragraph (4) of subsection (a), the following:

"(5) interferes with or disables, with intent to endanger the safety of any person or with a reckless disregard for the safety of human life, anyone engaged in the operation of such aircraft or any air navigation facility aiding in the navigation of any such aircraft;"

3) in subsection (a)(8), by striking "paragraphs (1) through (6)" and inserting "paragraphs (1) through (7)"; and

4) in subsection (c), by striking "paragraphs (1) through (6)" and inserting "paragraphs (1) through (7)".

The Acting CHAIRMAN. Pursuant to House Resolution 369, the gentleman from Texas (Mr. SESSIONS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Chairman, I yield myself such time as I may consume.

I offer a thanks to the gentleman from Wisconsin (Mr. SENSENBERGREN), chairman of the Committee on the Judiciary, and the gentleman from California (Mr. HYDE) in charge of the Committee on Rules, who made in order my request for an amendment.

Mr. Chairman, the PATRIOT Act currently makes it a Federal crime to interfere with any person operating a mass transportation vehicle with the intent to endanger any passenger or with a reckless disregard for the safety of human life.

While this clearly applies to passenger aircraft, it fails to protect other aircraft. The consequences of this oversight were recently exposed by a widely reported New Jersey laser beam incident. On two separate occasions, an individual directed a laser beam at the cockpit of a small passenger airplane and at a Port Authority Police Department helicopter. Such conduct is extremely dangerous, putting aircraft at tremendous risk by starting, disabling, or confusing pilots. However, when apprehended, this individual was charged only in connection with the airplane. Although equally in danger, the police helicopter did not qualify for mass transportation vehicle protection.

Unfortunately, the New Jersey incident was not an isolated instance. Similar occurrences have happened in Ohio, Texas, Colorado, and Oregon. Pilots nationwide increasingly are reporting laser-beam interference during landing approaches, and although no reports have been terrorist-related to date, there is evidence that terrorists are exploring the use of similar laser tactics as a weapon that I offered in committee to further protect civilian aircraft.

Regardless of intent, we must communicate to the public that aircraft interference of any kind is unacceptable and will not be tolerated. It is our duty to give law enforcement the tools it needs to protect pilots, passengers, and civilians on the ground. The PATRIOT Act has taken a first step, and now we must tie up these loose ends.

This amendment would simply extend the existing PATRIOT Act passenger aircraft protections to all aircraft. Just as it is entirely unacceptable to interfere with the pilot of a passenger aircraft, it is equally unacceptable to interfere with a pilot of a government or private aircraft.

Additionally, this amendment would ensure the protection of everyone engaged in the operation of an aircraft from those in the air to those navigating on the ground. Mr. Chairman, this is a commonsense amendment that will improve aircraft safety. A gap has been exposed in the current law, and now we have an opportunity to fill that gap.

Mr. SENSENBERGREN. Mr. Chairman, will the gentleman yield?

Mr. SESSIONS. I yield to the gentleman from Wisconsin.

Mr. SENSENBERGREN. Mr. Chairman, may I say I totally disagree with the gentleman from Texas (Mr. SESSIONS) has spotted a loophole in our current law and the vulnerability for aircraft that are not passenger aircraft in nature.

An aircraft that is brought down by a laser will kill people just as dead if they have passengers on it or if it is a cargo plane or general aviation aircraft or a government plane. I think people who shine lasers into cockpits of planes should have to face the music with criminal charges whether the planes are carrying passengers or not, and I think the amendment is a good one and ought to be adopted.

Mr. SESSIONS. Mr. Chairman, reclaiming my time, I appreciate the kind words of the gentleman from Wisconsin and also his words about the need for this body to adopt this amendment.

Mr. Chairman, we owe it to the pilots to offer them every extension of protection possible, and I am asking all of my colleagues to protect aviation in America by supporting this amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I do not oppose the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, although I plan to support this amendment to protect aircraft in U.S. airspace, I do want to rise and express my disappointment that the majority refused to accept an amendment that I offered in committee to further protect civilian aircraft.

In committee, I offered an amendment that would punish those who sell dangerous 50 caliber sniper rifles to known terrorists. Unfortunately, some in the majority viewed this as a gun control measure, but it is not. This is a national security issue.
Mr. Chairman, 50 caliber anti-armor sniper rifles are an ideal tool for terrorists because civil aircraft may be vulnerable to them. In fact, even early promotional materials for the 50 caliber rifle reference their threat to civilian aircraft. The promotional material for the rifle refers to its ability to “target the compression section of jet engines making it capable of destroying multimillion aircraft with a single hit delivered to a vital area.”

The rifle’s brochure goes on to say: “The effectiveness of the 50 caliber cannot be overemphasized when a round of ammunition purchased for less than $10 can be used to destroy or disable a modern jet aircraft.”

Since 9/11 our country has made great efforts to secure our civilian air-planes and airports. Terrorists will obviously adapt to our tactics; so it is vital that we plan and think ahead.

It does not take a rocket scientist to figure out that if we make it difficult to get weapons on a plane or into an airport, terrorists may look to destroy airplanes from longer distances. That is what the 50 caliber rifle is designed to do. These rifles are accurate at ranges of at least 1,000 yards and even further in the hands of a trained marksman. In essence, these weapons could give a terrorist the ability to take a shot at an aircraft from beyond most airports’ security perimeter.

There is already evidence that terrorists have sought these weapons. According to the Violence Policy Center, al Qaeda bought twenty-five 50 caliber anti-armor sniper rifles in the 1980s.

My amendment in the Committee on the Judiciary simply said that if someone sells a 50 caliber sniper rifle to someone who they know is a member of al Qaeda they have broken the law. That amendment was defeated, and I think it is a shame. We should have passed my amendment and made it more difficult for terrorists to get hold of these weapons. Unfortunately, we did not do so.

I will certainly support the gentleman’s amendment but with regret that we did not do more.

Mr. Chairman, I reserve the balance of my time.

Mr. SESSIONS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank the gentlewoman from California for not only her words in support of this amendment but also thank this body for carefully looking at the provisions and amendments adding to this PATRIOT Act to help keep America safe. I am very proud of this product that we are working on. I would like to ask all my colleagues to support the Sessions amendment.

Mr. Chairman, I yield back the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield back the balance of my time.
Congress came together in a bipartisan effort to craft legislation which would, it was argued, strengthen law enforcement’s hand in fighting terrorists. Americans from across the political spectrum were willing to sacrifice some of the freedoms we cherish to immediately address security concerns. Mr. Chairman, I yield myself such time as I may consume. I appreciate the support for the amendment of my colleagues that there have been no abuses of PATRIOT Act powers under this administration are true, that does not mean that future administrations will not abuse these powers. H.R. 3199 continues to violate the constitution by allowing searches and seizures of American citizens and their property without a warrant issued by an independent court upon a showing of probable cause before a judge pre-serves the Founders’ system of checks and balances that protects against one branch gathering too much power. The Founders recognized that one of the chief dangers to liberty was the concentration of power in a few hands which is why they carefully divided power among the three branches. I would remind those of my colleagues who will claim that we must set aside the constitutional require-ments during war that the founders were especially concerned about the consolidation of power during time of national emergencies. My colleagues should also keep in mind that PATRIOT Act powers have al-ready been used in non-terrorism related cases, most notably in a bribery investigation in Nevada.

Mr. Chairman, H.R. 3199 does take some positive steps toward restoring respect for constitutional liberties and checks and balances that the original PATRIOT Act stripped away. However, it still leaves in place large chunks of legislation that threaten individual liberty by giving law enforcement power to snoop into American citizens’ lives without adequate oversight. This power is unness-a-ry to effectively fight terrorism. Therefore, I urge my colleagues to reject this bill.

Mr. Chairman, I yield back the balance of my time. Mr. PAUL of Texas. Mr. Chairman, I yield myself such time as I may consume. Although the gentleman from Texas (Mr. PAUL) and I do not always vote to-gether, I think he is right to offer this sense of the Congress amendment. We need to have a product that we can all embrace, but today I will vote for free-dom. I will support the Paul amendment and I will vote against final pas-sage of this version of the bill.

Mr. PAUL. Mr. Chairman, I yield myself such time as I may consume. I appreciate the support for the amendment on both sides. I would like to emphasize the fact that there are real reasons for this concern. There have been papers under the PATRIOT Act’s intrusive infringement on America’s book purchases and library records, when the most recent episode in the Harry Potter Book series was released last Friday, we would have had hundreds of thousands of children burned at the stake.

And I know this analogy might seem a bit extreme, but that is just how extreme things can become without proper checks and balances when restricting our civil liberties and freedoms, which is why we should support the Paul amendment, because true freedom of expression is an important thing to preserve.

I am hopeful that when this leg-islation comes from conference that we will have a product that we can all embrace, but today I will vote for free-dom. I will support the Paul amendment and I will vote against final pas-sage of this version of the bill.

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privacy and the Constitution in some parts of the 16 provisions that are before us this evening.

As we know, most of the PATRIOT Act is actually not before the House of Representatives this evening. It is only 16 provisions, and of those 16 provisions, there are concerns about a few of them. But those are serious concerns, and we believe that those concerns can be dealt with. We are hopeful that, as this process moves forward, that the Senate that has taken these issues of civil liberty heart on a bipartisan and I would add unanimous basis may in the end be able to support a bill at least at the end of a conference process.

But I do commend the gentleman for offering his amendment. It does not solve the other problems, but it is the right thing to do, and I look forward to supporting it.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. PAUL). The amendment has been agreed to.

The Acting CHAIRMAN. The Clerk will announce the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Mrs. LOWEY. At the end of the bill, insert the following new sections:

SECTION 10. REPEAL OF FIRST RESPONDER GRANT PROGRAM.

Section 1014 of the USA PATRIOT Act is amended by striking subsection (c).

SEC. 11. FASTER AND SMARTER FUNDING FOR FIRST RESPONDERS.


(1) in section 1(b) of the table of contents by adding at the end the following:

“TITLE XVIII—FUNDING FOR FIRST RESPONDERS

‘1801. Definitions.

1802. Faster and Smarter Funding for First Responders.

1803. Covered grant eligibility and criteria.

1804. Risk-based evaluation and prioritization.

1805. Task Force on Terrorism Preparedness for First Responders.

1806. Use of funds and accountability requirements.

1807. National standards for first responder equipment and training.”.

(2) by adding at the end the following:

“TITLE XVIII—FUNDING FOR FIRST RESPONDERS

‘1801. Definitions.

1802. Faster and Smarter Funding for First Responders.

1803. Covered grant eligibility and criteria.

1804. Risk-based evaluation and prioritization.

1805. Task Force on Terrorism Preparedness for First Responders.

1806. Use of funds and accountability requirements.

1807. National standards for first responder equipment and training.”.

(3) DIRECTLY ELIGIBLE TRIBE.—The term ‘directly eligible tribe’ means any Indian tribe or consortium of Indian tribes that—

(A) meets the criteria for inclusion in the qualified pool of Indian governments that are set forth in section 402(c) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458bb(c));

(B) employs at least 10 full-time personnel in a law enforcement or emergency response agency with the capacity to respond to calls for law enforcement or emergency services within an area in a State; and

(C)(i) is located on, or within 5 miles of, an international border or waterway; or

(ii) is located within 5 miles of a facility designated by the Secretary as possessing critical infrastructure in the United States; or

(iv) has more than 1,000 square miles of Indian country, as that term is defined in section 1151 of title 18, United States Code.

(4) EVALUATIONS IN THE THREAT ALERT LEVEL. — The term ‘evaluations in the threat alert level’ means the evaluations (including those that are less than national in scope) that raises the homeland security threat level to the highest or second highest threat level under the Homeland Security Advisory System referred to in section 201(d)(7).

(5) EMERGENCY PREPAREDNESS.—The term ‘emergency preparedness’ shall have the same meaning as the term ‘emergency response provider’.

(6) INDIGENOUS TRIBE.—The term ‘Indian tribe’ means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(7) REGION.—The term ‘region’ means—

(A) any geographic area consisting of all or parts of 2 or more contiguous States, counties, municipalities, or other local governments that have a combined population of at least 1,650,000 or have an area of not less than 20,000 square miles, and that, for purposes of a covered grant, is represented by 1 or more governments or governmental agencies within such geographic area, and that is established by law or by agreement of 2 or more governments or governmental agencies in a mutual aid agreement; or

(B) any other combination of contiguous local governments existing, subject to a combination established by law or agreement of 2 or more governments or governmental agencies in a mutual aid agreement.

(8) DIRECTLY ELIGIBLE TRIBES.—The term ‘directly eligible tribe or consortium of Indian tribes’ means any Indian tribe or consortium of Indian tribes that—

(A) meets the criteria for inclusion in the qualified pool of Indian governments that are set forth in section 402(c) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458bb(c));

(B) employs at least 10 full-time personnel in a law enforcement or emergency response agency with the capacity to respond to calls for law enforcement or emergency services within an area in a State; and

(C)(i) is located on, or within 5 miles of, an international border or waterway; or

(ii) is located within 5 miles of a facility designated by the Secretary as possessing critical infrastructure in the United States; or

(iv) has more than 1,000 square miles of Indian country, as that term is defined in section 1151 of title 18, United States Code.

(9) TASK FORCE.—The term ‘task force’ means—

(A) the Metropolitan Task Force on Terrorism Preparedness for 5-Year State Homeland Security Grants established under section 1805.

(B) the Metropolitan Task Force on Terrorism Preparedness for 5-Year State Homeland Security Grants established under section 1805.

(C)(i) the incorporated municipalities, counties, and parishes that they encompass.

(ii) the incorporated municipalities, counties, and parishes that they encompass.

(10) TASK FORCE.—The term ‘task force’ means the Task Force on Terrorism Preparedness for First Responders established under section 1805.

(11) TERRORISM PREPAREDNESS.—The term ‘terrorism preparedness’ means any activity that is designed to improve prevention, prepare for, respond to, mitigate against, or recover from threatened or actual terrorist attacks.

(12) STATE HOMELAND SECURITY GRANT PROGRAM.—The State Homeland Security Grant Program of the Department, or any successor to such grant program.

(13) URBAN AREA SECURITY INITIATIVE.—The Urban Area Security Initiative of the Department, or any successor to such grant program.

(14) EXCLUDED GRANTS.—This title does not apply to or otherwise affect the following Federal grants programs or any grant under such a program:

(a) NONMODEL PROGRAMS.—Any Federal grant program that is not administered by the Department.


SEC. 1002. FASTER AND SMARTER FUNDING FOR FIRST RESPONDERS.

(a) COVERED GRANTS.—This title applies to grants provided by the Department for fiscal years 2005 through 2007 to any and all directly eligible tribes for the primary purpose of improving the ability of first responders to prevent, prepare for, respond to, mitigate against, or recover from threats of or actual terrorist attacks, especially those involving weapons of mass destruction, administered under the following:

(1) THE STATE HOMELAND SECURITY GRANT PROGRAM.—The State Homeland Security Grant Program of the Department, or any successor to such grant program.

(2) THE URBAN AREA SECURITY INITIATIVE.—The Urban Area Security Initiative of the Department, or any successor to such grant program.

(3) LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM.—The Law Enforcement Terrorism Prevention Program of the Department, or any successor to such grant program.

(b) EXCLUDED PROGRAMS.—This title does not apply to or otherwise affect the following Federal grants programs or any grant under such a program:

(1) THE LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM.—The Law Enforcement Terrorism Prevention Program of the Department, or any successor to such grant program.

(2) THE URBAN AREA SECURITY INITIATIVE.—The Urban Area Security Initiative of the Department, or any successor to such grant program.

(c) EXCLUDED PROGRAMS.—This title does not apply to or otherwise affect the following Federal grants programs or any grant under such a program:

(1) THE LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM.—The Law Enforcement Terrorism Prevention Program of the Department, or any successor to such grant program.
“(C) demonstrates the needs of the State necessary to achieve, maintain, or enhance the essential capabilities that apply to the State;

“(D) includes a prioritization of such needs based on threat, vulnerability, and consequence assessment factors applicable to the State;

“(E) describes how the State intends—

“(i) to address such needs at the city, county, regional, tribal, State, and interstate level, including a precise description of any regional structure the State has established for the purpose of organizing homeland security preparedness activities funded by covered grants;

“(ii) to establish a process by which Federal, State, and local resources available for the purpose of addressing such needs; and

“(iii) to give particular emphasis to regional planning and cooperation, including the activities of multijurisdictional planning agencies governed by local officials, both within its jurisdictional borders and with neighboring States;

“(F) with respect to the emergency preparedness of first responders, addresses the unique aspects of terrorism as part of a comprehensive State emergency management plan; and

“(G) provides for coordination of response and recovery efforts at the local level, including the effective incident command in conformance with the National Incident Management System.

“(2) CONSULTATION.—The State plan submitted under paragraph (1) shall be developed in consultation with and subject to appropriate comment by local governments and first responders within the State.

“(3) RELATIONSHIP TO STATE APPLICATION.—The Secretary may not award any covered grant to a State unless the Secretary has approved the applicable State homeland security plan.

“(4) CONSISTENCY WITH STATE PLANS.—The Secretary may require the State, the State homeland security plan, and any part of such tribe is located for direct expenditure of funds under the covered grant funds, to serve as the tribal liaison; and

“(5) REGIONAL APPLICATIONS.—

“(A) RELATIONSHIP TO STATE APPLICATIONS.—A regional application—

“(i) shall be for an application submitted by the State or States of which such region is a part;

“(ii) shall supplement and avoid duplication with such State application; and

“(iii) shall address the unique regional aspects of such region’s terrorism preparedness needs beyond those provided for in the application of such State or States.

“(B) STATE REVIEW AND SUBMISSION.—To ensure the consistency required under subsection (d), an applicant that is directly eligible tribe must submit its application and to improve the region’s access to covered grants; and

“(C) FINAL AUTHORITY.—The Secretary shall have final authority to determine the consistency of any application of a directly eligible tribe, and the Secretary shall be responsible for approving any application of such tribe. The Secretary shall notify each State within the region, covered grants awarded to the region.

“(D) TRIBAL LIASON.—A tribal liaison designated under paragraph (4)(E)(iii) shall—

“(i) coordinate with Federal, State, local, regional, and private officials within the region concerning terrorism preparedness; and

“(ii) develop a process for receiving input from Federal, State, local, regional, and private sector officials within the region to assist in the development of the regional application and to improve the region’s access to covered grants; and

“(iii) administer, in consultation with State, local, regional, and private officials within the region, covered grants awarded to the region.

“(6) TRIBAL APPLICATIONS.—

“(A) SUBMISSION TO THE STATE OR STATES.—To ensure the consistency required under subsection (d), an applicant that is directly eligible tribe must submit its application within the region, covered grants awarded to the State; and

“(B) OPPORTUNITY FOR STATE COMMENT.—Before awarding any covered grant to a directly eligible tribe, the Secretary shall provide an opportunity to each State within the boundaries of which any part of such tribe is located to comment to the Secretary on the consistency of the tribe’s application with the State’s homeland security plan. Any such comments shall be submitted to the Secretary concurrently with the submission of the tribe’s application.

“(C) FINAL AUTHORITY.—The Secretary shall have final authority to determine the consistency of any application of a directly eligible tribe, and the Secretary shall be responsible for approving any application of such tribe. The Secretary shall notify each State within the region, covered grants awarded to the tribe.

“(D) TRIBAL LIASON.—A tribal liaison designated under paragraph (4)(E)(iii) shall—

“(i) coordinate with Federal, State, local, regional, and private officials concerning terrorism preparedness; and

“(ii) develop a process for receiving input from Federal, State, local, regional, and private sector officials to assist in the development of the tribal application and to improve the tribe’s access to covered grants; and

“(iii) administer, in consultation with State, local, regional, and private officials, covered grants awarded to the tribe.

“(F) LIMITATION ON THE NUMBER OF DIRECT GRANTS.—The Secretary may make covered grants directly to not more than 20 directly eligible tribes per fiscal year.

“(F) TRIBES NOT RECEIVING DIRECT GRANTS.—An Indian tribe that does not receive a grant directly under this section is eligible to receive a covered grant from the State or States within the boundaries of which any part of such tribe is
located, consistent with the homeland security plan of the State as described in subsection (c). If a State fails to comply with section 1806(g)(1), the tribe may request payment of up to $100,000 in the same manner as a local government.

(7) **EQUIPMENT STANDARDS.**—If an applicant for a covered grant proposes to upgrade or purchase equipment or an upgrade to the grant, new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards established by the department or agency, the applicant shall include in the application an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed such standards.

**SEC. 1804. RISK-BASED EVALUATION AND PRIORITIZATION.**

(a) **FIRST RESPONDER GRANTS BOARD.**—

(1) **ESTABLISHMENT OF BOARD.**—The Secretary shall establish a First Responder Grants Board, consisting of—

(A) the Secretary;

(B) the Under Secretary for Emergency Preparedness and Response;

(C) the Under Secretary for Border and Transportation Security;

(D) the Under Secretary for Information Analysis and Infrastructure Protection;

(E) the Under Secretary for Science and Technology;

(F) the Director of the Office for Domestic Preparedness;

(G) the Administrator of the United States Fire Administration; and

(H) the Administrator of the Animal and Plant Health Inspection Service.

(2) **CHAIRMAN.**—

(A) **IN GENERAL.**—The Secretary shall be the Chairman of the Board.

(B) **AUTHORITY OF DEPUTY SECRETARY.**—The Deputy Secretary of Homeland Security may exercise the authorities of the Chairman, if the Secretary so directs.

(c) **PRIORITIZATION OF GRANT APPLICATIONS.**—

(1) **FACTORS TO BE CONSIDERED.**—The Board shall evaluate and annually prioritize all pending applications for covered grants based on the degree to which they would, by achieving, maintaining, or enhancing the essential capabilities of the applicants on a nationwide basis, lessen the threat to, vulnerability to, and consequences of persons (including transient commuting and tourist populations) and critical infrastructure. Such evaluation and prioritization shall be based on the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection of the threats of terrorism against the United States, urban and rural, and shall coordinate with State, local, regional, and tribal officials in establishing criteria for evaluating and prioritizing applications for covered grants.

(2) **CRITICAL INFRASTRUCTURE SECTORS.**—The Board specifically shall consider threats of terrorism against the following critical infrastructure sectors in all areas of the United States, urban and rural:

(A) Agriculture and food.

(B) Banking and finance.

(C) Chemical industries.

(D) Critical information systems.

(E) Emergency services.

(F) Energy.

(G) Government facilities.

(H) Transportation and related systems.

(I) Public health and health care.

(J) Information technology.

(K) Telecommunications.

(L) Transportation systems.

(M) Water.

(N) Dams.

(O) Commercial facilities.

(P) National monuments and icons.

The order in which the critical infrastructure sectors are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such sectors.

(3) **TYPES OF THREAT.**—The Board specifically shall consider the following types of threat to the critical infrastructure sectors described in paragraph (2), and to populations in all areas of the United States, urban and rural:

(A) Biological threats.

(B) Nuclear threats.

(C) Radiological threats.

(D) Incendiary threats.

(E) Chemical threats.

(F) Explosives.

(G) Suicide bombers.

(H) Cyber threats.

(I) Any other threats based on proximity to specific past acts of terrorism or the known activity of any terrorist group.

The order in which the types of threat are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such threats.

(4) **CONSIDERATION OF ADDITIONAL FACTORS.**—The Board shall take into account any other specific threat to a population (including a transient commuting or tourist population) or critical infrastructure sector that the Board has determined to exist. In evaluating the threat to a population or critical infrastructure sector, the Board shall give greater weight to threats of terrorism based upon their specificity and credibility, including any pattern of repetition.

(5) **MINIMUM AMOUNTS.**—After evaluating and prioritizing the applications under paragraph (1), the Board shall ensure that—

(A) each of the States, other than the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, that has an approved State homeland security plan receives no less than 0.25 percent of the funds available for covered grants for that fiscal year for purposes of implementing its homeland security plan in accordance with the prioritization of needs under section 1803(e)(5)(C); and

(B) each of the States, other than the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, that has an approved State homeland security plan receive no less than 0.45 percent of the funds available for covered grants for that fiscal year for purposes of implementing its homeland security plan in accordance with the prioritization of needs under section 1803(e)(5)(D).

(C) the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands each receives no less than 0.06 percent of the funds available for covered grants for that fiscal year for purposes of implementing its approved State homeland security plan in accordance with the prioritization of needs under section 1803(e)(5)(D); and

(D) directly eligible tribes collectively receive no less than 0.08 percent of the funds available for covered grants for that fiscal year for purposes of implementing its approved State homeland security plan in accordance with the prioritization of needs under section 1803(e)(5)(D).

(E) include such additional matters as the Secretary may specify in order to further the terrorism preparedness capabilities of first responders; and

(F) include such revisions to the contents of previous reports as are necessary to take into account changes in the current federal working group, consistent with any applicable national voluntary consensus standards, and whether there is a need for new national voluntary consensus standards, with respect to first responder training and equipment.

(4) **COMPREHENSIVENESS.**—The Task Force shall ensure that its recommendations for essential capabilities for terrorism preparedness are, to the extent feasible, consistent with any applicable national voluntary consensus standards, and whether there is a need for new national voluntary consensus standards, with respect to first responder training and equipment.

(5) **CONSISTENCY WITH FEDERAL WORKING GROUP.**—The Task Force shall ensure that its recommendations for essential capabilities for terrorism preparedness are, to the extent feasible, consistent with any applicable national voluntary consensus standards, and whether there is a need for new national voluntary consensus standards, with respect to first responder training and equipment.

(6) **COORDINATED WORKING GROUP.**—The Task Force shall ensure that its recommendations for essential capabilities for terrorism preparedness are, to the extent feasible, consistent with any applicable national voluntary consensus standards, and whether there is a need for new national voluntary consensus standards, with respect to first responder training and equipment.

(7) **COORDINATED WORKING GROUP.**—The Task Force shall ensure that its recommendations for essential capabilities for terrorism preparedness are, to the extent feasible, consistent with any applicable national voluntary consensus standards, and whether there is a need for new national voluntary consensus standards, with respect to first responder training and equipment.

(8) **COORDINATED WORKING GROUP.**—The Task Force shall ensure that its recommendations for essential capabilities for terrorism preparedness are, to the extent feasible, consistent with any applicable national voluntary consensus standards, and whether there is a need for new national voluntary consensus standards, with respect to first responder training and equipment.

(9) **COORDINATED WORKING GROUP.**—The Task Force shall ensure that its recommendations for essential capabilities for terrorism preparedness are, to the extent feasible, consistent with any applicable national voluntary consensus standards, and whether there is a need for new national voluntary consensus standards, with respect to first responder training and equipment.

(10) **COORDINATED WORKING GROUP.**—The Task Force shall ensure that its recommendations for essential capabilities for terrorism preparedness are, to the extent feasible, consistent with any applicable national voluntary consensus standards, and whether there is a need for new national voluntary consensus standards, with respect to first responder training and equipment.

(11) **COORDINATED WORKING GROUP.**—The Task Force shall ensure that its recommendations for essential capabilities for terrorism preparedness are, to the extent feasible, consistent with any applicable national voluntary consensus standards, and whether there is a need for new national voluntary consensus standards, with respect to first responder training and equipment.

(12) **COORDINATED WORKING GROUP.**—The Task Force shall ensure that its recommendations for essential capabilities for terrorism preparedness are, to the extent feasible, consistent with any applicable national voluntary consensus standards, and whether there is a need for new national voluntary consensus standards, with respect to first responder training and equipment.

(13) **COORDINATED WORKING GROUP.**—The Task Force shall ensure that its recommendations for essential capabilities for terrorism preparedness are, to the extent feasible, consistent with any applicable national voluntary consensus standards, and whether there is a need for new national voluntary consensus standards, with respect to first responder training and equipment.
``5) PRIOR MEASURES.—The Task Force shall ensure that its recommendations regarding essential capabilities for terrorism preparedness take into account any capabilities that a critical infrastructure or key resource community may declare to be essential and have undertaken since September 11, 2001, to prevent, prepare for, respond to, or recover from terrorist attacks.

``6) MEMBERSHIP.—

``(1) IN GENERAL.—The Task Force shall consist of 25 members appointed by the Secretary, and shall, to the extent practicable, represent a geographic (including urban and rural) and substantive cross section of government and non-governmental first responder disciplines from the State and local levels, including as appropriate—

``(A) members selected from the emergency response field, including fire service and law enforcement, hazardous materials response, emergency medical services, and emergency management personnel (including public works personnel routinely engaged in emergency response);

``(B) health scientists, emergency and impatient medical providers, and public health professionals, including experts in emergency health care response to chemical, biological, radiological, and nuclear terrorism, and experts in providing mental health care during the response operations;

``(C) experts from Federal, State, and local governments, and the private sector, representing standards-setting organizations, including certification from the voluntary consensus codes and standards development community, particularly those with expertise in first responder disciplines; and

``(D) State and local officials with expertise in terrorism preparedness, subject to the condition that if any such officer is an elected official representing one of the two major political parties, an equal number of elected officials shall be selected from each such party.

``2) COORDINATION WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—In the selection of members of the Task Force who are health professionals, including emergency medical professionals, the Secretary shall coordinate such selection with the Secretary of Health and Human Services.

``3) EX OFFICIO MEMBERS.—The Secretary and the Administrator of the Federal Emergency Management Agency and the Administrator of the Federal Highway Administration shall each designate one or more officials of their respective Departments to serve as ex officio members of the Task Force. Each ex officio member of the Department of Homeland Security shall be the designated officer of the Federal Government for purposes of subsection (e) of section 10 of the Federal Advisory Committee Act (5 App. U.S.C.).

``4) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Notwithstanding section 7(i)(ii) of the Federal Advisory Committee Act (5 App. U.S.C.), including subsections (a), (b), and (d) of section 10 of such Act, and section 522c(c) of title 5, United States Code, shall apply to the Task Force.

``SEC. 1806. USE OF FUNDS AND ACCOUNTABILITY REQUIREMENTS.

``(a) IN GENERAL.—A covered grant may be used for—

``(1) purchasing or upgrading equipment, including computer software, to enhance terrorism preparedness;

``(2) exercises to strengthen terrorism preparedness;

``(3) training for prevention (including detection) of, preparedness for, response to, or recovery from acts of terrorism, if such use assists such government in achieving essential capabilities for terrorism preparedness established by the Secretary.

``(b) PROHIBITED USES.—Funds provided as a covered grant may not be used—

``(1) to supplant State or local funds;

``(2) to construct buildings or other physical facilities;

``(3) to acquire land; or

``(4) for any State or local government cost sharing contribution.

``(c) MULTIPLE-PURPOSE FUNDS.—Nothing in this section shall be construed to preclude a State and local governments from using covered grant funds in a manner that also enhances first responder preparedness for emergency management functions and acts of terrorism; if such use assists such government in achieving essential capabilities for terrorism preparedness established by the Secretary.

``(d) REIMBURSEMENT OF COSTS.—(1) In addition to the activities described in subsection (c), a covered grant may provide a reasonable stipend to paid-on-call or volunteer first responders who are not otherwise compensated for training in terrorism covered by this section. Any such reimbursement shall not be considered compensation for purposes of rendering such a covered grant exempt from the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

``(2) An applicant for a covered grant may petition the Secretary for the reimbursement of the cost of any activity relating to prevention (including detection) of, preparation for, response to, or recovery from acts of terrorism that is a Federal duty and usually performed by a Federal agency, and that is being performed by a State or local government (or both) under agreement with a Federal agency.

``(e) ASSISTANCE REQUIREMENT.—The Secretary undertakes to pay the costs directly attributable to transporting and operating such equipment during such response operations. "INSPET HOMELAND SECURITY GRANT FUNDS."—Upon request by the recipient of a covered grant, the Secretary may authorize the grantee to transfer all or part of funds provided as the covered grant from uses specified in the grant agreement to other uses authorized under this section, if the Secretary determines that such transfer is in the interests of homeland security.

``(f) STATE, REGIONAL, AND TRIBAL RESPONSIBILITIES.—

``(1) PASS-THROUGH.—The Secretary shall require a recipient of a covered grant that is a State to obligate or otherwise make available to local governments, first responders, and other local groups, to the extent required under the State homeland security plan or plans specified in the application for the grant, not less than 80 percent of the grant funds, resources purchased with the grant funds having a value equal to at least 80 percent of the amount of the grant, or a $1,000,000 per project, or such greater amount as may be authorized by the Secretary, which may not exceed 10 percent of the total amount of the covered grant.

``(2) COST SHARING.—

``(A) IN GENERAL.—The Federal share of the costs of an activity carried out with a covered grant to a State, an eligible tribe awarded after the 2-year period beginning on the date the grant recipient receives the grant funds.

``(B) PROHIBITED USES.—Funds provided as a covered grant may not be used—

``(1) to supplant State or local funds;

``(2) to construct buildings or other physical facilities;

``(3) to acquire land; or

``(4) for any State or local government cost sharing contribution.

``(c) MULTIPLE-PURPOSE FUNDS.—Nothing in this section shall be construed to preclude a State and local governments from using covered grant funds in a manner that also enhances first responder preparedness for emergency management functions and acts of terrorism; if such use assists such government in achieving essential capabilities for terrorism preparedness established by the Secretary.

``(d) REIMBURSEMENT OF COSTS.—(1) In addition to the activities described in subsection (c), a covered grant may provide a reasonable stipend to paid-on-call or volunteer first responders who are not otherwise compensated for training in terrorism covered by this section. Any such reimbursement shall not be considered compensation for purposes of rendering such a covered grant exempt from the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

``(2) An applicant for a covered grant may petition the Secretary for the reimbursement of the cost of any activity relating to prevention (including detection) of, preparation for, response to, or recovery from acts of terrorism that is a Federal duty and usually performed by a Federal agency, and that is being performed by a State or local government (or both) under agreement with a Federal agency.

``(e) ASSISTANCE REQUIREMENT.—The Secretary undertakes to pay the costs directly attributable to transporting and operating such equipment during such response operations. "INSPET HOMELAND SECURITY GRANT FUNDS."—Upon request by the recipient of a covered grant, the Secretary may authorize the grantee to transfer all or part of funds provided as the covered grant from uses specified in the grant agreement to other uses authorized under this section, if the Secretary determines that such transfer is in the interests of homeland security.

``(f) STATE, REGIONAL, AND TRIBAL RESPONSIBILITIES.—

``(1) PASS-THROUGH.—The Secretary shall require a recipient of a covered grant that is a State to obligate or otherwise make available to local governments, first responders, and other local groups, to the extent required under the State homeland security plan or plans specified in the application for the grant, not less than 80 percent of the grant funds, resources purchased with the grant funds having a value equal to at least 80 percent of the amount of the grant, or a $1,000,000 per project, or such greater amount as may be authorized by the Secretary, which may not exceed 10 percent of the total amount of the covered grant.

``(2) COST SHARING.—

``(A) IN GENERAL.—The Federal share of the costs of an activity carried out with a covered grant to a State, an eligible tribe awarded after the 2-year period beginning on the date the grant recipient receives the grant funds.

``(B) PROHIBITED USES.—Funds provided as a covered grant may not be used—

``(1) to supplant State or local funds;

``(2) to construct buildings or other physical facilities;

``(3) to acquire land; or

``(4) for any State or local government cost sharing contribution.

``(c) MULTIPLE-PURPOSE FUNDS.—Nothing in this section shall be construed to preclude a State and local governments from using covered grant funds in a manner that also enhances first responder preparedness for emergency management functions and acts of terrorism; if such use assists such government in achieving essential capabilities for terrorism preparedness established by the Secretary.

``(d) REIMBURSEMENT OF COSTS.—(1) In addition to the activities described in subsection (c), a covered grant may provide a reasonable stipend to paid-on-call or volunteer first responders who are not otherwise compensated for training in terrorism covered by this section. Any such reimbursement shall not be considered compensation for purposes of rendering such a covered grant exempt from the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

``(2) An applicant for a covered grant may petition the Secretary for the reimbursement of the cost of any activity relating to prevention (including detection) of, preparation for, response to, or recovery from acts of terrorism that is a Federal duty and usually performed by a Federal agency, and that is being performed by a State or local government (or both) under agreement with a Federal agency.
available for expenditure by local governments, first responders, and other local groups the required amount of grant funds pursuant to paragraph (1).

(4) IN GENERAL.—The Federal share described in paragraph (2)(A) may be increased by up to 2 percent for any State, region, or directly eligible tribe, but later than 30 days after the end of each fiscal quarter, submits to the Secretary a report on that fiscal quarter. Each such report must include, for each recipient of grant funds or a pass-through under paragraph (1)—

(A) the amount obligated to that recipient in that quarter;

(B) the amount expended by that recipient in that quarter; and

(C) a summary description of the items purchased by such recipient with such amount.

(5) ANNUAL REPORT ON HOMELAND SECURITY SPENDING.—Each recipient of a covered grant shall submit an annual report to the Secretary not later than 60 days after the end of each Federal fiscal year. Each recipient of a covered grant that is a region must simultaneously submit a report to each State or sub-State within the boundaries of which any part of such tribe is located. Each report must include the following:

(A) The amount, ultimate recipients, and dates of receipt of all funds received under the grant during the previous fiscal year.

(B) The amount and the dates of disbursement of all such funds expended in compliance with paragraph (1) or pursuant to mutual aid agreements or other sharing arrangements entered into by the local government with the State, region, or directly eligible tribe, as applicable, during the previous fiscal year.

(C) How the funds were utilized by each ultimate recipient or beneficiary during the preceding fiscal year.

(D) The extent to which essential capabilities identified in the applicable State homeland security plan or plans were achieved, maintained, or enhanced as the result of the expenditure of grant funds during the preceding fiscal year.

(E) The extent to which essential capabilities identified in the applicable State homeland security plan or plans remain underfunded.

(6) INCLUSION OF RESTRICTED ANNEXES.—A recipient of a covered grant may submit to the Secretary an annex to the annual report under paragraph (5) that is subject to appropriate handling restrictions, if the recipient believes that discussion in the report of unmet needs would reveal sensitive but unclassified information.

(7) PROVISION OF REPORTS.—The Secretary shall ensure that each annual report under paragraph (5) is provided to the Under Secretary for Emergency Preparedness and Response and the Director of the Office for Domestic Preparedness.

(b) INCENTIVES TO EFFICIENT ADMINISTRATION OF HOMELAND SECURITY GRANTS.—

(1) PENALTIES FOR DELAY IN PASSING THROUGH LOCAL SHARE.—If a recipient of a covered grant that is a State fails to pass through to local governments, first responders, and other local groups funds or resources required by subsection (g)(1) within 45 days after receiving funds under the grant, the Secretary may impose penalties under this paragraph. Such penalties shall be paid to the local government a portion of the amount of the grant to the recipient, and transfer the appropriate portion of those funds directly to local first responders that were intended to receive funding under that grant; or

(2) PENALTIES FOR DELAY IN PASSING THROUGH LOCAL SHARE.—The Secretary may impose additional restrictions or burdens on the use of funds under the grant, which may include—

(i) prohibiting use of such funds to pay the grant recipient’s grant-related overtime or other expenses;

(ii) requiring the grant recipient to distribute to local government beneficiaries all or a portion of grant funds that are not required to be passed through under subsection (g)(1); or

(iii) for each day that the grant recipient fails to pass funds or resources in accordance with subsection (g)(1), reducing grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1), except that the total amount of such reduction may not exceed 2 percent of the total amount of the grant.

(2) EXTENSION OF PERIOD.—The Governor of a State may request in writing that the Secretary extend the 45-day period under section 1805(e)(5)(E) or paragraph (1) for an additional 15-day period. The Secretary may approve such a request, and may extend such period for up to an additional 15-day period, if the Secretary determines that the resulting delay in providing grant funding to the local government entities that will receive funds under the grant will not have a significant detrimental impact on such entities’ terrorism preparedness efforts.

(3) PROVISION OF NON-LOCAL SHARE TO LOCAL GOVERNMENT.—

(A) IN GENERAL.—The Secretary may upon request by a local government pay to the local government a portion of the amount of a covered grant awarded to a State in which the local government is located, if—

(i) the local government will use the amount paid to expedite planned enhancements to its terrorism preparedness as described in any applicable State homeland security plan or plans;

(ii) the State has failed to pass through funds or resources in accordance with subsection (g)(1); and

(iii) the local government complies with subparagraph (B).

(B) SHOWING REQUIRED.—To receive a payment under this paragraph, a local government must demonstrate that—

(i) it is identified by the Secretary as an ultimate recipient or intended beneficiary in the approved grant application;

(ii) it was intended by the grantee to receive a severable portion of the overall grant for a specific purpose that is identified in the grant application;

(iii) it petitioned the grantee for the funds or resource or expiration of the period within which the funds or resources were required to be passed through under subsection (g)(1); and

(iv) it did not receive the portion of the overall grant that was earmarked or designated for its use or benefit.

(3) EFFECT OF PAYMENT.—Payment of grant funds to a local government under this paragraph—

(i) shall not affect any payment to another local government under this paragraph; and

(ii) shall not prejudice consideration of a request for payment under this paragraph that is submitted by another local government.

(D) DEADLINE FOR ACTION BY SECRETARY.—The Secretary shall approve or disapprove each request for payment under this paragraph not later than 30 days after the date the request is received by the Department.

(4) REPORTS TO CONGRESS.—The Secretary shall submit an annual report to the Congress by January 31 of each year covering the preceding fiscal year. The report shall describe in detail the amount of Federal funds provided as covered grants that were directed to each State, region, and directly eligible tribe in the preceding fiscal year.

(2) containing information on the use of such grant funds by grantees; and

(3) describing—

(A) the Nation’s progress in achieving, maintaining, and enhancing the essential capabilities established by the Secretary as a result of the expenditure of covered grant funds during the preceding fiscal year; and

(B) an estimate of the amount of expenditures required to attain across the United States the essential capabilities established by the Secretary.

SEC. 1807. NATIONAL STANDARDS FOR FIRST RESPONDER EQUIPMENT AND TRAINING.

(a) EQUIPMENT STANDARDS.—

(1) IN GENERAL.—The Secretary, in consultation with the Under Secretaries for Emergency Preparedness and Response and Science and Technology and the Director of the Office for Domestic Preparedness, shall, not later than the date of enactment of this section, develop and promulgate nonmandatory consensus standards that address the validation of first responder equipment for purposes of section 1805(e)(7). Such standards shall be—

(A) to the maximum extent practicable, consistent with any existing voluntary consensus standards;

(B) take into account, as appropriate, new types of terrorism threats that have been contemplated when such existing standards were developed;

(C) be focused on maximizing interoperability, interoperability, durability, flexibility, efficiency, efficacy, portability, sustainability, and safety; and

(D) shall cover all appropriate uses of the equipment.

(2) REQUIRED CATEGORIES.—In carrying out paragraph (1), the Secretary shall specifically consider the following categories of first responder equipment:

(A) Thermal imaging equipment.

(B) Radiation detection and analysis equipment.

(C) Biological detection and analysis equipment.

(D) Chemical detection and analysis equipment.

(E) Decontamination and sterilization equipment.

(F) Personal protective equipment, including garments, boots, gloves, and other protective clothing.

(G) Respiratory protection equipment.

(H) Interoperable communications, including wireless and wireline voice, video, and data networks.

(I) Explosive mitigation devices and explosive detection and analysis equipment.

(J) Containment vessels.

(K) Contaminant-resistant vehicles.

(L) Such other equipment for which the Secretary determines that national voluntary consensus standards would be appropriate.

(b) TRAINING STANDARDS.—

(1) IN GENERAL.—The Secretary, in consultation with the Under Secretaries for Emergency Preparedness and Response and Science and Technology and the Director of the Office for Domestic Preparedness, shall—

(A) support the development of, promulgate, and update as necessary national voluntary consensus standards that address the validation of first responder training carried out with amounts
provided under covered grant programs, that will enable State and local government first responders to achieve optimal levels of terrorism preparedness as quickly as practicable. Such standards shall give priority to providing training to—

“(A) enable first responders to prevent, prepare for, respond to, mitigate against, and recover from terrorist threats, including threats from chemical, biological, nuclear, and radiological weapons and explosive devices capable of inflicting significant human casualties; and

“(B) familiarize first responders with the proper use of equipment, including software, developed pursuant to the standards established under subsection (a).

(2) REQUIRED CATEGORIES.—In carrying out paragraph (1), the Secretary specifically shall include the following categories of first responder activities:

“(A) Regional planning;

“(B) Joint exercises;

“(C) Intelligence collection, analysis, and sharing;

“(D) Emergency notification of affected populations;

“(E) Detection of biological, nuclear, radiological, and chemical weapons of mass destruction;

“(F) Such other activities for which the Secretary determines that national voluntary consensus training standards would be appropriate.

(3) CONSISTENCY.—In carrying out this subsection, the Secretary shall ensure that such training standards are consistent with the principles of emergency preparedness for all hazards.

(b) CONSULTATION WITH STANDARDS ORGANIZATIONS.—In establishing national voluntary consensus standards for first responder equipment and training under this section, the Secretary shall consult with relevant public and private sector groups, including—

“(1) the National Institute of Standards and Technology;

“(2) the National Fire Protection Association;

“(3) the National Association of County and City Health Officials; and

“(4) the Association of State and Territorial Health Officials;

“(5) the American National Standards Institute;

“(6) the National Institute of Justice;

“(7) the Inter-Agency Board for Equipment Standardization and Interoperability; and

“(8) the American Public Health Performance Standards Program;

“(9) the National Institute for Occupational Safety and Health;

“(10) ASTM International; and

“(11) the International Safety Equipment Association;

“(12) the Emergency Management Accreditation Program; and

“(13) to the extent the Secretary considers appropriate, other national voluntary consensus standards development organizations, other Federal, State, and local agencies, and other interested persons.

(c) COORDINATION WITH SECRETARY OF HHS.—In establishing any national voluntary consensus standards under this section for first responder equipment or training that involve or relate to health professionals providing emergency medical professional, the Secretary shall coordinate activities under this section with the Secretary of Health and Human Services.

(1) LIABILITY PROTECTION.—A person who donates fire control or fire rescue equipment to a volunteer fire company for a person who donates fire control or fire rescue equipment to a volunteer fire company shall not preempt any State law that provides additional protection from liability for an emergency response, including fire control, or tort liability for injury, damage, loss, or death caused by the equipment after the donation.

(2) EXCEPTIONS.—Subsection (a) does not apply to a person if the person’s act or omission causing the injury, damage, loss, or death constitutes gross negligence or intentional misconduct;

or

(3) the person is the manufacturer of the fire control or fire rescue equipment.

(c) PREEMPTION.—This section preempts the laws of any State to the extent that such laws are inconsistent with this section, except that notwithstanding subsection (b) this section shall not preempt any State law that provides additional protection from liability for an emergency response, including fire control, or tort liability for injury, damage, loss, or death caused by the equipment after the donation.

(d) DEFINITIONS.—In this section:

“(1) PERSON.—The term ‘person’ includes any governmental or other entity.

“(2) FIRE CONTROL OR RESCUE EQUIPMENT.—The term ‘fire control or fire rescue equipment’ includes any fire vehicle, fire fighting tool, communications equipment, protective gear, fire hose, or breathing apparatus.

“(3) STATE.—The term ‘State’ includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, any other territory or possession of the United States, and any political subdivision of any such State, territory, or possession.

“(4) VOLUNTEER FIRE COMPANY.—The term ‘volunteer fire company’ means an association of individuals who provide fire protection and other emergency services, where at least 30 percent of the individuals receive little or no compensation and are not employed in an entry level full-time paid individual in that association or in the nearest such association with an entry level full-time paid individual.

“(5) EFFECTIVE DATE.—This section applies only to liability for injury, damage, loss, or death caused by equipment that, for purposes of subsection (a), is donated on or after the date that is 30 days after the date of the enactment of this section.

The Acting CHAIRMAN. Pursuant to House Resolution 369, the gentlewoman from New York (Mrs. LOWEY) and a Member opposed each will control 5 minutes.

Mrs. LOWEY. Mr. Chairman, I yield 2½ minutes to the gentleman from Wisconsin?

There was no objection.

Mrs. LOWEY. Mr. Chairman, I yield 2½ minutes to the gentleman from New York (Mr. SWEENEY) and ask unanimous consent that he be allowed to control that time.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The Acting CHAIRMAN. The Chair recognizes the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I yield myself each time as I may consume.

Mr. Chairman, this commonsense amendment would simply ensure that the areas in our country facing the
greatest threat receive their fair share of homeland security funds. Recent worldwide attacks against areas with significant critical infrastructure are not wake-up calls, they are fire alarms.

This amendment already has widespread support. The House voted for these provisions by a vote of 409 to 10 just 10 months ago.

I urge my colleagues to once again support these provisions. Let us take action tonight so that we can allocate our precious resources to those who need them the most.

Mr. Chairman, I reserve the balance of my time.

[200]

Mr. SWEENEY. Mr. Chairman. I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of this amendment and want to thank my good friend and colleague, the gentlewoman from New York (Mrs. LOWEY). We have worked on a number of things, including this, for quite some time.

Mr. Chairman, 3 years ago I introduced identical legislation that made homeland security funds, first responder funds threat-based. That legislation, I am happy to say, has since been supported overwhelmingly by the 9/11 Commission, the President, and the Select Committee on Homeland Security. We passed an amendment by House vote of 409 to 10 as part of the authorizing language for Department of Homeland Security.

Simply, what this is, and this is not a geographic vote, this is not a political-philosophical vote, it simply says the Department of Homeland Security and the Select Committee of that Department ought to have the resources and ought to have the flexibility to direct Federal resources where they belong, to direct Federal resources where the threats exist.

So if it is in the subway systems or the rail systems or the aviation system or some other system that the threat actually exists, the Select Committee will have the capacity and the tools to indeed take all of the resources that we have as a Nation to protect ourselves.

We owe it to our constituents. It is the highest order of duty here in this body. The gentlewoman from New York (Mrs. LOWEY) and I have worked on this for a number of years, and I am thrilled we are offering it here. My suspicion is it is going to be accepted here and made part of the PATRIOT Act.

The reason it is part of the PATRIOT Act is the original formula, the current formula that we operate under, was part of the original PATRIOT Act bill that was passed. At that time, we could not have anticipated all of the things we now know to be true as a body. This is rectifying something that was an oversight in the original PATRIOT Act bill strongly support that, as I do this bill.

Mr. Chairman, I yield back the balance of my time.
So the amendment was agreed to. The result of the vote was announced as above recorded.

AMENDMENT NO. 11 OFFERED BY MR. SCHIFF

The Acting CHAIRMAN (Mr. SIMPSON). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. SCHIFF) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment. The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded. A recorded vote was ordered. The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device and there were—ayes 381, noes 45, not voting 7, as follows:

[Roll No. 410]

AYES—381

Abercrombie, Nels

Ackerman, Diane

Aderholt, Karen

Adkins, Barbara

Akin, Robert

Akona, Jordan

Alexander, Ed

Allen, Allen

Baird, Stephen

Baker, Parke

Baker, Phil

Baker, Jim

Baker, John

Baker, Steve

Baker, Todd

Baldwin, G\n
Baldwin, Mark

Baldwin, Scott

Baldwin, Tim

Baldwin, Thomas

Baldwi

Banerji, Jason

Banks, Bruce

Banks, David

Banks, Sue

Barr, Mike

Barr, Ron

Bartlett, Mike

Barrow, John

Barrasso, John

Barrett, K\n
Barrett, Thomas

Barrett, Tim

Barrett, Tony

Barron, John

Bartow, Rob

Bartow, Thomas

Bartow, Tom

Bash, Alan

Bass, Jon

Bateman, Ted

Baumgartner, John

Baumgartner, Jeff

Baumgartner, Ron

Baumgartner, Tom

Baumgartner, Tom

Baur, Steve

Bauer, Jim

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June 21, 2005

CONGRESSIONAL RECORD—HOUSE

H6305

MCDONALD changed their vote from “aye” to “no.”
So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 15 OFFERED BY MS. HART

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Ms. Hart) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

Recorded Vote

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 387, noes 38, not voting 8, as follows:

(Roll No. 411)

AYES—387

Abercrombie
Ackerman
Aderholt
Akina
Alexander
Andrews
Applegate
Atkins
Baca
Baird
Baldwin
Barrett
Barth
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Blinn
Bobbitt
Boehner
Bonjour
Bonner
Bono
Bosman
Boren
Bowser
Boucher
Boustany
Boyden
Bradley (NY)
Bradley (TX)
Brown (OH)
Brown, Corrine
Brown-Waite
B repression
Byrd
Burton
Busch
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardoza
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So the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BORCHER) had assumed the chair, Mr. SIMPSON, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3199) to extend and modify authorities needed to combat terrorism, and for other purposes, pursuant to House Resolution 369, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the gradation and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BOUCHER

Mr. BOUCHER. I am, Mr. Speaker.

Mr. BORCHER (during the reading). The Acting CHAIRMAN. The question is on the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BORCHER) had assumed the chair, Mr. SIMPSON, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3199) to extend and modify authorities needed to combat terrorism, and for other purposes, pursuant to House Resolution 369, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the gradation and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BOUCHER

Mr. BOUCHER. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BOUCHER moves to recommit the bill H.R. 3199 to the Committee on the Judiciary with instructions to report the same back to the House for furtherth with the following amendments:

Amend section 3 to read as follows:

SEC. 3. USA PATRIOT ACT SUNSET PROVISIONS.

(a) EXTENSION OF SUNSET.—Section 224 of the USA PATRIOT Act is amended by striking “December 31, 2006” and inserting “December 31, 2009.”

(b) SUNSET OF NEW PROVISIONS.—

(1) IN GENERAL.—Except as provided in subsection (a), section 7 of this Act and the amendments made by such sections shall cease to have effect on December 31, 2009.

(2) EXCEPTION.—Except with respect to any particular foreign intelligence investigation that began before the date on which the provisions referred to in paragraph (1) cease to have effect, or with respect to any particular offense or potential offense that began or occurred before the date on which such provisions cease to have effect, such provisions shall continue in effect.

Mr. BOUCHER (during the reading). The SPEAKER pro tempore. The Speaker, I ask unanimous consent that the motion to reconsider be considered as read and printed in the RECORD.
our investigative agencies a wide variety of special powers to fight a war on terrorism, an expansion of powers that we would have never approved in peacetime. This included the right to break into homes of American citizens without court order, seize documents, copy computer files, eavesdrop on phone conversations without ever telling the owner. We gave our agencies, among those other things, the right to wiretap and intercept phone and computer communications without prior cause, and in general we lowered the requirement for law enforcement searches. I supported this dramatic expansion of Federal power because our country was at war. In times of emergency, it is responsible to increase the power of our government, yet we recognize that these powers should contain sunset provisions. The first PATRIOT Act had 16 of its sections sunsetted, so after the emergency was over the government would again return to a level consistent with peacetime. Our country was founded on limited government, limited powers. We should not be required to live in peacetime under the extraordinary laws that were passed during times of war and crisis. An emergency provision of investigation should not become the standard once the crisis has passed. I am seriously concerned about the use of emergency conditions to permanently alter our constitutional legal rights. Until now, the Members of this body have been denied the ability to vote their conscience on the issue of sunsets. Now, each of us will have that opportunity. It is not a Republican vote, it is not a Democrat vote. I support this war on terror and the war on radical Islam. I was here yesterday fighting for a very important provision that put me against my friends on the other side of the aisle. But today I am asking all of my friends, on both sides of the aisle, let us be patriots. Let us stand up for those principles that our Founding Fathers talked about, and that is limiting the power of government.

What we are doing here in this motion to recommit is establishing the sunsets so that 4 years from now, hopefully when we have beaten the terrorists, we can return to normal constitutional protections, and if not, we can reestablish another situation. But, please, let us keep faith with those people who founded our country on limited government and the protection of civil liberties. Vote “yes” on this provision.

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to the motion to recommit.

Good oversight is done by congressional leadership, not by sunsets. There has been good oversight over the PATRIOT Act right from the beginning. The Committee on the Judiciary has spent a lot of time overseeing the Justice Department, Inspector General reports, and this is the result of it: Almost two feet of responses.

And what have these responses said? First of all, there has been no provision, of the 16 sunsetted provisions, that has been found unconstitutional by any Federal court in the Nation. The Inspector General’s report has found no civil liberties violations under the PATRIOT Act, and I think that the question we ought to ask ourselves today is whether we should continue on this path, that we have down the wall after 9/11 that prevented the CIA and the FBI from exchanging intelligence information. This motion to recommit will bring that wall back up in 2009. I think we ought to look at the record. We ought to look at the actual record of abuse. There has been none.

Only 5 percent of our legislation is sunsetted. Why sunset legislation where there has been no actual record of abuse and there has been vigorous oversight?

Mr. Speaker, I yield to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I am probably the last person expected to speak on behalf of the committee or the leadership in general. I tend to be critical sometimes of committees and the leadership and the process here. But let me tell you, I have watched the process here in the Committee on the Judiciary over the past couple of years on this issue. I watched us hold hearings after hearing, 12 just in the last several months, 2 in the last Congress, and I have watched us adopt amendment after amendment in committee. We held a 12-hour markup there, a serious markup. I am often critical of the way we do business here, but here I saw it work. We did exercise effective oversight.

Mr. Speaker, nobody loves sunsets like this Arizonan. I was very supportive of the sunsets we had in the bill initially. I am very supportive of the sunset we have, the 10-year sunsets on the two controversial provisions. I think those ought to stand, and I hope they make it through the process. But if we learn from issues like this year, do not get everything you want. I did not get every amendment I wanted. I got a few, and a few of the ones we did get were substantive.

We have made amendments to section 215, to section 219. We have tightened up oversight with oversight letters, questions that the gentleman from Michigan (Mr. CONyers) and I have sent jointly to the Justice Department.

In one book, Barry Goldwater said, “Politics is nothing more than public business. Sometimes you make the best of a mixed bargain. You don’t always get everything you want.” We got good substantive reform here and we have sunsets. They are a bit long, certainly compared with sunset we have, the 10-year sunsets on the PATRIOT Act. But, as a fellow, with at times, but we have them here. I think we ought to make the best of what we have. It is a good product. I commend the chairman and the others.

And I should say it is not just the Committee on the Judiciary that has gone through this process. The Permanent Select Committee on Intelligence has had hearings as well. They have had a markup process and have worked collaboratively, Democrats and Republicans.

My own amendments, virtually every one of them, had Democrats on them. I have worked with them and they have worked together on this. I helped form the PATRIOT Act Reform Caucus over a year ago. We have worked to make sure these changes have been made. This is a good product. I urge a “no” vote on the motion to recommit and “yes” on the underlying bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LATOURETTE). Without objection, the question of passage was taken and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BOUCHER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 209, nays 218, not voting 7, as follows:

[Roll No. 413]
Mr. BASS changed his vote from "yea" to "nay".

Mr. SERRANO changed his vote from "nay" to "yea."

So the motion to reconsider was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAUROTTETTE) is the question on the passage of the bill.

The question was taken, and the Speaker pro tempore announced that the ayes had appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 257, noes 171, not voting 6, as follows:

[Roll No. 414]

AYES—257

Mr. BASS changed his vote from "yea" to "nay."

Mr. SERRANO changed his vote from "nay" to "yea."

So the motion to reconsider was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAUROTTETTE) is the question on the passage of the bill.

The question was taken, and the Speaker pro tempore announced that the ayes had appeared to have it.

RECORDED VOTE

Mr. SENSENBRENNER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 257, noes 171, not voting 6, as follows:

[Roll No. 414]

AYES—257

Mr. BASS changed his vote from "yea" to "nay."

Mr. SERRANO changed his vote from "nay" to "yea."

So the motion to reconsider was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAUROTTETTE) is the question on the passage of the bill.

The question was taken, and the Speaker pro tempore announced that the ayes had appeared to have it.

RECORDED VOTE

Mr. SENSENBRENNER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 257, noes 171, not voting 6, as follows:

[Roll No. 414]
Mrs. MCCARTHY and Messrs. BISHOP of New York, ISRAEL, ROTHMANSnyder, and MOORE of Kansas changed their vote from “aye” to “no.”

Mr. TAYLOR of North Carolina changed his vote from “no” to “aye.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 2144

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3199, USA PATRIOT AND TERRORISM PREVENTION REAUTHORIZATION ACT OF 2009

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the engrossment of the bill, H.R. 3199, the Clerk of the House be authorized to correct section numbers, punctuation, cross-references, and the table of contents, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

The SPEAKER pro tempore (Mr. LA TOURETTE). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

ANNOUNCEMENT BY THE COMMITTEE ON RULES REGARDING AMENDMENT H. R. 22 POSTAL ACCOUNTABILITY AND ENHANCEMENT ACT

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet next week to grant a rule which could limit the amendment process for floor consideration of H.R. 22, the Postal Accountability and Enhancement Act.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in room H-312 of the Capitol by 1 p.m. on Monday, July 25, 2005. Members should draft their amendments to the bill as reported by the Committee on Government Reform on April 13, 2005, which was filed with the House on April 28, 2005.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format and should check with the Office of the Parliamen-