

Last year Congress passed the Violence Against Women Act of 2005, an accomplishment that shows real consensus and momentum to end gender-based violence and heal America's families. The United Nations and the World Health Organizations have released ground-breaking studies on the prevalence and impact of domestic violence globally. Finally, international service organizations are finding that their efforts to help women in the field, be it opening the school doors to girls or getting HIV/AIDS medicine to young women, are ultimately ineffectual if we do not help these same women escape from violent homes.

Furthermore, gender-based violence is pervasive in conflicts around the globe. In Darfur, women are systematically raped as a weapon of war. In Afghanistan, Safia Ama Jan, became the first female assassinated since the fall of the Taliban. Just last week, two Iraqi women accused the Iraqi national security forces of gang-raping them in Baghdad headquarters. This year's theme for International Women's Day is "Ending Impunity for Violence Against Women and Girls"—a fitting mandate for all of us.

I am working on legislative measures to fight the global epidemic of gender-based violence. In addition, International Women's Day is also a perfect opportunity for the Administration to review its position and support ratification of the International Women's Rights Treaty (formally known as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)). I whole heartedly support this human rights treaty that brings together in one document women's economic, social, cultural, civil and political rights and is an important tool for women rights advocates around the globe.

I've said it before, but it bears repeating: Ending the systemic discrimination of women is not just a woman's issue, it is not just the responsibility of heads of state or Nobel Peace Prize winners, it is everyone's moral responsibility. You cannot build peace and you cannot build democracy when half of the population is not free. And no country can reach its full potential when women are not allowed to fully contribute. Spreading democracy must mean empowering women, ending domestic and sexual violence and holding abusers fully accountable. I urge my colleagues to join our Resolution to Commemorate International Women's Day on March 8th and thank advocates everywhere who work day in and day out to improve women's lives.

SENATE RESOLUTION 94—HONORING THE EMPLOYEES OF THE DEPARTMENT OF HOMELAND SECURITY ON THE 4TH ANNIVERSARY OF THE DEPARTMENT

Mr. VOINOVICH (for himself, Mr. AKAKA, Mr. LIEBERMAN, Mr. STEVENS, Mr. WARNER, and Ms. COLLINS) sub-

mitted the following resolutions; which was considered and agreed to:

S. RES. 94

Whereas the United States must remain vigilant against all threats to the homeland, including acts of terrorism, natural disasters, and other emergencies;

Whereas the Department of Homeland Security marks its 4th anniversary on March 1, 2007;

Whereas the more than 208,000 employees of the Department work tirelessly to carry out the complex mission of securing the Nation from terrorism and natural hazards through protection, prevention, response, and recovery as well as serving the public effectively by facilitating lawful trade, travel, and immigration;

Whereas the Department's employees sacrifice time with their families to work long hours to fulfill the Department's vital mission; and

Whereas the Nation is indebted to the Department's employees for their labors: Now, therefore, be it

Resolved, That the Senate honors the employees of the Department of Homeland Security for their substantial contributions to protecting the Nation on the 4th anniversary of the Department.

AMENDMENTS SUBMITTED AND PROPOSED

SA 332. Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mr. CARDIN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table.

SA 333. Mr. LEAHY (for himself, Mr. THOMAS, Mr. STEVENS, Mr. ROBERTS, Mr. PRYOR, Mr. SANDERS, Mr. ENZI, and Mr. HATCH) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 334. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 4, supra; which was ordered to lie on the table.

SA 335. Mrs. FEINSTEIN (for herself, Mr. CORNYN, Mr. LAUTENBERG, Mrs. HUTCHISON, Mrs. BOXER, Mr. SCHUMER, Mrs. CLINTON, Mr. OBAMA, Mr. MENENDEZ, Mr. KERRY, Mr. COBURN, and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 336. Mr. SCHUMER (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 337. Mr. SCHUMER (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 338. Mr. OBAMA (for himself, Mr. WARNER, Mr. COBURN, Ms. LANDRIEU, Mr. KENNEDY, Mr. MENENDEZ, Mrs. CLINTON, and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 339. Mr. WYDEN (for himself, Mr. LIEBERMAN, Ms. COLLINS, and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill S. 4, supra; which was ordered to lie on the table.

SA 340. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 341. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 342. Ms. COLLINS (for herself, Mr. STEVENS, Mr. VOINOVICH, Mr. WARNER, Mr. SUNUNU, and Mr. GRASSLEY) proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 343. Ms. CANTWELL (for herself, Mr. DODD, and Mr. FEINGOLD) submitted an amendment intended to be proposed by her to the bill S. 4, supra; which was ordered to lie on the table.

SA 344. Mr. LAUTENBERG (for himself, Mr. BROWNBACK, Mr. MENENDEZ, Mr. REID, and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 345. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 346. Mr. INOUE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 347. Mr. SESSIONS proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 348. Mr. WYDEN (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 4, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 332. Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mr. CARDIN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 54, strike line 5 and all that follows through page 57, line 9, and insert the following:

"(a) GRANTS AUTHORIZED.—The Secretary, through the Administrator, may award grants to State, local, and tribal governments for the purposes of this title.

"(b) PROGRAMS NOT AFFECTED.—This title shall not be construed to affect any authority to award grants under any of the following Federal programs:

"(1) The firefighter assistance programs authorized under section 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a).

“(2) The Urban Search and Rescue Grant Program authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

“(3) Grants to protect critical infrastructure, including port security grants authorized under section 70107 of title 46, United States Code.

“(4) The Metropolitan Medical Response System authorized under section 635 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 723).

“(5) Grant programs other than those administered by the Department.

“(c) RELATIONSHIP TO OTHER LAWS.—

“(1) IN GENERAL.—The grant programs authorized under this title shall supersede all grant programs authorized under section 1014 of the USA PATRIOT Act (42 U.S.C. 3714).

“(2) PROGRAM INTEGRITY.—Each grant program under this title, section 1809 of this Act, or section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 763) shall include, consistent with the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note), policies and procedures for—

“(A) identifying activities funded under any such grant program that are susceptible to significant improper payments; and

“(B) reporting the incidence of improper payments to the Department.

“(3) ALLOCATION.—Except as provided under paragraph (2) of this subsection, the allocation of grants authorized under this title shall be governed by the terms of this title and not by any other provision of law.

“(d) MINIMUM PERFORMANCE REQUIREMENTS.—

“(1) IN GENERAL.—The Administrator shall—

“(A) establish minimum performance requirements for entities that receive homeland security grants;

“(B) conduct, in coordination with State, regional, local, and tribal governments receiving grants under this title, section 1809 of this Act, or section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 763), simulations and exercises to test the minimum performance requirements established under subparagraph (A) for—

On page 66, between lines 19 and 20, insert the following:

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section—

“(1) for fiscal year 2007, such sums as are necessary;

“(2) for each of fiscal years 2008, 2009, and 2010, \$1,278,639,000; and

“(3) for fiscal year 2011, and each fiscal year thereafter, such sums as are necessary.

On page 77, strike line 3 and all that follows through page 80, line 7, and insert the following:

“(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section—

“(1) for fiscal year 2007, such sums as are necessary;

“(2) for each of fiscal years 2008, 2009, and 2010, \$913,180,500; and

“(3) for fiscal year 2011, and each fiscal year thereafter, such sums as are necessary.

“SEC. 2005. TERRORISM PREVENTION.

On page 84, strike line 19 and insert the following:

“SEC. 2006. RESTRICTIONS ON USE OF FUNDS.

On page 85, line 25, strike “611(j)(8)” and insert “611(j)(9)”.

On page 86, line 2, strike “5196(j)(8)” and insert “5196(j)(9)”.

On page 87, strike line 22 and insert the following:

“SEC. 2007. ADMINISTRATION AND COORDINATION.

On page 89, line 7, strike “under this title” and insert “under section 2003 or 2004”.

On page 91, strike line 16 and insert the following:

“SEC. 2008. ACCOUNTABILITY.

On page 94, lines 13 and 14, strike “the Homeland Security Grant Program” and insert “grants made under this title”.

On page 97, strike lines 7 and 8 and insert the following:

“SEC. 2009. AUDITING.

“(a) AUDITS OF GRANTS.—

On page 104, strike line 7 and all that follows through page 105, line 9, and insert the following:

“(d) DEFINITION.—In this section, the term ‘Emergency Management Performance Grants Program’ means the Emergency Management Performance Grants Program under section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 763; Public Law 109-295).

“SEC. 2010. SENSE OF THE SENATE.

“It is the sense of the Senate that, in order to ensure that the Nation is most effectively able to prevent, prepare for, protect against, respond to, recover from, and mitigate against all hazards, including natural disasters, acts of terrorism, and other man-made disasters—

“(1) the Department should administer a coherent and coordinated system of both terrorism-focused and all-hazards grants, the essential building blocks of which include—

“(A) the Urban Area Security Initiative and State Homeland Security Grant Program established under this title (including funds dedicated to law enforcement terrorism prevention activities);

“(B) the Emergency Communications Operability and Interoperable Communications Grants established under section 1809; and

“(C) the Emergency Management Performance Grants Program authorized under section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 763); and

“(2) to ensure a continuing and appropriate balance between terrorism-focused and all-hazards preparedness, the amounts appropriated for grants under the Urban Area Security Initiative, State Homeland Security Grant Program, and Emergency Management Performance Grants Program in any fiscal year should be in direct proportion to the amounts authorized for those programs for fiscal year 2008 under the amendments made by titles II and IV, as applicable, of the Improving America’s Security Act of 2007.”

On page 106, strike lines 1 through 9, and insert the following:

(b) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 note) is amended by striking the items relating to title XVIII and sections 1801 through 1806, as added by the SAFE Port Act (Public Law 109-347; 120 Stat. 1884), and inserting the following:

“TITLE XIX—DOMESTIC NUCLEAR DETECTION OFFICE

“Sec. 1901. Domestic Nuclear Detection Office.

“Sec. 1902. Mission of Office.

“Sec. 1903. Hiring authority.

“Sec. 1904. Testing authority.

“Sec. 1905. Relationship to other Department entities and Federal agencies.

“Sec. 1906. Contracting and grant making authorities.

“TITLE XX—HOMELAND SECURITY GRANTS

“Sec. 2001. Definitions.

“Sec. 2002. Homeland Security Grant Program.

“Sec. 2003. Urban Area Security Initiative.

“Sec. 2004. State Homeland Security Grant Program.

“Sec. 2005. Terrorism prevention.

“Sec. 2006. Restrictions on use of funds.

“Sec. 2007. Administration and coordination.

“Sec. 2008. Accountability.

“Sec. 2009. Auditing.

“Sec. 2010. Sense of the Senate.”

TITLE III—COMMUNICATIONS OPERABILITY AND INTEROPERABILITY

On page 126, between lines 14 and 15, insert the following:

TITLE IV—EMERGENCY MANAGEMENT PERFORMANCE GRANTS PROGRAM

SEC. 401. EMERGENCY MANAGEMENT PERFORMANCE GRANTS PROGRAM.

Section 622 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 763) is amended to read as follows:

“SEC. 622. EMERGENCY MANAGEMENT PERFORMANCE GRANTS PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) POPULATION.—The term ‘population’ means population according to the most recent United States census population estimates available at the start of the relevant fiscal year.

“(2) STATE.—The term ‘State’ has the meaning given that term in section 101 of the Homeland Security Act of 2002 (6 U.S.C. 101).

“(b) IN GENERAL.—There is an Emergency Management Performance Grants Program to make grants to States to assist State, local, and tribal governments in preparing for, responding to, recovering from, and mitigating against all hazards.

“(c) APPLICATION.—

“(1) IN GENERAL.—Each State may apply for a grant under this section, and shall submit such information in support of an application as the Administrator may reasonably require.

“(2) ANNUAL APPLICATIONS.—Applicants for grants under this section shall apply or re-apply on an annual basis for grants distributed under the program.

“(d) ALLOCATION.—Funds available under the Emergency Management Performance Grants Program shall be allocated as follows:

“(1) BASELINE AMOUNT.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), each State shall receive an amount equal to 0.75 percent of the total funds appropriated for grants under this section.

“(B) TERRITORIES.—American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each shall receive an amount equal to 0.25 percent of the amounts appropriated for grants under this section.

“(2) PER CAPITA ALLOCATION.—The funds remaining for grants under this section after allocation of the baseline amounts under paragraph (1) shall be allocated to each State in proportion to its population.

“(3) CONSISTENCY IN ALLOCATION.—Notwithstanding paragraphs (1) and (2), in any fiscal year in which the appropriation for grants under this section is equal to or greater than the appropriation for Emergency Management Performance Grants in fiscal year 2007, no State shall receive an amount under this section for that fiscal year less than the amount that State received in fiscal year 2007.

“(e) ALLOWABLE USES.—Grants awarded under this section may be used to prepare for, respond to, recover from, and mitigate against all hazards through—

“(1) any activity authorized under title VI or section 201 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq. and 5131);

“(2) any activity permitted under the Fiscal Year 2007 Program Guidance of the Department for Emergency Management Performance Grants; and

“(3) any other activity approved by the Administrator that will improve the emergency management capacity of State, local, or tribal governments to coordinate, integrate, and enhance preparedness for, response to, recovery from, or mitigation against all-hazards.

“(f) COST SHARING.—

“(1) IN GENERAL.—Except as provided in subsection (i), the Federal share of the costs of an activity carried out with a grant under this section shall not exceed 50 percent.

“(2) IN-KIND MATCHING.—Each recipient of a grant under this section may meet the matching requirement under paragraph (1) by making in-kind contributions of goods or services that are directly linked with the purpose for which the grant is made.

“(g) DISTRIBUTION OF FUNDS.—The Administrator shall not delay distribution of grant funds to States under this section solely because of delays in or timing of awards of other grants administered by the Department.

“(h) LOCAL AND TRIBAL GOVERNMENTS.—

“(1) IN GENERAL.—In allocating grant funds received under this section, a State shall take into account the needs of local and tribal governments.

“(2) INDIAN TRIBES.—States shall be responsible for allocating grant funds received under this section to tribal governments in order to help those tribal communities improve their capabilities in preparing for, responding to, recovering from, or mitigating against all hazards. Tribal governments shall be eligible for funding directly from the States, and shall not be required to seek funding from any local government.

“(i) EMERGENCY OPERATIONS CENTERS IMPROVEMENT PROGRAM.—

“(1) IN GENERAL.—The Administrator may award grants to States under this section to plan for, equip, upgrade, or construct all-hazards State, local, or regional emergency operations centers.

“(2) REQUIREMENTS.—No grant awards under this section (including for the activities specified under this subsection) shall be used for construction unless such construction occurs under terms and conditions consistent with the requirements under section 611(j)(9) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(j)(9)).

“(3) COST SHARING.—

“(A) IN GENERAL.—The Federal share of the costs of an activity carried out with a grant under this subsection shall not exceed 75 percent.

“(B) IN KIND MATCHING.—Each recipient of a grant for an activity under this section may meet the matching requirement under subparagraph (A) by making in-kind contributions of goods or services that are directly linked with the purpose for which the grant is made.

“(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section—

“(1) for fiscal year 2007, such sums as are necessary;

“(2) for each of fiscal years 2008, 2009, and 2010, \$913,180,500; and

“(3) for fiscal year 2011, and each fiscal year thereafter, such sums as are necessary.”.

SA 333. Mr. LEAHY (for himself, Mr. THOMAS, Mr. STEVENS, Mr. ROBERTS, Mr. PRYOR, Mr. SANDERS, Mr. ENZI, and Mr. HATCH) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing

unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, lines 19 and 20, strike “0.45 percent” and insert “0.75 percent”.

SA 334. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FEDERAL FLIGHT DECK OFFICERS.

“(a) IN GENERAL.—Section 44921(a) of title 49, United States Code, is amended to read as follows:

“(a) ESTABLISHMENT.—The Secretary of Homeland Security shall establish the Federal flight deck officer program to deputize eligible pilots as Federal law enforcement officers to defend against acts of criminal violence or air piracy. Such an officer shall be known as a ‘Federal flight deck officer’.”.

“(b) AUTHORITY TO CARRY FIREARMS.—Section 44921(f) of title 49, United States Code, is amended to read as follows:

“(f) AUTHORITY TO CARRY FIREARMS.—

“(1) IN GENERAL.—The Secretary shall authorize a Federal flight deck officer to carry a firearm on the officer’s person. Notwithstanding subsection (c)(1), the officer may purchase a firearm and carry that firearm in accordance with this section if the firearm is of a type that may be used under the program.

“(2) PREEMPTION.—Notwithstanding any other provision of Federal, State, or local law, a Federal flight deck officer may carry a firearm in any State and from one State to another State.

“(3) CARRYING FIREARMS OUTSIDE UNITED STATES.—

“(A) IN GENERAL.—When operating to, from, or within the jurisdiction of a foreign government where an agreement allowing a Federal flight deck officer to carry or possess a firearm is not in effect, a Federal flight deck officer shall be designated as a Federal air marshal for the purposes of complying with international weapons carriage regulations and existing agreements with foreign governments. Nothing in this paragraph shall be construed to allow Federal flight deck officers to receive any other benefit of being so designated.

“(B) REQUIREMENT TO NEGOTIATE AGREEMENTS.—The Secretary of State shall negotiate agreements with foreign governments as necessary to allow Federal flight deck officers to carry and possess firearms within the jurisdictions of such foreign governments for protection of international flights against hijackings or other terrorist acts. Any such agreements shall provide Federal flight deck officers the same rights and privileges accorded Federal air marshals by such foreign governments.

“(4) DESCRIPTION OF AUTHORITY AND PROCEDURES.—The authority of a Federal flight deck officer to carry a firearm shall be identical to such authority granted to any other Federal law enforcement officer under Federal law. The operating procedures applicable to a Federal flight deck officer relating to carrying such firearm shall be no more restrictive than the restrictions for carrying a

firearm that are generally imposed on any other Federal law enforcement officer who has statutory authority to carry a firearm.

“(5) LOCKED DEVICES.—

“(A) NO REQUIREMENT TO USE.—A Federal flight deck officer may not be required to carry or transport a firearm in a locked bag, box, or container.

“(B) REQUIREMENT TO PROVIDE.—Upon request of a Federal flight deck officer, the Secretary shall provide a secure locking device or other appropriate container for storage of a firearm by the Federal flight deck officer.”.

“(c) DUE PROCESS.—Section 44921 of title 49, United States Code, is amended by adding at the end the following new subsection:

“(1) DUE PROCESS.—Not later than 90 days after the date of enactment of the Improving America’s Security Act of 2007, the Secretary shall establish procedures for the appeal of adverse decisions or actions. Such procedures shall provide timely notice of the action or decision, including specific reasons for the action or decision.”.

“(d) IDENTIFICATION AND SCREENING.—Section 44921 of title 49, United States Code, as amended by subsection (c), is further amended by adding at the end the following new subsections:

“(m) CREDENTIALS.—The Secretary shall issue to each Federal flight deck officer standard Federal law enforcement credentials, including a distinctive metal badge, that are similar to the credentials issued to other Federal law enforcement officers.

“(n) SECURITY INSPECTIONS.—A Federal flight deck officer may not be subject to greater routine security inspection or screening protocols at or in the vicinity of an airport than the protocols that apply to other Federal law enforcement officers.”.

“(e) REPORTS TO CONGRESS.—Section 44921 of title 49, United States Code, as amended by subsections (c) and (d), is further amended by adding at the end the following new subsection:

“(o) REPORTS TO CONGRESS.—

“(1) REPORTS ON PROGRAM.—Not less often than once every 6 months, the Secretary, in consultation with the Secretary of State, shall report to Congress on the progress that the Secretary of State has made in implementing international agreements to permit Federal flight deck officers to carry firearms on board an aircraft operating within the jurisdiction of a foreign country.

“(2) REPORT ON TRAINING.—Not later than 90 days after the date of enactment of the Improving America’s Security Act of 2007, the Secretary shall report to Congress on the issues raised with respect to training in Department of Homeland Security Office of Inspector General report OIG-07-14 that includes proposals to address the issues raised in such report.”.

“(f) CONFORMING AND OTHER AMENDMENTS.—Section 44921 of title 49, United States Code, as amended by sections (c), (d), and (e), is further amended—

(1) by striking “Under Secretary” each place it appears and inserting “Secretary”; and

(2) by striking subparagraph (G) of subsection (b)(3).

SA 335. Mrs. FEINSTEIN (for herself, Mr. CORNYN, Mr. LAUTENBERG, Mrs. HUTCHISON, Mrs. BOXER, Mr. SCHUMER, Mrs. CLINTON, Mr. OBAMA, Mr. MENENDEZ, Mr. KERRY, Mr. COBURN, and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing

unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

On page 49, line 12, strike all through the matter preceding page 106, line 7, and insert the following:

TITLE II—RISK-BASED FUNDING FOR HOMELAND SECURITY

SEC. 201. RISK-BASED FUNDING FOR HOMELAND SECURITY.

(a) RISK-BASED FUNDING IN GENERAL.—The Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C. 361 et seq.) is amended by adding at the end the following:

TITLE XX—RISK-BASED FUNDING FOR HOMELAND SECURITY

“SEC. 2001. RISK-BASED FUNDING FOR HOMELAND SECURITY.

“(a) RISK-BASED FUNDING.—The Secretary shall ensure that homeland security grants are allocated based on an assessment of threat, vulnerability, and consequence to the maximum extent practicable.

“(b) COVERED GRANTS.—This title applies to grants provided by the Department to States, regions, or directly eligible tribes for the primary purpose of improving the ability of first responders to prevent, prepare for, respond to, or mitigate threatened or actual terrorist attacks, especially those involving weapons of mass destruction, and grants provided by the Department for improving homeland security, including the following:

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

“(2) 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.

“(4) CITIZEN CORPS PROGRAM.—The Citizen Corps Program 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 grant programs or any grant under such a program:

“(1) NONDEPARTMENT PROGRAMS.—Any Federal grant program that is not administered by the Department.

“(2) FIRE GRANT PROGRAMS.—The fire grant programs authorized by sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a).

“(3) EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE ACCOUNT GRANTS.—The Emergency Management Performance Grant program and the Urban Search and Rescue Grants program authorized by title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq.), the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (113 Stat. 1047 et seq.), and the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.).

“(d) EFFECT ON COVERED GRANTS.—Nothing in this Act shall be construed to require the elimination of a covered grant program.”.

(b) COVERED GRANT ELIGIBILITY AND CRITERIA.—The Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C. 361 et seq.), as amended by subsection (a), is amended by adding at the end the following:

“SEC. 2002. COVERED GRANT ELIGIBILITY AND CRITERIA.

“(a) GRANT ELIGIBILITY.—

“(1) IN GENERAL.—

“(A) GENERAL ELIGIBILITY.—Except as provided in subparagraphs (B) and (C), any State, region, or directly eligible tribe shall be eligible to apply for a covered grant.

“(B) URBAN AREA SECURITY INITIATIVE.—Only a region shall be eligible to apply for a grant under the Urban Area Security Initiative of the Department, or any successor to such grant program.

“(C) STATE HOMELAND SECURITY GRANT PROGRAM.—Only a State shall be eligible to apply for a grant under the State Homeland Security Grant Program of the Department, or any successor to such grant program.

“(2) OTHER GRANT APPLICANTS.—

“(A) IN GENERAL.—Grants provided by the Department for improving homeland security, including to seaports, airports, and other transportation facilities, shall be allocated as described in section 2001(a).

“(B) CONSIDERATION.—Applications for such grants shall be considered, to the extent determined appropriate by the Secretary, pursuant to the procedures and criteria established in this title, except that the eligibility requirements of paragraph (1) shall not apply.

“(3) CERTIFICATION OF REGIONS.—

“(A) IN GENERAL.—The Secretary shall certify a geographic area as a region if—

“(i) the geographic area meets the criteria under section 2007(10)(B) and (C); and

“(ii) the Secretary determines, based on an assessment of threat, vulnerability, and consequence, that certifying the geographic area as a region under this title is in the interest of national homeland security.

“(B) EXISTING URBAN AREA SECURITY INITIATIVE AREAS.—Notwithstanding section 2007(10)(B) and (C), a geographic area that, on or before the date of enactment of the Improving America’s Security Act of 2007, was designated as a high-threat urban area for purposes of the Urban Area Security Initiative, shall be certified by the Secretary as a region unless the Secretary determines, based on an assessment of threat, vulnerability, and consequence, that certifying the geographic area as a region is not in the interest of national homeland security.

“(b) GRANT CRITERIA.—In awarding covered grants, the Secretary shall assist States, local governments, and operators of airports, ports, or similar facilities in achieving, maintaining, and enhancing the essential capabilities established by the Secretary under section 2003.

“(c) STATE HOMELAND SECURITY PLANS.—

“(1) SUBMISSION OF PLANS.—The Secretary shall require that any State applying to the Secretary for a covered grant shall submit to the Secretary a 3-year State homeland security plan that—

“(A) demonstrates the extent to which the State has achieved the essential capabilities that apply to the State;

“(B) demonstrates the needs of the State necessary to achieve, maintain, or enhance the essential capabilities that apply to the State;

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

“(D) 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 use all 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;

“(E) is developed in consultation with and subject to appropriate comment by local governments within the State; and

“(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.

“(2) APPROVAL BY SECRETARY.—The Secretary may not award any covered grant to a State unless the Secretary has approved the applicable State homeland security plan.

“(d) CONSISTENCY WITH STATE PLANS.—The Secretary shall ensure that each covered grant is used to supplement and support, in a consistent and coordinated manner, the applicable State homeland security plan or plans.

“(e) APPLICATION FOR GRANT.—

“(1) IN GENERAL.—Except as otherwise provided in this subsection, any State, region, directly eligible tribe, or operator of an airport, port, or similar facility may apply for a covered grant by submitting to the Secretary an application at such time, in such manner, and containing such information as is required under this subsection, or as the Secretary may reasonably require.

“(2) DEADLINES FOR APPLICATIONS AND AWARDS.—All applications for covered grants shall be submitted at such time as the Secretary may reasonably require for the fiscal year for which they are submitted. The Secretary shall award covered grants for all approved applications for such fiscal year as soon as practicable, but not later than March 1 of such year.

“(3) AVAILABILITY OF FUNDS.—All funds awarded by the Secretary under covered grants in a fiscal year shall be available for obligation through the end of the second subsequent fiscal year.

“(4) MINIMUM CONTENTS OF APPLICATION.—The Secretary shall require that each applicant include in its application, at a minimum—

“(A) the purpose for which the applicant seeks covered grant funds and the reasons why the applicant needs the covered grant to meet the essential capabilities for terrorism preparedness within the State, region, or directly eligible tribe or at the airport, port, or similar facility to which the application pertains;

“(B) a description of how, by reference to the applicable State homeland security plan or plans under subsection (c), the allocation of grant funding proposed in the application, including, where applicable, the amount not passed through under section 2006(g)(1), would assist in fulfilling the essential capabilities specified in such plan or plans;

“(C) a statement of whether a mutual aid agreement applies to the use of all or any portion of the covered grant funds;

“(D) if the applicant is a State, a description of how the State plans to allocate the covered grant funds to regions, local governments, and Indian tribes;

“(E) if the applicant is a region—

“(i) a precise geographical description of the region and a specification of all participating and nonparticipating local governments within the geographical area comprising that region;

“(ii) a specification of what governmental entity within the region will administer the expenditure of funds under the covered grant;

“(iii) a designation of a specific individual to serve as regional liaison; and

“(iv) a description of how the governmental entity administering the expenditure

of funds under the covered grant plans to allocate the covered grant funds to States, local governments, and Indian tribes;

“(F) a capital budget showing how the applicant intends to allocate and expend the covered grant funds; and

“(G) if the applicant is a directly eligible tribe, a designation of a specific individual to serve as the tribal liaison.

“(5) REGIONAL APPLICATIONS.—

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

“(i) shall be coordinated with 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) and the coordination required under subparagraph (A) of this paragraph, an applicant that is a region shall submit its application to each State of which any part is included in the region for review and concurrence before the submission of such application to the Secretary. The regional application shall be transmitted to the Secretary through each such State within 30 days after receipt of the application by that State, unless the Governor of such a State notifies the Secretary, in writing, that such regional application is inconsistent with the State’s homeland security plan and provides an explanation of the reasons therefor.

“(C) DISTRIBUTION OF REGIONAL AWARDS.—If the Secretary approves a regional application, then the Secretary shall distribute a regional award to the State or States submitting the applicable regional application under subparagraph (B), and each such State shall, not later than the end of the 45-day period beginning on the date after receiving a regional award, pass through to the region all covered grant funds or resources purchased with such funds, except those funds necessary for the State to carry out its responsibilities with respect to such regional application. In no such case shall the State or States pass through to the region less than 80 percent of the regional award.

“(D) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO REGIONS.—Any State that receives a regional award under subparagraph (C) shall certify to the Secretary, by not later than 30 days after the expiration of the period described in subparagraph (C) with respect to the grant, that the State has made available to the region the required funds and resources in accordance with subparagraph (C).

“(E) DIRECT PAYMENTS TO REGIONS.—If any State fails to pass through a regional award to a region as required by subparagraph (C) within 45 days after receiving such award and does not request or receive an extension of such period under section 2006(h)(2), the region may petition the Secretary to receive directly the portion of the regional award that is required to be passed through to such region under subparagraph (C).

“(F) REGIONAL LIAISONS.—A regional liaison designated under paragraph (4)(E)(iii) shall—

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

“(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 a directly eligible tribe shall submit its application to each State within the boundaries of which any part of such tribe is located for direct submission to the Department along with the application of such State or States.

“(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 State and tribal applications.

“(C) FINAL AUTHORITY.—The Secretary shall have final authority to determine the consistency of any application of a directly eligible tribe with the applicable State homeland security plan or plans, and to approve any application of such tribe. The Secretary shall notify each State within the boundaries of which any part of such tribe is located of the approval of an application by such tribe.

“(D) TRIBAL LIAISON.—A tribal liaison designated under paragraph (4)(G) shall—

“(i) coordinate with Federal, State, and private sector officials to assist in the development of the application of such tribe and to improve the tribe’s access to covered grants; and

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

“(E) 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 funds under 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 (e). If a State fails to comply with section 2006(g)(1), the tribe may request payment under section 2006(h)(3) in the same manner as a local government.

“(7) EQUIPMENT STANDARDS.—If an applicant for a covered grant proposes to upgrade or purchase, with assistance provided under the grant, new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards established by the Secretary under section 2005(a), 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.

“(f) HOMELAND SECURITY GRANTS BOARD.—

“(1) ESTABLISHMENT OF BOARD.—The Secretary shall establish a Homeland Security Grants Board, consisting of—

“(A) the Secretary;

“(B) the Deputy Secretary of Homeland Security;

“(C) the Under Secretary for Emergency Preparedness and Response;

“(D) the Under Secretary for Border and Transportation Security;

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

“(F) the Under Secretary for Science and Technology; and

“(G) the Director of the Office of State and Local Government Coordination.

“(2) CHAIRMAN.—

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

“(B) EXERCISE OF AUTHORITIES BY DEPUTY SECRETARY.—The Deputy Secretary of Homeland Security may exercise the authorities of the Chairman, if the Secretary so directs.

“(3) RISK-BASED RANKING OF GRANT APPLICATIONS.—

“(A) PRIORITIZATION OF GRANTS.—The Board—

“(i) shall evaluate and annually prioritize all pending applications for covered grants based upon 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 of, and consequences for persons and critical infrastructure; and

“(ii) in evaluating the threat to persons and critical infrastructure for purposes of prioritizing covered grants, shall give greater weight to threats of terrorism based on their specificity and credibility, including any pattern of repetition.

“(B) MINIMUM AMOUNTS.—

“(i) IN GENERAL.—After evaluating and prioritizing grant applications under subparagraph (A), the Board shall ensure that, for each fiscal year, each State that has an approved State homeland security plan receives no less than 0.25 percent of the funds available for the State Homeland Security Grant Program, as described in section 2001(b)(1), for that fiscal year for purposes of implementing its homeland security plan in accordance with the prioritization of additional needs under subsection (e)(1)(C).

“(ii) OTHER ENTITIES.—Notwithstanding clause (i), the Board shall ensure that, for each fiscal year, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each receive 0.08 percent of the funds available for the State Homeland Security Grant Program, as described in section 2001(b)(1), for that fiscal year for purposes of implementing its homeland security plan in accordance with the prioritization of additional needs under subsection (e)(1)(C).

“(4) FUNCTIONS OF UNDER SECRETARIES.—The Under Secretaries referred to in paragraph (1) shall seek to ensure that the relevant expertise and input of the staff of their directorates are available to and considered by the Board.”

SEC. 202. ESSENTIAL CAPABILITIES, TASK FORCES, AND STANDARDS.

The Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C. 361 et seq.), as amended by section 201, is amended by adding at the end the following:

SEC. 203. ESSENTIAL CAPABILITIES FOR HOMELAND SECURITY.

“(a) ESTABLISHMENT OF ESSENTIAL CAPABILITIES.—

“(1) IN GENERAL.—For purposes of making covered grants, the Secretary shall establish clearly defined essential capabilities for State and local government preparedness for terrorism, in consultation with—

“(A) the Task Force on Essential Capabilities established under section 2004;

“(B) the Under Secretaries for Emergency Preparedness and Response, Border and Transportation Security, Information Analysis and Infrastructure Protection, and Science and Technology, and the Director of the Office of State and Local Government Coordination;

“(C) the Secretary of Health and Human Services;

“(D) other appropriate Federal agencies;

“(E) State and local first responder agencies and officials; and

“(F) consensus-based standard making organizations responsible for setting standards relevant to the first responder community.

“(2) DEADLINES.—The Secretary shall—

“(A) establish essential capabilities under paragraph (1) within 30 days after receipt of the report under section 2004(b); and

“(B) regularly update such essential capabilities as necessary, but not less than every 3 years.

“(3) PROVISION OF ESSENTIAL CAPABILITIES.—The Secretary shall ensure that a detailed description of the essential capabilities established under paragraph (1) is provided promptly to the States and to Congress. The States shall make the essential capabilities available as necessary and appropriate to local governments and operators of airports, ports, and other similar facilities within their jurisdictions.

“(b) OBJECTIVES.—The Secretary shall ensure that essential capabilities established under subsection (a)(1) meet the following objectives:

“(1) SPECIFICITY.—The determination of essential capabilities specifically shall describe the training, planning, personnel, and equipment that different types of communities in the Nation should possess, or to which they should have access, in order to meet the Department's goals for terrorism preparedness based upon—

“(A) the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection of the threats of terrorism against the United States;

“(B) the types of threats, vulnerabilities, geography, size, and other factors that the Secretary has determined to be applicable to each different type of community; and

“(C) the principles of regional coordination and mutual aid among State and local governments.

“(2) FLEXIBILITY.—The establishment of essential capabilities shall be sufficiently flexible to allow State and local government officials to set priorities based on particular needs, while reaching nationally determined terrorism preparedness levels within a specified time period.

“(3) MEASURABILITY.—The establishment of essential capabilities shall be designed to enable measurement of progress toward specific terrorism preparedness goals.

“(4) COMPREHENSIVENESS.—The determination of essential capabilities for terrorism preparedness shall be made within the context of a comprehensive State emergency management system.

“(c) FACTORS TO BE CONSIDERED.—

“(1) IN GENERAL.—In establishing essential capabilities under subsection (a)(1), the Secretary specifically shall consider the variables of threat, vulnerability, and consequences with respect to the Nation's population (including transient commuting and tourist populations) and critical infrastructure. Such consideration shall be based upon the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection of the threats of terrorism against the United States.

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

- “(A) Agriculture.
- “(B) Banking and finance.
- “(C) Chemical industries.
- “(D) The defense industrial base.
- “(E) Emergency services.
- “(F) Energy.
- “(G) Food.
- “(H) Government.
- “(I) Postal and shipping.
- “(J) Public health.
- “(K) Information and telecommunications networks.
- “(L) Transportation.

“(M) Water.

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 Secretary 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 Nation, 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.—In establishing essential capabilities under subsection (a)(1), the Secretary shall take into account any other specific threat to a population (including a transient commuting or tourist population) or critical infrastructure sector that the Secretary has determined to exist.

“SEC. 2004. TASK FORCE ON ESSENTIAL CAPABILITIES.

“(a) ESTABLISHMENT.—To assist the Secretary in establishing essential capabilities under section 2003(a)(1), the Secretary shall establish an advisory body pursuant to section 871(a) not later than 60 days after the date of the enactment of this section, which shall be known as the Task Force on Essential Capabilities.

“(b) REPORT.—

“(1) IN GENERAL.—The Task Force shall submit to the Secretary, not later than 9 months after its establishment by the Secretary under subsection (a) and every 3 years thereafter, a report on its recommendations for essential capabilities for preparedness for terrorism.

“(2) CONTENTS.—The report shall—

“(A) include a priority ranking of essential capabilities in order to provide guidance to the Secretary and to Congress on determining the appropriate allocation of, and funding levels for, first responder needs;

“(B) set forth a methodology by which any State or local government will be able to determine the extent to which it possesses or has access to the essential capabilities that States and local governments having similar risks should obtain;

“(C) describe the availability of national voluntary consensus standards, and whether there is a need for new national voluntary consensus standards, with respect to first responder training and equipment;

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

“(E) include such revisions to the contents of past reports as are necessary to take into account changes in the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection or other relevant information as determined by the Secretary.

“(3) CONSISTENCY WITH FEDERAL WORKING GROUP.—The Task Force shall ensure that its recommendations for essential capabilities are, to the extent feasible, consistent with any preparedness goals or recommendations of the Federal working group established

under section 319F(a) of the Public Health Service Act (42 U.S.C. 247d-6(a)).

“(4) COMPREHENSIVENESS.—The Task Force shall ensure that its recommendations regarding essential capabilities for terrorism preparedness are made within the context of a comprehensive State emergency management system.

“(5) PRIOR MEASURES.—The Task Force shall ensure that its recommendations regarding essential capabilities for terrorism preparedness take into account any capabilities that State or local officials have determined to be essential and have undertaken since September 11, 2001, to prevent or prepare for terrorist attacks.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The Task Force shall consist of 35 members appointed by the Secretary, and shall, to the extent practicable, represent a geographic and substantive cross section of governmental and nongovernmental 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 inpatient 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 emergency response operations;

“(C) experts from Federal, State, and local governments, and the private sector, representing standards-setting organizations, including representation 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 official is an elected official representing 1 of the 2 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 the selection with the Secretary of Health and Human Services.

“(3) EX OFFICIO MEMBERS.—The Secretary and the Secretary of Health and Human Services shall each designate 1 or more officers of their respective Departments to serve as ex officio members of the Task Force. One of the ex officio members from 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.).

“(d) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Notwithstanding section 871(a), the Federal Advisory Committee Act (5 U.S.C. App.), including subsections (a), (b), and (d) of section 10 of such Act, and section 552b(c) of title 5, United States Code, shall apply to the Task Force.

“SEC. 2005. 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 of State and Local Government Coordination, shall, not later than 6 months

after the date of enactment of this section, support the development of, promulgate, and update as necessary national voluntary consensus standards for the performance, use, and validation of first responder equipment for purposes of section 2002(e)(7). Such standards—

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

“(B) shall take into account, as appropriate, new types of terrorism threats that may not have been contemplated when such existing standards were developed;

“(C) shall be focused on maximizing interoperability, interchangeability, 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 hoods, 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 of State and Local Government Coordination, shall support the development of, promulgate, and regularly update as necessary national voluntary consensus standards for 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, and mitigate 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.

“(c) 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;

“(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;

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

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

“(10) ASTM International;

“(11) the International Safety Equipment Association;

“(12) the Emergency Management Accreditation Program;

“(13) the National Domestic Preparedness Consortium; and

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

“(d) 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, including emergency medical professionals, the Secretary shall coordinate activities under this section with the Secretary of Health and Human Services.”.

SEC. 203. EFFECTIVE ADMINISTRATION OF HOME LAND SECURITY GRANTS.

(a) USE OF GRANT FUNDS AND ACCOUNTABILITY.—The Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C. 361 et seq.), as amended by sections 201 and 202, is amended by adding at the end the following:

“SEC. 206. USE OF FUNDS AND ACCOUNTABILITY REQUIREMENTS.

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

“(1) purchasing, upgrading, or maintaining equipment, including computer software, to enhance terrorism preparedness and response;

“(2) exercises to strengthen terrorism preparedness and response;

“(3) training for prevention (including detection) of, preparedness for, or response to attacks involving weapons of mass destruction, including training in the use of equipment and computer software;

“(4) developing or updating response plans;

“(5) establishing or enhancing mechanisms for sharing terrorism threat information;

“(6) systems architecture and engineering, program planning and management, strategy formulation and strategic planning, life-cycle systems design, product and technology evaluation, and prototype development for terrorism preparedness and response purposes;

“(7) additional personnel costs resulting from—

“(A) elevations in the threat alert level of the Homeland Security Advisory System by the Secretary, or a similar elevation in threat alert level issued by a State, region, or local government with the approval of the Secretary;

“(B) travel to and participation in exercises and training in the use of equipment and on prevention activities;

“(C) the temporary replacement of personnel during any period of travel to and participation in exercises and training in the use of equipment and on prevention activities; and

“(D) participation in information, investigative, and intelligence-sharing activities specifically related to terrorism prevention;

“(8) the costs of equipment (including software) required to receive, transmit, handle, and store classified information;

“(9) target hardening to reduce the vulnerability of high-value targets, as determined by the Secretary;

“(10) protecting critical infrastructure against potential attack by the addition of barriers, fences, gates, and other such devices, except that the cost of such measures may not exceed the greater of—

“(A) \$1,000,000 per project; or

“(B) such greater amount as may be approved by the Secretary, which may not exceed 10 percent of the total amount of the covered grant;

“(11) the costs of commercially available interoperable communications equipment (which, where applicable, is based on national, voluntary consensus standards) that the Secretary, in consultation with the Chairman of the Federal Communications Commission, determines best suited to facilitate interoperability, coordination, and integration between and among emergency communications systems, and that complies with prevailing grant guidance of the Department for interoperable communications;

“(12) educational curricula development for first responders to ensure that they are prepared for terrorist attacks;

“(13) training and exercises to assist public elementary and secondary schools in developing and implementing programs to instruct students regarding age-appropriate skills to prepare for and respond to an act of terrorism;

“(14) paying of administrative expenses directly related to administration of the grant, except that such expenses may not exceed 3 percent of the amount of the grant; and

“(15) other appropriate activities as determined by the Secretary.

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

“(1) to supplant State or local funds that have been obligated for a homeland security or other first responder-related project;

“(2) to construct buildings or other physical facilities, except for—

“(A) activities under section 611 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196); and

“(B) upgrading facilities to protect against, test for, and treat the effects of biological agents, which shall be included in the homeland security plan approved by the Secretary under section 2002(c);

“(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 State and local governments from using covered grant funds in a manner that also enhances first responder preparedness for emergencies and disasters unrelated to acts of terrorism, if such use assists such governments in achieving essential capabilities for terrorism preparedness established by the Secretary under section 2003.

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

“(e) ASSISTANCE REQUIREMENT.—The Secretary may not request that equipment paid for, wholly or in part, with funds provided as a covered grant be made available for responding to emergencies in surrounding States, regions, and localities, unless the Secretary pays the costs directly attributable to transporting and operating such equipment during such response.

“(f) FLEXIBILITY IN UNSPENT 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.

“(g) 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 combination of funds and resources having value equal to at least 80 percent of the amount of the grant, by not later than the end of the 45-day period beginning on the date the grant recipient receives the grant funds.

“(2) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO LOCAL GOVERNMENTS.—Any State that receives a covered grant shall certify to the Secretary, by not later than 30 days after the expiration of the period described in paragraph (1) with respect to the grant, that the State has made available for expenditure by local governments, first responders, and other local groups the required amount of grant funds under paragraph (1).

“(3) QUARTERLY REPORT ON HOMELAND SECURITY SPENDING.—Each recipient of a covered grant shall submit a quarterly report to the Secretary not later than 30 days after the end of each fiscal quarter. Each report shall include, for each recipient of a covered grant 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.

“(4) 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 fiscal year. Each recipient of a covered grant that is a region shall simultaneously submit its report to each State of which any part is included in the region. Each recipient of a covered grant that is a directly eligible tribe shall simultaneously submit its report to each State within the boundaries of which any part of such tribe is located. Each report shall 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 disbursements of all such funds expended in compliance with paragraph (1) or pursuant to mutual aid agreements or other sharing arrangements that apply within 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 unmet.

“(5) INCLUSION OF RESTRICTED ANNEXES.—A recipient of a covered grant may submit to the Secretary an annex to the annual report under paragraph (4) 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.

“(6) PROVISION OF REPORTS.—The Secretary shall ensure that each annual report under paragraph (4) is provided to the Under Secretary for Emergency Preparedness and Response and the Director of the Office of State and Local Government Coordination.

“(h) 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—

“(A) reduce grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1);

“(B) terminate payment of funds under 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

“(C) impose additional restrictions or burdens on the recipient's 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 through 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 20 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 2002(e)(5)(E) or paragraph (1) of this subsection for an additional 15-day period. The Secretary may approve such a request, and may extend such period for additional 15-day periods, if the Secretary determines that the resulting delay in providing grant funding to the local government entities that will receive funding under the grant will not have a significant detrimental im-

pact 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 explicitly 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 resources after 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.

“(C) 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 by not later than 15 days after the date the request is received by the Department.

“(i) REPORTS TO CONGRESS.—The Secretary shall submit an annual report to Congress by December 31 of each year—

“(1) describing 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 under section 2003(a) 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 under section 2003(a).”

(b) SENSE OF CONGRESS REGARDING CITIZEN CORPS COUNCILS.—

(1) FINDING.—Congress finds that Citizen Corps councils help to enhance local citizen participation in terrorism preparedness by coordinating multiple Citizen Corps programs, developing community action plans, assessing possible threats, and identifying local resources.

(2) SENSE OF CONGRESS.—It is the sense of Congress that individual Citizen Corps councils should seek to enhance the preparedness and response capabilities of all organizations participating in the councils, including by

providing funding to as many of their participating organizations as practicable to promote local terrorism preparedness programs.

(c) REQUIRED COORDINATION.—The Secretary shall ensure that there is effective and ongoing coordination of Federal efforts to prevent, prepare for, and respond to acts of terrorism and other major disasters and emergencies among the divisions of the Department, including the Directorate of Emergency Preparedness and Response and the Office for State and Local Government Coordination and Preparedness.

(d) COORDINATION OF INDUSTRY EFFORTS.—Section 102(f) of the Homeland Security Act of 2002 (6 U.S.C. 112(f)) is amended—

(1) in paragraph (9), by striking “and” after the semicolon;

(2) in paragraph (10), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(11) coordinating industry efforts, with respect to functions of the Department, to identify private sector resources and capabilities that could be effective in supplementing Federal, State, and local government agency efforts to prevent or respond to a terrorist attack.”.

(e) STUDY REGARDING NATIONWIDE EMERGENCY NOTIFICATION SYSTEM.—

(1) STUDY.—The Secretary, in consultation with the heads of other appropriate Federal agencies and representatives of providers and participants in the telecommunications industry, shall conduct a study to determine whether it is cost effective, efficient, and feasible to establish and implement an emergency telephonic alert notification system that will—

(A) alert persons in the United States of imminent or current hazardous events caused by acts of terrorism; and

(B) provide information to individuals regarding appropriate measures that may be undertaken to alleviate or minimize threats to their safety and welfare posed by such events.

(2) TECHNOLOGIES TO CONSIDER.—In conducting the study under paragraph (1), the Secretary shall consider the use of the telephone, wireless communications, and other existing communications networks to provide such notification.

(3) REPORT.—Not later than 9 months after the date of enactment of this Act, the Secretary shall submit to Congress a report regarding the conclusions of the study conducted under paragraph (1).

(f) STUDY OF EXPANSION OF AREA OF JURISDICTION OF OFFICE OF NATIONAL CAPITAL REGION COORDINATION.—

(1) STUDY.—The Secretary, acting through the Director of the Office of National Capital Region Coordination, shall conduct a study of the feasibility and desirability of modifying the definition of “National Capital Region” applicable under section 882 of the Homeland Security Act of 2002 (6 U.S.C. 462) to expand the geographic area under the jurisdiction of the Office of National Capital Region Coordination.

(2) FACTORS.—In conducting the study under paragraph (1), the Secretary shall analyze whether expanding the geographic area under the jurisdiction of the Office of National Region Coordination will—

(A) promote coordination among State and local governments within the Region, including regional governing bodies, and coordination of the efforts of first responders; and

(B) enhance the ability of such State and local governments and the Federal Government to prevent and respond to a terrorist attack within the Region.

(3) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit a report to Congress

on the study conducted under paragraph (1), and shall include in the report such recommendations (including recommendations for legislation to amend section 882 of the Homeland Security Act of 2002 (6 U.S.C. 462)) as the Secretary considers appropriate.

(g) STUDY OF RISK ALLOCATION FOR PORT SECURITY GRANTS.—

(1) STUDY.—The Secretary shall conduct a study of the factors to be used for the allocation of funds based on risk for port security grants made under section 70107 of title 46, United States Code.

(2) FACTORS.—In conducting the study, the Secretary shall analyze the volume of international trade and economic significance of each port.

(3) REPORT.—Not later than 90 days after the enactment of the Act, the Secretary shall submit a report to Congress on the study and shall include recommendations for using such factors in allocating grant funds to ports.

(h) STUDY OF ALLOCATION OF ASSISTANCE TO FIREFIGHTER GRANTS.—

(1) STUDY.—The Secretary shall conduct a study of the allocation of grant fund awards made under the Assistance to Firefighter Grants program and shall analyze the distribution of awards by State.

(2) FACTORS.—In conducting the study, the Secretary shall analyze the number of awards and the per capita amount of grant funds awarded to each State and the level of unmet firefighting equipment needs in each State. The study shall also analyze whether allowing local departments to submit more than 1 annual application and expanding the list of eligible applicants for such grants to include States will enhance the ability of State and local governments to respond to fires.

(3) REPORT.—Not later than 90 days after the date of enactment of the Act, the Secretary shall submit a report to Congress on the study and shall include recommendations for legislation amending the factors used in allocating grant funds to insure that critical firefighting needs are addressed by the program in all areas of the Nation.

SEC. 204. MINIMUM PERFORMANCE REQUIREMENTS.

The Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C. 361 et seq.), as amended by sections 201, 202, and 203 is amended by adding at the end the following:

“SEC. 207. MINIMUM PERFORMANCE REQUIREMENTS.

(a) IN GENERAL.—The Administrator shall—

“(1) establish minimum performance requirements for entities that receive homeland security grants;

“(2) conduct, in coordination with State, regional, local, and tribal governments receiving grants under the Homeland Security Grant Program, simulations and exercises to test the minimum performance requirements established under paragraph (1) for—

“(A) emergencies (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) and major disasters not less than twice each year; and

“(B) catastrophic incidents (as that term is defined in section 501) not less than once each year; and

“(3) ensure that entities that the Administrator determines are failing to demonstrate minimum performance requirements established under paragraph (1) shall remedy the areas of failure, not later than the end of the second full fiscal year after the date of such determination by—

“(A) establishing a plan for the achievement of the minimum performance requirements under paragraph (1), including—

“(i) developing intermediate indicators for the 2 fiscal years following the date of such determination; and

“(ii) conducting additional simulations and exercises; and

“(B) revising an entity’s homeland security plan, if necessary, to achieve the minimum performance requirements under paragraph (1).

“(b) WAIVER.—At the discretion of the Administrator, the occurrence of an actual emergency, major disaster, or catastrophic incident in an area may be deemed as a simulation under subsection (a)(2).

“(c) REPORT TO CONGRESS.—Not later than the end of the first full fiscal year after the date of enactment of the Improving America’s Security Act of 2007, and each fiscal year thereafter, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and to the Committee on Homeland Security of the House of Representatives a report describing—

“(1) the performance of grantees under subsection (a)(1);

“(2) lessons learned through the simulations and exercises under subsection (a)(2); and

“(3) efforts being made to remedy failed performance under subsection (a)(3).”

SEC. 205. AUDITS.

The Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C. 361 et seq.), as amended by sections 201, 202, 203, and 204 is amended by adding at the end the following:

“SEC. 208. AUDITING.

(a) AUDIT OF GRANTS.—

“(1) IN GENERAL.—Not later than the date described in paragraph (2), and every 2 years thereafter, the Inspector General of the Department shall conduct an audit of each entity that receives a covered grant or a grant under section 1809 to evaluate the use of funds under such grant program by such entity.

“(2) TIMING.—The date described in this paragraph is the later of 2 years after—

“(A) the date of enactment of the Improving America’s Security Act of 2007; and

“(B) the date that an entity first receives a covered grant or a grant under section 1809, as the case may be.

“(3) CONTENTS.—Each audit under this subsection shall evaluate—

“(A) the use of funds under the relevant grant program by an entity during the 2 full fiscal years before the date of that audit; and

“(B) whether funds under that grant program were used by that entity as required by law.

“(4) PUBLIC AVAILABILITY ON WEBSITE.—The Inspector General of the Department shall make each audit under this subsection available on the website of the Inspector General.

“(5) REPORTING.

“(A) IN GENERAL.—Not later than 2 years and 60 days after the date of enactment of the Improving America’s Security Act of 2007, and annually thereafter, the Inspector General of the Department shall submit to Congress a consolidated report regarding the audits conducted under this subsection.

“(B) CONTENTS.—Each report submitted under this paragraph shall describe—

“(I) for the first such report, the audits conducted under this subsection during the 2-year period beginning on the date of enactment of the Improving America’s Security Act of 2007; and

“(II) for each subsequent such report, the audits conducted under this subsection during the fiscal year before the date of the submission of that report;

“(ii) whether funds under each grant audited during the period described in clause (i) that is applicable to such report were used as required by law.

“(b) AUDIT OF OTHER PREPAREDNESS GRANTS.—

“(1) IN GENERAL.—Not later than the date described in paragraph (2), the Inspector General of the Department shall conduct an audit of each entity that receives a covered grant or a grant under section 1809 to evaluate the use by that entity of any grant for preparedness administered by the Department that was awarded before the date of enactment of the Improving America’s Security Act of 2007.

“(2) TIMING.—The date described in this paragraph is the later of 2 years after—

“(A) the date of enactment of the Improving America’s Security Act of 2007; and

“(B) the date that an entity first receives a covered grant or a grant under section 1809, as the case may be.

“(3) CONTENTS.—Each audit under this subsection shall evaluate—

“(A) the use of funds by an entity under any grant for preparedness administered by the Department that was awarded before the date of enactment of the Improving America’s Security Act of 2007;

“(B) whether funds under each such grant program were used by that entity as required by law; and

“(C) the extent to which such funds were used to enhance preparedness.

“(4) PUBLIC AVAILABILITY ON WEBSITE.—The Inspector General of the Department shall make each audit under this subsection available on the website of the Inspector General.

“(5) REPORTING.—

“(A) IN GENERAL.—Not later than 2 years and 60 days after the date of enactment of the Improving America’s Security Act of 2007, and annually thereafter, the Inspector General of the Department shall submit to Congress a consolidated report regarding the audits conducted under this subsection.

“(B) CONTENTS.—Each report submitted under this paragraph shall describe—

“(i)(I) for the first such report, the audits conducted under this subsection during the 2-year period beginning on the date of enactment of the Improving America’s Security Act of 2007; and

“(II) for each subsequent such report, the audits conducted under this subsection during the fiscal year before the date of the submission of that report;

“(ii) whether funds under each grant audited were used as required by law; and

“(iii) the extent to which funds under each grant audited were used to enhance preparedness.

“(C) FUNDING FOR AUDITS.—

“(1) IN GENERAL.—The Administrator shall withhold 1 percent of the total amount of each covered grant or a grant under section 1809 for audits under this section.

“(2) AVAILABILITY OF FUNDS.—The Administrator shall make amounts withheld under this subsection available as follows:

“(A) Amounts withheld from grants under the State Homeland Security Grant Program shall be made available for audits under this section of entities receiving grants under the State Homeland Security Grant Program.

“(B) Amounts withheld from grants under the Urban Area Security Initiative shall be made available for audits under this section of entities receiving grants under the Urban Area Security Initiative.

“(C) Amounts withheld from grants under the Law Enforcement Terrorism Prevention Program shall be made available for audits under this section of entities receiving grants under the Law Enforcement Terrorism Prevention Grant Program.

“(D) Amounts withheld from grants under the Citizen Corps Program shall be made available for audits under this section of entities receiving grants under the Citizen Corps Program.

“(E) Amounts withheld from grants under section 1809 shall be made available for audits under this section of entities receiving grants under section 1809.”.

SEC. 206. IMPLEMENTATION; DEFINITIONS; TABLE OF CONTENTS.

(a) TECHNICAL AND CONFORMING AMENDMENT.—Section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714) is amended—

- (1) by striking subsection (c)(3);
- (2) by redesignating subsection (c) as subsection (d); and
- (3) by inserting after subsection (b) the following:

“(c) ADMINISTRATION.—Grants under this section shall be administered in accordance with title XX of the Homeland Security Act of 2002.”.

(b) TEMPORARY LIMITATIONS ON APPLICATION.—

(1) 1-YEAR DELAY IN APPLICATION.—The following provisions of title XX of the Homeland Security Act of 2002, as added by this Act, shall not apply during the 1-year period beginning on the date of enactment of this Act—

(A) Subsections (b), (c), and (e)(4) (A) and (B) of section 2002; and

(B) In section 2002(f)(3)(A)(i), the phrase “by achieving, maintaining, or enhancing the essential capabilities of the applicants on a nationwide basis.”.

(2) 2-YEAR DELAY IN APPLICATION.—The following provisions of title XX of the Homeland Security Act of 2002, as added by this Act, shall not apply during the 2-year period beginning on the date of enactment of this Act—

(A) Subparagraphs (D) and (E) of section 2006(g)(4); and

(B) Section 2006(i)(3).

(c) DEFINITIONS.—

(1) TITLE XX.—Title XX of the Homeland Security Act of 2002, as amended by sections 201, 202, 203, 204, and 205 is amended by adding at the end the following:

SEC. 209. DEFINITIONS.

“In this title:

“(1) BOARD.—The term ‘Board’ means the Homeland Security Grants Board established under section 2002(f).

“(2) CONSEQUENCE.—The term ‘consequence’ means the assessment of the effect of a completed attack.

“(3) COVERED GRANT.—The term ‘covered grant’ means any grant to which this title applies under section 2001(b).

“(4) 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 applicant pool for self-governance 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; and

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

“(ii) is located within 5 miles of a facility designated as high-risk critical infrastructure by the Secretary;

“(iii) is located within or contiguous to 1 of the 50 largest metropolitan statistical areas 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.

“(5) ELEVATIONS IN THE THREAT ALERT LEVEL.—The term ‘elevations in the threat alert level’ means any designation (including those that are less than national in scope) that raises the homeland security threat level to either the highest or second-highest

threat level under the Homeland Security Advisory System referred to in section 201(d)(7).

“(6) EMERGENCY PREPAREDNESS.—The term ‘emergency preparedness’ shall have the same meaning that term has under section 602 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195a).

“(7) ESSENTIAL CAPABILITIES.—The term ‘essential capabilities’ means the levels, availability, and competence of emergency personnel, planning, training, and equipment across a variety of disciplines needed to effectively and efficiently prevent, prepare for, and respond to acts of terrorism consistent with established practices.

“(8) FIRST RESPONDER.—The term ‘first responder’ shall have the same meaning as the term ‘emergency response provider’ under section 2.

“(9) INDIAN 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.

“(10) REGION.—The term ‘region’ means any geographic area—

“(A) certified by the Secretary under section 2002(a)(3);

“(B) consisting of all or parts of 2 or more counties, municipalities, or other local governments and including a city with a core population exceeding 500,000 according to the most recent estimate available from the United States Census; and

“(C) that, for purposes of an application for a covered grant—

“(i) is represented by 1 or more local governments or governmental agencies within such geographic area; and

“(ii) is established by law or by agreement of 2 or more such local governments or governmental agencies, such as through a mutual aid agreement.

“(11) RISK-BASED FUNDING.—The term ‘risk-based funding’ means the allocation of funds based on an assessment of threat, vulnerability, and consequence.

“(12) TASK FORCE.—The term ‘Task Force’ means the Task Force on Essential Capabilities established under section 2004.

“(13) THREAT.—The term ‘threat’ means the assessment of the plans, intentions, and capability of an adversary to implement an identified attack scenario.

“(14) VULNERABILITY.—The term ‘vulnerability’ means the degree to which a facility is available or accessible to an attack, including the degree to which the facility is inherently secure or has been hardened against such an attack.”.

(2) DEFINITION OF EMERGENCY RESPONSE PROVIDERS.—Paragraph (6) of section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101(6)) is amended by striking “includes” and all that follows and inserting “includes Federal, State, and local governmental and non-governmental emergency public safety, law enforcement, fire, emergency response, emergency medical (including hospital emergency facilities), and related personnel, organizations, agencies, and authorities.”.

(d) TABLE OF CONTENTS.—Section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 note) is amended in the table of contents by adding at the end the following:

“TITLE XX—RISK-BASED FUNDING FOR HOMELAND SECURITY

“Sec. 2001. Risk-Based funding for homeland security.

“Sec. 2002. Covered grant eligibility and criteria.
 “Sec. 2003. Essential capabilities for homeland security.
 “Sec. 2004. Task Force on Essential Capabilities.
 “Sec. 2005. National standards for first responder equipment and training.
 “Sec. 2006. Use of funds and accountability requirements.
 “Sec. 2007. Minimum performance requirements.
 “Sec. 2008. Auditing.
 “Sec. 2009. Definitions.”.

On page 116, line 8, strike “0.75 percent” and insert “0.25 percent”.

On page 116, line 13, strike “0.25 percent” and insert “0.08 percent”.

On page 347, strike lines 19 through 22, and insert the following:

“(1) result in distributions to public safety entities among the several States that ensure that for each fiscal year—

“(A) no State receives less than an amount equal to 0.25 percent of the total funds appropriated for such grants; and

“(B) American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each receive no less than 0.08 percent of the amounts appropriated for such grants; and

SA 336. Mr. SCHUMER (for himself, and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes, as follows:

On page 64, between lines 2 and 3, insert the following:

“(e) PROHIBITION OF PEER REVIEW PROCESS.—The peer review process may not be used in determining the allocation of funds among metropolitan areas applying for grants under this section.

SA 337. Mr. SCHUMER (for himself, and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes, as follows:

On page 59, between lines 9 and 10, insert the following:

“(f) USE OF GRANT FUNDS FOR PERSONNEL COSTS.—The Secretary may not provide for any limitation on the percentage or amount of any grant awarded under the Homeland Security Grant Program which may be used for personnel costs, including overtime or backfill costs.

On page 86, strike lines 6 through 20.

SA 338. Mr. OBAMA (for himself, Mr. WARNER, Mr. COBURN, Ms. LANDRIEU, Mr. KENNEDY, Mr. MENENDEZ, Mrs. CLINTON, and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and

Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes, which was ordered to lie on the table; as follows:

On page 69, strike line 15 and all that follows through page 70, line 2, and insert the following:

“(d) MINIMUM ALLOCATION.—

“(1) IN GENERAL.—In allocating funds under subsection (c), the Administrator shall ensure that, for each fiscal year—

“(A) except as provided in subparagraph (B), each State (other than the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands) receives an amount equal to not less than 0.25 percent of the total funds appropriated for the State Homeland Security Grant Program;

“(B) each State (other than the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands) that meets any of the additional high-risk qualifying criteria described in paragraph (2) receives an amount equal to not less than 0.45 percent of the total funds appropriated for the State Homeland Security Grant Program;

“(C) the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands each receives an amount equal to not less than 0.08 percent of the total funds appropriated for the State Homeland Security Grant Program; and

“(D) directly eligible tribes collectively receive an amount equal to not less than 0.08 percent of the total funds appropriated for the State Homeland Security Grant Program, except that this subparagraph shall not apply if the Administrator receives less than 5 applications for that fiscal year from directly eligible tribes or does not approve at least 1 such application for that fiscal year.

“(2) ADDITIONAL HIGH-RISK QUALIFYING CRITERIA.—The additional high-risk qualifying criteria described in this paragraph are—

“(A) having an international land border; or

“(B) adjoining a body of water within North America through which an international boundary line extends.

SA 339. Mr. WYDEN (for himself, Mr. LIEBERMAN, Ms. COLLINS, and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. 15. SPECIAL NEEDS REGISTRY PILOT PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term “eligible entity” means a non-profit entity that—

(A) possesses expertise in creating a coordinated response among individuals and organizations involved with individuals with special needs;

(B) has a documented successful history of technology implementation and program development in the service of linking public and private organizations in information-sharing initiatives, particularly with and among social agencies;

(C) has expertise in—

(i) managing technology implementations (including 9-1-1 data); and
 (ii) using highly secure, auditable, Internet-based information dissemination methods;

(D) has alerting capabilities; and

(E) is capable of creating and managing directories of special needs people;

(2) the terms “emergency” and “major disaster” have the meanings given those terms in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122);

(3) the terms “emergency response provider” and “local government” have the meanings given those terms in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101);

(4) the term “pilot program” means the Special Needs Registry Pilot Program established under subsection (b); and

(5) the term “special needs registry” means a voluntary and updatable registry of individuals with special needs that is readily accessible to emergency response providers.

(b) ESTABLISHMENT.—The Secretary shall establish a Special Needs Registry Pilot Program, to establish voluntary and updatable registries of individuals with special needs, readily accessible to emergency response providers to facilitate the evacuation of such individuals in the event of an emergency or major disaster.

(c) SELECTION.—The Secretary shall select an eligible entity to establish or operate a special needs registry in not fewer than 3 locations under the pilot program, including not fewer than—

(1) 1 location in an urban area that has a special needs registry and a system for integrating that registry with emergency response centers;

(2) 1 location in a rural area that has a special needs registry and does not have a system for integrating that registry with emergency response centers; and

(3) 1 location that does not have a special needs registry.

(d) REQUIREMENTS.—A special needs registry established or operated under the pilot program shall—

(1) be voluntary;

(2) have an easily accessible means of registration;

(3) include information regarding individuals with special needs sufficient to allow emergency response providers to find such individuals quickly;

(4) be updated regularly; and

(5) be—

(A) maintained in a secure, private, and encrypted environment; and

(B) distributed to appropriate local, county, State, and Federal emergency operations centers.

(e) REPORTS.—Not later than 10 months after the date that the Secretary selects an eligible entity under subsection (c), the Secretary shall submit to Congress a report—

(1) describing the use of funds under the pilot program; and

(2) recommending whether the pilot program should be extended or modified.

(f) TERMINATION.—The pilot program shall terminate 1 year after the date that the Secretary selects an eligible entity under subsection (c).

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$2,000,000 to carry out this section.

SA 340. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the

bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, strike the item relating to section 1336 and insert the following:

Sec. 1336. Unified carrier registration system plan agreement.

Sec. 1337. Authorization of appropriations.

On page 298, strike line 8 and insert the following:

SEC. 1336. UNIFIED CARRIER REGISTRATION SYSTEM PLAN AGREEMENT.

(a) IN GENERAL.—Notwithstanding section 4305(a) of the SAFETEA-LU Act (Public Law 109-59)—

(1) section 14504 of title 49, United States Code, as that section was in effect on December 31, 2006, is re-enacted, effective as of January 1, 2007; and

(2) no fee shall be collected pursuant to section 14504a of title 49, United States Code, until 30 days after the date, as determined by the Secretary of Transportation, on which—

(A) the unified carrier registration system plan and agreement required by that section has been fully implemented; and

(B) the fees have been set by the Secretary under subsection (d)(7)(B) of that section.

(b) REPEAL OF SECTION 14504.—Section 14504 of title 49, United States Code, as re-enacted by this Act, is repealed effective on the date on which fees may be collected under section 14504a of title 49, United States Code, pursuant to subsection (a)(2) of this section.

SEC. 1337. AUTHORIZATION OF APPROPRIATIONS.

SA 341. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 124, line 16, strike “and” after the semicolon.

On page 124, line 18, strike the period and insert “; and”.

On page 124, between lines 18 and 19, insert the following:

(9) identify solutions to facilitate communications between emergency response providers in communities of differing population densities.

SA 342. Ms. COLLINS (for herself, Mr. STEVENS, Mr. VOINOVICH, Mr. WARNER, Mr. SUNUNU, and Mr. GRASSLEY) proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

Strike section 803 (relating to Transportation Security Administration personnel management) and insert the following:

SEC. 803. EMPLOYEE RIGHTS AND ENGAGEMENT MECHANISM FOR PASSENGER AND PROPERTY SCREENERS.

(a) APPEAL RIGHTS; ENGAGEMENT MECHANISM FOR WORKPLACE ISSUES; PAY FOR PERFORMANCE; UNION MEMBERSHIP.—

(1) IN GENERAL.—Section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note) is amended—

(A) by striking “Notwithstanding” and inserting the following:

“(1) IN GENERAL.—Except as provided in section 883 of the Homeland Security Act of 2002 (6 U.S.C. 463) and paragraphs (2) through (5), notwithstanding”; and

(B) by adding at the end the following:

“(2) RIGHT TO APPEAL ADVERSE ACTION.—An individual employed or appointed to carry out the screening functions of the Administrator under section 44901 of title 49, United States Code, may submit an appeal of an adverse action covered by section 7512 of title 5, United States Code, and finalized after the date of the enactment of Improving America’s Security Act of 2007, to the Merit Systems Protection Board and may seek judicial review of any resulting orders or decisions of the Merit Systems Protection Board.

“(3) EMPLOYEE ENGAGEMENT MECHANISM FOR ADDRESSING WORKPLACE ISSUES.—At every airport at which the Transportation Security Administration screens passengers and property under section 44901 of title 49, United States Code, the Administrator shall provide a collaborative, integrated employee engagement mechanism to address workplace issues.

“(4) PAY FOR PERFORMANCE.—The Administrator shall establish a system to ensure that an individual described in paragraph (2) is compensated at a level that reflects the performance of such individual rather than the seniority of such individual.

“(5) CONSTRUCTION.—Nothing in this section shall be construed to prohibit an individual described in paragraph (2) from joining a labor organization.”.

(2) CONFORMING AMENDMENTS.—Section 111(d)(1) of such Act, as redesignated by paragraph (1)(A), is amended—

(A) by striking “Under Secretary of Transportation for Security” and inserting “Administrator of the Transportation Security Administration”; and

(B) by striking “Under Secretary” each place it appears and inserting “Administrator”.

(b) WHISTLEBLOWER PROTECTIONS.—Section 883 of the Homeland Security Act of 2002 (6 U.S.C. 463) is amended, in the matter preceding paragraph (1), by inserting “, or section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note),” after “this Act”.

(c) REPORTS.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Transportation Security Administration and the Comptroller General of the United States shall each submit an independent report to Congress that contains an assessment of employment matters at the Transportation Security Administration, including the implementation of this section.

SA 343. Ms. CANTWELL (for herself, Mr. DODD, and Mr. FEINGOLD) submitted an amendment intended to be proposed by her to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. COMPREHENSIVE STRATEGY TO REDUCE GLOBAL POVERTY AND ELIMINATE EXTREME GLOBAL POVERTY.

(a) FINDINGS.—Congress makes the following findings:

(1) The 9/11 Commission found that a “comprehensive U.S. strategy to counter terrorism should include economic policies that encourage development, more open societies, and opportunities for people to improve the lives of their families and to enhance prospects for their children’s future”.

(2) Global poverty creates conditions that give rise to terrorism.

(b) DECLARATION OF POLICY.—It is the policy of the United States to promote the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the United Nations Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than \$1 per day.

(c) COMPREHENSIVE STRATEGY.—

(1) STRATEGY REQUIRED.—The President, acting through the Secretary of State and in consultation with the heads of other appropriate departments and agencies of the Government of the United States, international organizations, international financial institutions, the governments of developing and developed countries, United States and international nongovernmental organizations, civil society organizations, and other appropriate entities, shall develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the United Nations Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than \$1 per day.

(2) CONTENT.—The strategy required under paragraph (1) shall include specific and measurable goals, efforts to be undertaken, benchmarks, and timetables to achieve the objectives described in such paragraph.

(3) GUIDELINES.—The strategy required under paragraph (1) should adhere to the following guidelines:

(A) Continued investment in existing United States initiatives related to international poverty reduction, such as the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7601 et seq.), the Millennium Challenge Act of 2003 (22 U.S.C. 7701 et seq.), the Heavily Indebted Poor Countries Initiative, and trade preference programs for developing countries.

(B) Increasing overall United States development assistance levels while at the same time improving the effectiveness of such assistance.

(C) Enhancing and expanding debt relief.

(D) Leveraging United States trade policy where possible to enhance economic development prospects for developing countries.

(E) Coordinating efforts and working in cooperation with developed and developing countries, international organizations, and international financial institutions.

(F) Mobilizing and leveraging the participation of businesses, United States and international nongovernmental organizations, civil society, and public-private partnerships.

(G) Coordinating the goal of poverty reduction with other development goals, such as combating the spread of preventable diseases such as HIV/AIDS, tuberculosis, and malaria, increasing access to potable water and basic sanitation, and reducing hunger and malnutrition.

(H) Integrating principles of sustainable development into policies and programs.

(d) REPORTS.—

(1) INITIAL REPORT.—Not later than one year after the date of the enactment of this Act, the President, acting through the Secretary of State, shall transmit to the appropriate congressional committees a report that describes the strategy required under subsection (c).

(2) SUBSEQUENT REPORTS.—Not less than once every year after the submission of the initial report under paragraph (1) until and including 2015, the President shall transmit to the appropriate congressional committees a report on the status of the implementation of the strategy, progress made in achieving the global poverty reduction objectives described in subsection (c)(1), and any changes to the strategy since the date of the submission of the last report.

(e) DEFINITIONS.—In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations, the Committee on Finance, and the Committee on Appropriations of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Ways and Means, and the Committee on Appropriations of the House of Representatives.

(2) EXTREME GLOBAL POVERTY.—The term “extreme global poverty” refers to the conditions in which individuals live on less than \$1 per day, adjusted for purchasing power parity in 1993 United States dollars, according to World Bank statistics.

(3) GLOBAL POVERTY.—The term “global poverty” refers to the conditions in which individuals live on less than \$2 per day, adjusted for purchasing power parity in 1993 United States dollars, according to World Bank statistics.

SA 344. Mr. LAUTENBERG (for himself, Mr. BROWNBACK, Mr. MENENDEZ, Mr. REID, and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. **PROVISION OF IMMIGRATION BENEFITS FOR VICTIMS OF TERRORISM.**

(a) SHORT TITLE.—This section may be cited as the “September 11 Family Humanitarian Relief and Patriotism Act”.

(b) DEFINITIONS.—

(1) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—Except as otherwise specifically provided in this section, the definitions in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), other than the definitions applicable exclusively to title III of such Act, shall apply for purposes of this section.

(2) SPECIFIED TERRORIST ACTIVITY.—For purposes of this section, the term “specified terrorist activity” means any terrorist activity conducted against the Government or the people of the United States on September 11, 2001.

(c) ADJUSTMENT OF STATUS FOR CERTAIN NONIMMIGRANT VICTIMS OF TERRORISM.—

(1) ADJUSTMENT OF STATUS.—

(A) IN GENERAL.—The status of any alien described in paragraph (2) shall be adjusted

by the Secretary to that of an alien lawfully admitted for permanent residence, if the alien—

(i) applies for such adjustment not later than 2 years after the date on which the Secretary promulgates final regulations to implement this subsection; and

(ii) is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(B) RULES IN APPLYING CERTAIN PROVISIONS.—

(i) IN GENERAL.—In the case of an alien described in paragraph (2) who is applying for adjustment of status under this subsection—

(I) the provisions of section 241(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(5)) shall not apply; and

(II) the Secretary may grant the alien a waiver on the grounds of inadmissibility under subparagraphs (A) and (C) of section 212(a)(9) of such Act (8 U.S.C. 1182(a)(9)).

(ii) STANDARDS.—In granting waivers under clause (i)(II), the Secretary shall use standards used in granting consent under subparagraphs (A)(iii) and (C)(ii) of such section 212(a)(9).

(C) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—

(i) APPLICATION PERMITTED.—An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) may, notwithstanding such order, apply for adjustment of status under subparagraph (A).

(ii) MOTION NOT REQUIRED.—An alien described in clause (i) may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order.

(iii) EFFECT OF DECISION.—If the Secretary grants a request under clause (i), the Secretary shall cancel the order. If the Secretary renders a final administrative decision to deny the request, the order shall be effective and enforceable to the same extent as if the application had not been made.

(2) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—The benefits provided under paragraph (1) shall apply to any alien who—

(A) was lawfully present in the United States as a nonimmigrant alien described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) on September 10, 2001;

(B) was, on such date, the spouse, child, dependent son, or dependent daughter of an alien who—

(i) was lawfully present in the United States as a nonimmigrant alien described in such section 101(a)(15) on such date; and

(ii) died as a direct result of a specified terrorist activity; and

(C) was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note).

(3) STAY OF REMOVAL; WORK AUTHORIZATION.—

(A) IN GENERAL.—The Secretary shall establish, by regulation, a process by which an alien subject to a final order of removal may seek a stay of such order based on the filing of an application under paragraph (1).

(B) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Secretary shall not order any alien to be removed from the United States, if the alien is in removal proceedings under any provision of such Act and has applied for adjustment of status under paragraph (1), un-

less the Secretary has rendered a final administrative determination to deny the application.

(C) WORK AUTHORIZATION.—The Secretary shall authorize an alien who has applied for adjustment of status under paragraph (1) to engage in employment in the United States during the pendency of such application.

(4) AVAILABILITY OF ADMINISTRATIVE REVIEW.—The Secretary shall provide to applicants for adjustment of status under paragraph (1) the same right to, and procedures for, administrative review as are provided to—

(A) applicants for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255); or

(B) aliens subject to removal proceedings under section 240 of such Act (8 U.S.C. 1229a).

(d) CANCELLATION OF REMOVAL FOR CERTAIN IMMIGRANT VICTIMS OF TERRORISM.—

(1) IN GENERAL.—Subject to the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), other than subsections (b)(1), (d)(1), and (e) of section 240A of such Act (8 U.S.C. 1229b), the Secretary shall, under such section 240A, cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien described in paragraph (2), if the alien applies for such relief.

(2) ALIENS ELIGIBLE FOR CANCELLATION OF REMOVAL.—The benefits provided under paragraph (1) shall apply to any alien who—

(A) was, on September 10, 2001, the spouse, child, dependent son, or dependent daughter of an alien who died as a direct result of a specified terrorist activity; and

(B) was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note).

(3) STAY OF REMOVAL; WORK AUTHORIZATION.—

(A) IN GENERAL.—The Secretary shall promulgate regulations to provide for an alien subject to a final order of removal to seek a stay of such order based on the filing of an application under paragraph (1).

(4) WORK AUTHORIZATION.—The Secretary shall authorize an alien who has applied for cancellation of removal under paragraph (1) to engage in employment in the United States during the pendency of such application.

(5) MOTIONS TO REOPEN REMOVAL PROCEEDINGS.—

(A) IN GENERAL.—Notwithstanding any limitation imposed by law on motions to reopen removal proceedings (except limitations premised on an alien’s conviction of an aggravated felony (as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43))), any alien who has become eligible for cancellation of removal as a result of the enactment of this section may file 1 motion to reopen removal proceedings to apply for such relief.

(B) FILING PERIOD.—The Secretary shall designate a specific time period in which all such motions to reopen are required to be filed. The period shall begin not later than 60 days after the date of enactment of this Act and shall extend for a period not to exceed 240 days.

(e) EXCEPTIONS.—Notwithstanding any other provision of this Act, an alien may not be provided relief under this section if the alien is—

(1) inadmissible under paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), or deportable under paragraph (2) or (4) of section 237(a) of such Act (8 U.S.C. 1227(a)), including any individual culpable for a specified terrorist activity; or

(2) a family member of an alien described in paragraph (1).

(f) EVIDENCE OF DEATH.—For purposes of this section, the Secretary shall use the standards established under section 426 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (115 Stat. 362) in determining whether death occurred as a direct result of a specified terrorist activity.

SA 345. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. TRANSFER OF FUNDS FROM DTV TRANSITION AND PUBLIC SAFETY FUND.

(a) IN GENERAL.—Section 3006 of the Deficit Reduction Act of 2005 (Public Law 109-171; 120 Stat. 24) is repealed.

(b) AUTHORITY OF SECRETARY TO MAKE PAYMENTS FROM FUND.—The Secretary may make payments of not to exceed \$1,000,000,000, in the aggregate, through fiscal year 2009 from the Digital Television Transition and Public Safety Fund established under section 309(j)(8)(E) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E)) to carry out the emergency communications operability and interoperable communications grant program established in section 1809 of the Homeland Security Act of 2002, as added by section 301(a)(1).

(c) LIMITATIONS.—Grants awarded under section 1809 of the Homeland Security Act of 2002, and funded by sums made available under this section may not exceed—

- (1) \$300,000,000 in fiscal year 2007;
- (2) \$350,000,000 in fiscal year 2008; and
- (3) \$350,000,000 in fiscal year 2009.

SEC. _____. REPORT TO CONGRESS.

(a) IN GENERAL.—The Secretary, in cooperation with the Chairman of the Federal Communications Commission, shall study the possibility of allowing commercial entities to develop national public safety communications networks that involve commercially based solutions.

(b) CONTENT OF STUDY.—The study required under subsection (a) shall examine the following:

(1) Methods by which the commercial sector can participate in the development of a national public safety communications network.

(2) The feasibility of developing interoperable shared-spectrum networks to be used by both public safety officials and private customers.

(3) The feasibility of licensing public safety spectrum directly to the commercial sector for the creation of an interoperable public safety communications network.

(4) The amount of spectrum required for an interoperable public safety communications network.

(5) The feasibility of having 2 or more competing but interoperable commercial public safety communications networks.

(c) SUBMISSION TO CONGRESS.—Not later than 12 months after the date of enactment of this Act, the Secretary shall report to Congress—

(1) the findings of the study required under subsection (a); and

(2) any recommendations for legislative, administrative, or regulatory change that

would assist the Federal Government to implement a national public safety communications network that involves commercially based solutions.

SEC. _____. REPEAL.

Section 4 of the Call Home Act of 2006 (Public Law 109-459; 120 Stat. 3400) is repealed.

SEC. _____. RULE OF APPLICATION.

Notwithstanding any other provision of this Act, section 1381 of this Act shall have no force or effect.

SA 346. Mr. INOUE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 260, line 2, after “section” insert “such sums as may be necessary for fiscal year 2007 and”.

On page 262, between lines 18 and 19, insert the following:

(A) such sums as may be necessary for fiscal year 2007;

On page 262, line 19, strike “(A)” and insert “(B)”.

On page 262, line 20, strike “(B)” and insert “(C)”.

On page 262, line 21, strike “(C)” and insert “(D)”.

On page 263, between lines 17 and 18, insert the following:

(A) such sums as may be necessary for fiscal year 2007;

On page 263, line 18, strike “(A)” and insert “(B)”.

On page 263, line 19, strike “(B)” and insert “(C)”.

On page 263, line 20, strike “(C)” and insert “(D)”.

On page 263, line 21, strike “(D)” and insert “(E)”.

On page 263, between lines 25 and 26, insert the following:

(A) such sums as may be necessary for fiscal year 2007;

On page 263, line 26, strike “(A)” and insert “(B)”.

On page 264, line 1, strike “(B)” and insert “(C)”.

On page 264, line 2, strike “(C)” and insert “(D)”.

On page 264, line 3, strike “(D)” and insert “(E)”.

On page 264, between lines 6 and 7, insert the following:

(A) such sums as may be necessary for fiscal year 2007;

On page 264, line 7, strike “(A)” and insert “(B)”.

On page 264, line 8, strike “(B)” and insert “(C)”.

On page 264, line 9, strike “(C)” and insert “(D)”.

On page 264, line 10, strike “(D)” and insert “(E)”.

On page 270, between lines 15 and 16, insert the following:

(A) such sums as may be necessary for fiscal year 2007;

On page 270, line 16, strike “(A)” and insert “(B)”.

On page 270, line 17, strike “(B)” and insert “(C)”.

On page 270, line 18, strike “(C)” and insert “(D)”.

On page 273, between lines 17 and 18, insert the following:

(A) such sums as may be necessary for fiscal year 2007;

On page 273, line 18, strike “(A)” and insert “(B)”.

On page 273, line 19, strike “(B)” and insert “(C)”.

On page 273, line 20, strike “(C)” and insert “(D)”.

On page 278, line 18, strike the closing quotation marks and the second period.

On page 278, between lines 18 and 19, insert the following:

“(g) PASSENGER DEFINED.—In this section, the term ‘passenger’ includes revenue and nonrevenue passengers and Amtrak employees.”

On page 295, strike lines 4 through 7 and insert the following:

(c) RAIL SAFETY REGULATIONS.—Section 20103(a) of title 49, United States Code, is amended to read as follows:

“(a) REGULATIONS AND ORDERS.—The Secretary of Transportation, as necessary, shall prescribe regulations and issue orders for every area of railroad safety supplementing laws and regulations in effect on October 16, 1970. Any regulation prescribed or order issued by the Secretary of Transportation involving railroad safety shall not be subject to challenge, under section 20114(c) of this chapter or under any other provision of law by which such a regulation or order may be subject to judicial review, on the ground that it impacts security.”

On page 298, line 6, after “section” insert “such sums as may be necessary for fiscal year 2007 and”.

On page 298, between lines 15 and 16, insert the following:

“(1) such sums as may be necessary for fiscal year 2007;

On page 298, line 16, strike “(1)” and insert “(2)”.

On page 298, line 17, strike “(2)” and insert “(3)”.

On page 298, line 18, strike “(3)” and insert “(4)”.

On page 298, between lines 23 and 24, insert the following:

(1) such sums as may be necessary for fiscal year 2007;

On page 298, line 24, strike “(1)” and insert “(2)”.

On page 298, line 25, strike “(2)” and insert “(3)”.

On page 299, line 9, strike “(3)” and insert “(4)”.

On page 299, line 10, strike “(4)” and insert “(5)”.

On page 305, line 17, after “section” insert “such sums as may be necessary for fiscal year 2007 and”.

On page 307, after line 25, insert the following:

“(1) such sums as may be necessary for fiscal year 2007;

On page 308, line 1, strike “(1)” and insert “(2)”.

On page 308, line 2, strike “(2)” and insert “(3)”.

On page 308, line 3, strike “(3)” and insert “(4)”.

On page 311, between lines 24 and 25, insert the following:

“(1) such sums as may be necessary for fiscal year 2007;

On page 311, line 25, strike “(1)” and insert “(2)”.

On page 312, line 1, strike “(2)” and insert “(3)”.

On page 312, line 2, strike “(3)” and insert “(4)”.

On page 321, between lines 10 and 11, insert the following:

“(1) such sums as may be necessary for fiscal year 2007;

On page 321, line 11, strike “(1)” and insert “(2)”.

On page 321, line 12, strike “(2)” and insert “(3)”.

SA 347. Mr. SESSIONS proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ SENSE OF CONGRESS ON THE FUNDING OF FENCING AND VEHICLES BARRIERS ALONG THE SOUTHWEST BORDER OF THE UNITED STATES.

(a) **FINDINGS.**—Congress makes the following findings:

(1) On May 17, 2006, by a vote of 83 to 16, the Senate approved amendment 3979 sponsored by Senator Sessions to Senate Bill 2611 (109th Congress), the Comprehensive Immigration Reform Act of 2006, which required the Secretary of Homeland Security to construct at least 370 miles of fencing and 500 miles of vehicle barriers along the southwest border of the United States.

(2) On August 2, 2006, by a vote of 94 to 3, the Senate approved amendment 4775 sponsored by Senator Sessions to House Bill 5631 (109th Congress), the Department of Defense Appropriations Act, 2007, which included a provision to appropriate \$1,829,000,000 for the construction of 370 miles of fencing and 461 miles of vehicle barriers along the southwest border of the United States.

(3) On September 20, 2006, by a vote of 80 to 19, the Senate approved House Bill 6061 (109th Congress), the Secure Fence Act of 2006, which mandates the construction of fencing and border improvements along the southwest border.

(4) On October 26, 2006, the President signed the Secure Fence Act of 2006 (Public Law 109-367; 120 Stat. 2638), which mandates that “[n]ot later than 18 months after the date of the enactment of this Act, the Secretary of Homeland Security shall take all actions the Secretary determines necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States,” including “physical infrastructure enhancements to prevent unlawful entry by aliens into the United States” into law.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that Congress should—

(1) appropriate funds in the Department of Homeland Security Appropriations Act for fiscal year 2008 to fund, at a minimum, the strong commitment to border security represented in the President’s budget request for fiscal year 2008, which is consistent with the congressional intent expressed in amendment 3979 sponsored by Senator Sessions to Senate Bill 2611 (109th Congress), amendment 4775 sponsored by Senator Sessions to House Bill 5631 (109th Congress), and the Secure Fence Act of 2006; and

(2) appropriate funds in Department of Homeland Security Appropriations Acts for fiscal years after fiscal year 2008 in a manner consistent with the congressional intent expressed in such amendment 3879, such amendment 4775, and the Secure Fence Act of 2006.

SA 348. Mr. WYDEN (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the

bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ AVAILABILITY OF THE EXECUTIVE SUMMARY OF THE REPORT ON CENTRAL INTELLIGENCE AGENCY ACCOUNTABILITY REGARDING THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001.

(a) **PUBLIC AVAILABILITY.**—Not later than 30 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall prepare and make available to the public a version of the Executive Summary of the report entitled the “Office of Inspector General Report on Central Intelligence Agency Accountability Regarding Findings and Conclusions of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001” issued in June 2005 that is declassified to the maximum extent possible, consistent with national security.

(b) **REPORT TO CONGRESS.**—The Director of the Central Intelligence Agency shall submit to Congress a classified annex to the redacted Executive Summary made available under subsection (a) that explains the reason that any redacted material in the Executive Summary was withheld from the public.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet on Monday, March 5, 2007 at 2:30 p.m. for a hearing entitled, A Review of the Transportation Security Administration Personnel System.

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

HONORING THE EMPLOYEES OF THE DEPARTMENT OF HOMELAND SECURITY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to consideration of S. Res. 94, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 94) honoring the employees of the Department of Homeland Security on the 4th anniversary of the Department.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 94) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 94

Whereas the United States must remain vigilant against all threats to the homeland, including acts of terrorism, natural disasters, and other emergencies;

Whereas the Department of Homeland Security marks its 4th anniversary on March 1, 2007;

Whereas the more than 208,000 employees of the Department work tirelessly to carry out the complex mission of securing the Nation from terrorism and natural hazards through protection, prevention, response, and recovery as well as serving the public effectively by facilitating lawful trade, travel, and immigration;

Whereas the Department’s employees sacrifice time with their families to work long hours to fulfill the Department’s vital mission; and

Whereas the Nation is indebted to the Department’s employees for their labors: Now, therefore, be it

Resolved, That the Senate honors the employees of the Department of Homeland Security for their substantial contributions to protecting the Nation on the 4th anniversary of the Department.

MEASURE READ THE FIRST TIME—S. 761

Mr. REID. Mr. President, S. 761, introduced earlier today by Senators REID of Nevada, McCONNELL, and others, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 761) to invest in innovation and education to improve the competitiveness of the United States in the global economy.

Mr. REID. Mr. President, I will briefly comment on this action. It was a good occasion today. A press conference was held, led by myself and Senator McCONNELL, with a good bipartisan group of excellent Senators, regarding legislation that would improve America’s competitiveness. It is important legislation. It has been worked on by a number of bipartisan Senators, including Senator BINGAMAN. The person who worked on it, from my perspective, more than anybody else is the distinguished Senator from Tennessee, Mr. ALEXANDER, as did Senator ENSIGN and Senator LIEBERMAN. It is totally bipartisan.

I hope we can, on a bipartisan basis, move it out of here in the near future.

Mr. McCONNELL. Mr. President, if I might add something, this is a classic example of the Senate at its best. It is a significant bipartisan measure put together, as the majority leader indicated, with leadership on his side of the aisle and on our side by Senators Alexander, Domenici, and Stevens. This is a significant piece of legislation that we