

## MESSAGE FROM THE SENATE

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

H.R. 3377. An act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

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

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

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

USA PATRIOT AND TERRORISM  
PREVENTION REAUTHORIZATION  
ACT OF 2005

The Committee resumed its sitting.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

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

This amendment is unnecessarily confusing and duplicative of current law. It is already a crime punishable by 20 years in prison, or life in prison in some circumstances, to provide material support of any kind to a terrorist organization or to support a person in carrying out terrorist acts regardless of how the money came about, whether it was from drug proceeds or otherwise.

If anyone is engaged in drug trafficking of any significance in order to support terrorism, they can already be charged with both a drug offense and the material support of terrorism.

□ 1930

This might, unfortunately, bring in some small-time dealer that did not know what he was doing and all of a sudden he is subjected to 20-year mandatory minimums when he was not much of a dealer at all.

This new crime would substantially broaden the Federal death penalty in ways that might actually violate the Constitution. For example, indirect offenses like conspiracy are generally not death eligible, but financing is more analogous to conspiracy than the direct crimes like hijacking, bombing or murder by drug king, which are already death eligible. Drug trafficking and terrorism crimes already carry numerous penalties for the most egregious offenses, so we do not need them anew in this case.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Please join me in supporting the Hyde amendment. It makes sense. Yes, it is tough; but we need to be tough in this circumstance.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

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

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

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

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

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

Mr. Chairman, very briefly, a mandatory minimum sentence covers two crimes. It covers dealing narcotics and facilitating and enabling terrorism. It seems to me a modest sentence of 20 years for those two heinous crimes.

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

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

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

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

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

The amendment was agreed to.

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

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

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

AMENDMENT NO. 18 OFFERED BY MR. SESSIONS

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mr. SESSIONS:

Add at the end the following:

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

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

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

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

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

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

(4) in subsection (c), by striking “paragraphs (1) through (5)” and inserting “paragraphs (1) through (6)”.

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

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

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

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

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

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

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

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

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

Additionally, this amendment would ensure the protection of everyone engaged in the operation of an aircraft from those in the air to those navigating on the ground.

Mr. Chairman, this is a commonsense amendment that will improve aircraft safety. A gap has been exposed in the current law, and now we have an opportunity to fill that gap.

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

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

Mr. SENSENBRENNER. Mr. Chairman, let me say that I think the gentleman from Texas (Mr. SESSIONS) has spotted a loophole in our current law and the vulnerability for aircraft that are not passenger aircraft in nature.

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

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

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

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

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

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

There was no objection.

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

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

In committee, I offered an amendment that would punish those who sell dangerous 50 caliber sniper rifles to known terrorists. Unfortunately, some in the majority viewed this as a gun control measure, but it is not. This is a national security issue.

Mr. Chairman, 50 caliber anti-armor sniper rifles are an ideal tool for terrorists because civil aircraft may be vulnerable to them. In fact, even early promotional materials for the 50 caliber rifle reference their threat to civilian aircraft. The promotional material states that the weapon could "target the compression section of jet engines making it capable of destroying multimillion aircraft with a single hit delivered to a vital area."

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

□ 1945

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

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

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

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

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

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

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

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

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

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield back the balance of my time.

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

The agreement was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 19 printed in House Report 109-178.

AMENDMENT NO. 19 OFFERED BY MR. PAUL

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Mr. PAUL:

Add at the end the following:

**SEC. 17. SENSE OF CONGRESS RELATING TO LAWFUL POLITICAL ACTIVITY.**

It is the sense of Congress that the Federal Government should not investigate an American citizen for alleged criminal conduct solely on the basis of the citizen's membership in a non-violent political organization or the fact that the citizen was engaging in other lawful political activity.

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

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

Mr. PAUL. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, this is a straightforward amendment intended to modestly improve the PATRIOT Act, and let me just state exactly what it does. "It is the sense of Congress that the Federal government should not investigate any American citizen for alleged criminal conduct solely on the basis of citizen's membership in a nonviolent political organization or the fact that the citizen was engaging in other lawful political activity."

It seems like this should go without saying. I cannot imagine anybody disagreeing with this. But our history shows that there has been abuse in this area. As far back as the Civil War, World War I, and World War II, very often speaking out on political issues were met with law enforcement officials actually charging them with crimes and even having individuals imprisoned. In the 1960s we remember that there was wiretapping of Martin Luther King and other political organizations. In the 1970s we know about the illegal wiretapping and other activities associated with Watergate, and also in the 1990s we are aware of IRS audits of a political and religious organization based only on the fact that they were religious and political.

So this is a restatement of a fundamental principle that should be in our minds and in our law, but I think it is worthwhile to restate. And I do recognize that in the PATRIOT Act they recognize that the first amendment should be protected, and in this case I think it is an additional statement that we should be respectful of people's rights to speak out and not be singled out for political or religious viewpoints.

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

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

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentleman from Texas for yielding.

I support this amendment. I think it merely restates the fact that people who are not involved in criminal or terrorist activities have nothing to fear from the PATRIOT Act. The first amendment protects free speech. It protects political association. As long as the political association is not involved in criminal terrorist activities, we ought to encourage it even if their views are something that we disagree with.

The gentleman from Texas has done a very good service to this bill with this amendment, and I hope it is adopted overwhelmingly.

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

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

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

There was no objection.

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

I support the amendment. No American should be investigated solely for membership in a nonviolent political organization or for engaging in other lawful political activity. This is important to all of us, but I wanted to note that in California we recently learned of the danger of not living up to the standard.

It has been reported by several media sources that the California National Guard was spying on the Mothers of Dead Soldiers and a group called the Raging Grannies, who are average age 75 years old, who were having a peaceful demonstration on the grounds of the State Capital on Mother's Day. I requested hearings in the Committee on Homeland Security. I have written to the California National Guard regarding this very serious allegation of a breach of first amendment protected activity. Federal funds may have been used.

I will vote for this amendment. It is the right thing, but we also need to have very aggressive investigative action when we hear about allegations of misconduct.

Mr. Chairman, I yield 3 minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), a member of our committee.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I thank the gentlewoman from California for yielding me this time.

I rise in support of the Paul amendment and, in addition, in reluctant opposition to H.R. 3199 for several reasons.

Following the terrorist attacks of September 11, I watched as Members of

Congress came together in a bipartisan effort to craft legislation which would, it was argued, strengthen law enforcement's hand in fighting terrorists. Americans from across the political spectrum were willing to sacrifice some of the freedoms we cherish to immediately address security concerns, with the understanding that many provisions would be revisited and the civil liberty protections that we all hold so dear would be addressed.

But by making these provisions permanent, without mandatory congressional review, we placed the very democracy that we hold so dear in jeopardy. When restricting civil liberties, we should be extremely careful about forfeiting those freedoms without reviewing the ongoing need to continue to restrict them.

In these contemporary times, it may be difficult for us to conceive of the barbarous proceedings of the Salem witch trials. Indeed, they continue to perplex and horrify those of us who came later. But imagine if those perceptions and resulting actions were somehow a permanent part of our society today without an opportunity for review as to their validity?

If they were, under the PATRIOT Act's intrusive infringement on America's book purchases and library records, when the most recent episode in the Harry Potter Book series was released last Friday, we would have had hundreds of thousands of children "burned at the stake."

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

I am hopeful that when this legislation comes back from conference that we will have a product that we can all embrace, but today I will vote for freedom. I will support the Paul amendment and I will vote against final passage of this version of the bill.

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

I appreciate the support for the amendment on both sides. I would like to emphasize the fact that there are real reasons for this concern. There have been reports in the paper of different times when the FBI has actually intimidated some people at national conventions. We are aware of the fact that there are at least reports that federal officials have encouraged local police to actually monitor certain political groups, and we also are aware of the fact that, because of political activity, they have been placed on no-fly lists.

But I think this is all reason for concern because we do not want to give any encouragement to overzealous law enforcement officials. At the same time we do want to have enforcement of the law.

But very briefly, I would like to say that the full thrust of this bill bothers me in the fact that I think we are treating a symptom and we are really not doing dealing with the core problem of why there are suicide terrorists willing to attack us, and I think as long as that is ignored we could pass 10 PATRIOT Acts stronger than ever and it will not solve the problem unless we eventually get to the bottom of what is the cause.

And, quite frankly, I do not believe the cause is because we are free and democratic and wealthy. There is no evidence whatsoever to show that that is the motivation of terrorist attacks. And for us to continue to believe that is the sole reason for attacks, I think we are misled. And we are driven to want to protect our people, which I understand it is well motivated, but it will not solve the problem unless we eventually address that subject of why does it happen. It is not because we are free. And, ironically, in many ways we are making ourselves less free with some of the provisions in this bill.

So I would suggest that ultimately we will have to have another solution because this will not solve all of our problems.

Mr. Chairman, the USA PATRIOT Act and Terrorism Prevention Act (H.R. 3199) in no way brings the PATRIOT Act into compliance with the Constitution or allays concerns that the powers granted to the government in the act will be used to abuse the rights of the people. Much of the discussion surrounding this bill has revolved around the failure of the bill to extend the sunset clauses.

However, simply sunset provisions does not settle the debates around the PATRIOT Act. If the PATRIOT Act is constitutional and needed, as its proponents swear, why were sunset provisions included at all? If it is unconstitutional and pernicious, why not abolish it immediately?

The sunset clauses do perform one useful service in that they force Congress to regularly re-examine the PATRIOT Act. As the people's representatives, it is our responsibility to keep a close eye on the executive branch to ensure it does not abuse its power. Even if the claims of H.R. 3199's supporters that there have been no abuses of PATRIOT Act powers under this administration are true, that does not mean that future administrations will not abuse these powers.

H.R. 3199 continues to violate the constitution by allowing searches and seizures of American citizens and their property without a warrant issued by an independent court upon a finding of probable cause. The drafters of the Bill of Rights considered this essential protection against an overreaching government. For example, Section 215 of the PATRIOT Act, popularly known as the libraries provision, allows Foreign Intelligence Surveillance Courts, whose standards hardly meet the constitutional requirements of the Fourth Amendment, to issue warrants for individual records, including medical and library records. H.R. 3199 does reform this provision by clarifying that it can be used to acquire the records of an American citizen only during terrorist investigations. However, this marginal change fails to bring the section up to the constitutional standard of probable cause.

Requiring a showing of probable cause before a warrant may be issued will in no way hamper terrorist investigations. For one thing, federal authorities would still have numerous tools available to investigate and monitor the activities of non-citizens suspected of terrorism. Second, restoring the Fourth Amendment protections would in no way interfere with the provisions of the PATRIOT Act that removed the firewalls that prevented the government's law enforcement and intelligence agencies from sharing information.

The probable cause requirements will not delay a terrorist investigation. Preparations can be made for the issuance of a warrant in the event of an emergency and allowances can be made for cases where law enforcement does not have time to obtain a warrant. In fact, a requirement that law enforcement demonstrate probable cause may help law enforcement focus their efforts on true threats, thus avoiding the problem of information overload that is handicapping the government's efforts to identify sources of terrorists' financing.

The requirement that law enforcement demonstrate probable cause before a judge preserves the Founders' system of checks and balances that protects against one branch gathering too much power. The Founders recognized that one of the chief dangers to liberty was the concentration of power in a few hands, which is why they carefully divided power among the three branches. I would remind those of my colleagues who will claim that we must set aside the constitutional requirements during war that the founders were especially concerned about the consolidation of power during times of war and national emergencies. My colleagues should also keep in mind that PATRIOT Act powers have already been used in non-terrorism related cases, most notably in a bribery investigation in Nevada.

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

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

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

Although the gentleman from Texas (Mr. PAUL) and I do not always vote together, I think he speaks wisdom this evening on the need to move beyond the narrow confines of this act. Clearly we do need to and we have broken down the walls between law enforcement and the intelligence community so that we can piece together the full picture and connect the dots. We need to do a much better job of protecting America from terrorists by taking those steps we can. He is right to offer this sense of the Congress amendment. We need to have more vigorous action in addition to the sense of the Congress activity.

All of us believe we ought to fight terrorism. Many of us are concerned that we have failed to do the balance of

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

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

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

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

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

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 20 printed in House Report 109-178.

AMENDMENT NO. 20 OFFERED BY MRS. LOWEY

Mrs. LOWEY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

**SECTION 10. REPEAL OF FIRST RESPONDER GRANT PROGRAM.**

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

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

(a) IN GENERAL.—The Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C. 361 et seq.) is amended—

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

- “TITLE XVIII—FUNDING FOR FIRST RESPONDERS
- “1801. Definitions.
- “1802. Faster and Smarter Funding for First Responders.
- “1803. Covered grant eligibility and criteria.
- “1804. Risk-based evaluation and prioritization.
- “1805. Task Force on Terrorism Preparedness for First Responders.
- “1806. Use of funds and accountability requirements.
- “1807. National standards for first responder equipment and training.”

(2) by adding at the end the following:

**“TITLE XVIII—FUNDING FOR FIRST RESPONDERS**

**“SEC. 1801. DEFINITIONS.**

“In this title:

“(1) BOARD.—The term ‘Board’ means the First Responder Grants Board established under section 1804.

“(2) COVERED GRANT.—The term ‘covered grant’ means any grant to which this title applies under section 1802.

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

“(A) meets the criteria for inclusion in the qualified 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 one 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.

“(4) 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).

“(5) 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).

“(6) 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, respond to, and recover from acts of terrorism consistent with established practices.

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

“(8) 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.

“(9) REGION.—The term ‘region’ means—

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

“(B) any other combination of contiguous local government units (including such a combination established by law or agreement of two or more governments or governmental agencies in a mutual aid agreement) that is formally certified by the Secretary as a region for purposes of this Act with the consent of—

“(i) the State or States in which they are located, including a multi-State entity established by a compact between two or more States; and

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

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

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

**“SEC. 1802. FASTER AND SMARTER FUNDING FOR FIRST RESPONDERS.**

“(a) 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, mitigate against, or recover from threatened or actual terrorist attacks, especially those involving weapons of mass destruction, administered under 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.

“(b) 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, 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.).

**“SEC. 1803. COVERED GRANT ELIGIBILITY AND CRITERIA.**

“(a) GRANT ELIGIBILITY.—Any State, region, or directly eligible tribe shall be eligible to apply for a covered grant.

“(b) GRANT CRITERIA.—The Secretary shall award covered grants to assist States and local governments in achieving, maintaining, and enhancing the essential capabilities for terrorism preparedness established by the Secretary.

“(c) STATE HOMELAND SECURITY PLANS.—

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

“(A) describes the essential capabilities that communities within the State should possess, or to which they should have access, based upon the terrorism risk factors relevant to such communities, in order to meet the Department’s goals for terrorism preparedness;

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

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

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

“(E) describes how the State intends—

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

“(ii) to 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;

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

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

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

“(3) 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.

“(4) REVISIONS.—A State may revise the applicable State homeland security plan approved by the Secretary under this subsection, subject to approval of the revision by the Secretary.

“(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, or directly eligible tribe 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 must 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 pursuant to 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 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 di-

rectly eligible tribe 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 1806(g)(1), would assist in fulfilling the essential capabilities for terrorism preparedness 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; and

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

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

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

“(H) a statement of how the applicant intends to meet the matching requirement, if any, that applies under section 1806(g)(2).

“(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 must submit its application to each State of which any part is included in the region for review and concurrence prior to the submission of such application to the Secretary. The regional application shall be transmitted to the Secretary through each such State within 30 days of its receipt, 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: *Provided*, That 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 sub-

paragraph (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 1806(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 must 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, local, regional, and private officials concerning terrorism preparedness;

“(ii) develop a process for receiving input from Federal, State, local, regional, 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

“(iii) 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 (c). If a State fails to comply with section 1806(g)(1), the tribe may request payment under section 1806(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, the applicant shall include in the application an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed such standards.

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

“(a) FIRST RESPONDER GRANTS BOARD.—

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

“(A) the Secretary;

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

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

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

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

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

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

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

“(2) CHAIRMAN.—

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

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

“(b) FUNCTIONS OF UNDER SECRETARIES.—The Under Secretaries referred to in subsection (a)(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.

“(c) PRIORITIZATION OF GRANT APPLICATIONS.—

“(1) FACTORS TO BE CONSIDERED.—The Board 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 (including transient commuting and tourist populations) and critical infrastructure. Such evaluation and prioritization 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. The Board shall coordinate with State, local, regional, and tribal officials in establishing criteria for evaluating and prioritizing applications for covered grants.

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

“(A) Agriculture and food.

“(B) Banking and finance.

“(C) Chemical industries.

“(D) The defense industrial base.

“(E) Emergency services.

“(F) Energy.

“(G) Government facilities.

“(H) Postal and shipping.

“(I) Public health and health care.

“(J) Information technology.

“(K) Telecommunications.

“(L) Transportation systems.

“(M) Water.

“(N) Dams.

“(O) Commercial facilities.

“(P) National monuments and icons.

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

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

“(A) Biological threats.

“(B) Nuclear threats.

“(C) Radiological threats.

“(D) Incendiary threats.

“(E) Chemical threats.

“(F) Explosives.

“(G) Suicide bombers.

“(H) Cyber threats.

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

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

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

“(5) MINIMUM AMOUNTS.—After evaluating and prioritizing grant applications under paragraph (1), the Board shall ensure that, for each fiscal year—

“(A) each of the States, other than the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, that has an approved State homeland security plan receives no less than 0.25 percent of the funds available for covered grants for that fiscal year for purposes of implementing its homeland security plan in accordance with the prioritization of needs under section 1803(c)(1)(D);

“(B) each of the States, other than the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, that has an approved State homeland security plan and that meets one or both of the additional high-risk qualifying criteria under paragraph (6) receives no less than 0.45 percent of the funds available for covered grants for that fiscal year for purposes of implementing its homeland security plan in accordance with the prioritization of needs under section 1803(c)(1)(D);

“(C) the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands each receives no less than 0.08 percent of the funds available for covered grants for that fiscal year for purposes of implementing its approved State homeland security plan in accordance with the prioritization of needs under section 1803(c)(1)(D); and

“(D) directly eligible tribes collectively receive no less than 0.08 percent of the funds available for covered grants for such fiscal year for purposes of addressing the needs identified in the applications of such tribes, consistent with the homeland security plan of each State within the boundaries of which any part of any such tribe is located, except that this clause shall not apply with respect to funds available for a fiscal year if the Sec-

retary receives less than 5 applications for such fiscal year from such tribes under section 1803(e)(6)(A) or does not approve at least one such application.

“(6) ADDITIONAL HIGH-RISK QUALIFYING CRITERIA.—For purposes of paragraph (5)(B), additional high-risk qualifying criteria consist of—

“(A) having a significant international land border; or

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

“(d) EFFECT OF REGIONAL AWARDS ON STATE MINIMUM.—Any regional award, or portion thereof, provided to a State under section 1803(e)(5)(C) shall not be considered in calculating the minimum State award under subsection (c)(5) of this section.

**“SEC. 1805. TASK FORCE ON TERRORISM PREPAREDNESS FOR FIRST RESPONDERS.**

“(a) ESTABLISHMENT.—To assist the Secretary in updating, revising, or replacing essential capabilities for terrorism preparedness, 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 Terrorism Preparedness for First Responders.

“(b) UPDATE, REVISE, OR REPLACE.—The Secretary shall regularly update, revise, or replace the essential capabilities for terrorism preparedness as necessary, but not less than every 3 years.

“(c) REPORT.—

“(1) IN GENERAL.—The Task Force shall submit to the Secretary, by not later than 12 months after its establishment by the Secretary under subsection (a) and not later than every 2 years thereafter, a report on its recommendations for essential capabilities for terrorism preparedness.

“(2) CONTENTS.—Each report shall—

“(A) include a priority ranking of essential capabilities in order to provide guidance to the Secretary and to the 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 previous 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 for terrorism preparedness 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, prepare for, respond to, or recover from terrorist attacks.

“(d) MEMBERSHIP.—

“(1) IN GENERAL.—The Task Force shall consist of 25 members appointed by the Secretary, and shall, to the extent practicable, represent a geographic (including urban and rural) and substantive cross section of 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 one of the two major political parties, an equal number of elected officials shall be selected from each such party.

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

“(3) EX OFFICIO MEMBERS.—The Secretary and the Secretary of Health and Human Services shall each designate one 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.).

“(e) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Notwithstanding section 871(a), the Federal Advisory Committee Act (5 App. U.S.C.), 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. 1806. USE OF FUNDS AND ACCOUNTABILITY REQUIREMENTS.

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

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

“(2) exercises to strengthen terrorism preparedness;

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

“(4) developing or updating State homeland security plans, risk assessments, mutual aid agreements, and emergency manage-

ment plans to enhance terrorism preparedness;

“(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 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; and

“(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;

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

“(9) 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;

“(10) 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, deems 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;

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

“(12) training and exercises to assist public elementary and secondary schools in developing and implementing programs to instruct students regarding age-appropriate skills to prevent, prepare for, respond to, mitigate against, or recover from an act of terrorism;

“(13) 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;

“(14) paying for the conduct of any activity permitted under the Law Enforcement Terrorism Prevention Program, or any such successor to such program; 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;

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

“(3) to acquire land; or

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

“(c) MULTIPLE-PURPOSE FUNDS.—Nothing in this section shall be construed to preclude 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.

“(d) REIMBURSEMENT OF COSTS.—(1) 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.).

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

“(e) ASSISTANCE REQUIREMENT.—The Secretary may not require 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 undertakes to pay 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 thereof, by not later than the end of the 45-day period beginning on the date the grant recipient receives the grant funds.

“(2) COST SHARING.—

“(A) IN GENERAL.—The Federal share of the costs of an activity carried out with a covered grant to a State, region, or directly eligible tribe awarded after the 2-year period beginning on the date of the enactment of this section shall not exceed 75 percent.

“(B) INTERIM RULE.—The Federal share of the costs of an activity carried out with a covered grant awarded before the end of the 2-year period beginning on the date of the enactment of this section shall be 100 percent.

“(C) IN-KIND MATCHING.—Each recipient of a covered grant 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, including, but not limited to, any necessary personnel overtime, contractor services, administrative costs, equipment fuel and maintenance, and rental space.

“(3) 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 pursuant to paragraph (1).

“(4) QUARTERLY REPORT ON HOMELAND SECURITY SPENDING.—The Federal share described in paragraph (2)(A) may be increased by up to 2 percent for any State, region, or directly eligible tribe that, not later than 30 days after the end of each fiscal quarter, submits to the Secretary a report on that fiscal quarter. Each such report must include, for each recipient of 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.

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

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

“(B) The amount and the dates of 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.

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

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

“(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 ap-

propriate 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 1803(e)(5)(E) or paragraph (1) for an additional 15-day period. The Secretary may approve such a request, and may extend such period for 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 impact on such entities' terrorism preparedness efforts.

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

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

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

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

“(iii) the local government complies with subparagraphs (B) and (C).

“(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 the Congress by January 31 of each year covering the preceding fiscal 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 by the Secretary as a result of the expenditure of covered grant funds during the preceding fiscal year; and

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

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

“(a) EQUIPMENT STANDARDS.—

“(1) IN GENERAL.—The Secretary, in consultation with the Under Secretaries for Emergency Preparedness and Response and Science and Technology and the Director of the Office for Domestic Preparedness, shall, not later than 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 1805(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 for Domestic Preparedness, 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, mitigate against, and recover from terrorist threats, including threats from chemical, biological, nuclear, and radiological weapons and explosive devices capable of inflicting significant human casualties; and

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

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

“(A) Regional planning.

“(B) Joint exercises.

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

“(D) Emergency notification of affected populations.

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

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

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

“(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; and

“(13) 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.”

(b) DEFINITION OF EMERGENCY RESPONSE PROVIDERS.—Paragraph (6) of section 2 of the Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C. 101(6)) is amended by striking “includes” and all that follows and inserting “includes Federal, State, and local

governmental and nongovernmental emergency public safety, law enforcement, fire, emergency response, emergency medical (including hospital emergency facilities), and related personnel, organizations, agencies, and authorities.”

#### SEC. 12. OVERSIGHT.

The Secretary of Homeland Security shall establish within the Office for Domestic Preparedness an Office of the Comptroller to oversee the grants distribution process and the financial management of the Office for Domestic Preparedness.

#### SEC. 13. GAO REPORT ON AN INVENTORY AND STATUS OF HOMELAND SECURITY FIRST RESPONDER TRAINING.

(a) IN GENERAL.—The Comptroller General of the United States shall report to the Congress in accordance with this section—

(1) on the overall inventory and status of first responder training programs of the Department of Homeland Security and other departments and agencies of the Federal Government; and

(2) the extent to which such programs are coordinated.

(b) CONTENTS OF REPORTS.—The reports under this section shall include—

(1) an assessment of the effectiveness of the structure and organization of such training programs;

(2) recommendations to—

(A) improve the coordination, structure, and organization of such training programs; and

(B) increase the availability of training to first responders who are not able to attend centralized training programs;

(3) the structure and organizational effectiveness of such programs for first responders in rural communities;

(4) identification of any duplication or redundancy among such programs;

(5) a description of the use of State and local training institutions, universities, centers, and the National Domestic Preparedness Consortium in designing and providing training;

(6) a cost-benefit analysis of the costs and time required for first responders to participate in training courses at Federal institutions;

(7) an assessment of the approval process for certifying non-Department of Homeland Security training courses that are useful for anti-terrorism purposes as eligible for grants awarded by the Department;

(8) a description of the use of Department of Homeland Security grant funds by States and local governments to acquire training;

(9) an analysis of the feasibility of Federal, State, and local personnel to receive the training that is necessary to adopt the National Response Plan and the National Incident Management System; and

(10) the role of each first responder training institution within the Department of Homeland Security in the design and implementation of terrorism preparedness and related training courses for first responders.

(c) DEADLINES.—The Comptroller General shall—

(1) submit a report under subsection (a)(1) by not later than 60 days after the date of the enactment of this Act; and

(2) submit a report on the remainder of the topics required by this section by not later than 120 days after the date of the enactment of this Act.

#### SEC. 14. REMOVAL OF CIVIL LIABILITY BARRIERS THAT DISCOURAGE THE DONATION OF FIRE EQUIPMENT TO VOLUNTEER FIRE COMPANIES.

(a) LIABILITY PROTECTION.—A person who donates fire control or fire rescue equipment to a volunteer fire company shall not be liable for civil damages under any State or Federal law for personal injuries, property dam-

age or loss, or death caused by the equipment after the donation.

(b) EXCEPTIONS.—Subsection (a) does not apply to a person if—

(1) the person's act or omission causing the injury, damage, loss, or death constitutes gross negligence or intentional misconduct; or

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

(c) PREEMPTION.—This section preempts the laws of any State to the extent that such laws are inconsistent with this section, except that notwithstanding subsection (b) this section shall not preempt any State law that provides additional protection from liability for a person who donates fire control or fire rescue equipment to a volunteer fire company.

(d) DEFINITIONS.—In this section:

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

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

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

(4) VOLUNTEER FIRE COMPANY.—The term “volunteer fire company” means an association of individuals who provide fire protection and other emergency services, where at least 30 percent of the individuals receive little or no compensation compared with an entry level full-time paid individual in that association or in the nearest such association with an entry level full-time paid individual.

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

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

Mrs. LOWEY. Mr. Chairman, I do not believe there is a Member opposed.

Mr. SENSENBRENNER. Mr. Chairman, I ask unanimous consent to claim the time in opposition, even though I am not opposed to the amendment.

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

There was no objection.

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

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

There was no objection.

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

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

Mr. Chairman, this commonsense amendment would simply ensure that the areas in our country facing the

greatest threat receive their fair share of homeland security funds. Recent worldwide attacks against areas with significant critical infrastructure are not wake-up calls, they are fire alarms.

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

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

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

□ 2000

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

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

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

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

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

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

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

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

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

Mr. Chairman, I support this amendment, and just let me give a little bit of the history of this.

The gentleman from New York (Mr. SWEENEY) is correct that the first responder grants were a part of the original PATRIOT Act. We did not know how to divide up the first responder grants properly, so we put a formula in. Well, it ended up that the formula had some anomalies, and it ended up being out of date.

As a result, in the last Congress the Committee on the Judiciary and the Select Committee on Homeland Security worked out an agreement where the formula would be modified, where there would be certain floors for States, a lot of the money would be threat-based and the types of grants were consolidated so that there would be a simpler application process. That bill was passed 409 to 10. There were just a few Members that voted against it. Then it went over to the other body and nothing happened to it.

We have attempted to redo the first responder grants again in this Congress, and there is no hope that the other body will take the stand-alone bill and enact it into law.

By adopting this amendment, we are going to be in a stronger position to actually make the needed changes in the formula law of the United States of America this year without further delay. That is why this amendment should be supported. I would hope that it would have an overwhelming vote.

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

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

Mr. Chairman, I thank the gentlemen for their support. I thank them for accepting it. This is a very important amendment. I thank the chairman for his wisdom and for his comments. I am glad we were able to use this as a vehicle to get the job done.

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

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentlewoman from New York (Mrs. LOWEY).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part B of House Report 109-178 on which further proceedings were postponed in the follow order: amendment No. 9 offered by Mr. BERMAN of California; amendment No. 11 offered by Mr. SCHIFF of California; amendment No. 14 by offered by Ms. HART of Pennsylvania; amendment No. 15, as modified, offered by Ms. JACKSON-LEE of Texas.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 9 OFFERED BY MR. BERMAN

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 261, noes 165, not voting 7, as follows:

[Roll No. 409]

AYES—261

Abercrombie	English (PA)	Levin
Ackerman	Eshoo	Lewis (GA)
Aderholt	Etheridge	Lipinski
Allen	Evans	Lofgren, Zoe
Andrews	Farr	Lowey
Baca	Fattah	Lynch
Baird	Feeney	Mack
Baldwin	Filner	Maloney
Barrow	Fitzpatrick (PA)	Markey
Bartlett (MD)	Flake	Marshall
Bean	Foley	Matheson
Becerra	Ford	Matsui
Berkley	Frank (MA)	McCarthy
Berman	Gerlach	McCollum (MN)
Berry	Gillmor	McCotter
Bishop (GA)	Gohmert	McDermott
Bishop (NY)	Gonzalez	McGovern
Blumenauer	Goode	McIntyre
Boozman	Goodlatte	McKinney
Boren	Gordon	McNulty
Boswell	Green (WI)	Meehan
Boucher	Green, Al	Meek (FL)
Boyd	Green, Gene	Meeks (NY)
Bradley (NH)	Grijalva	Melancon
Brady (PA)	Gutierrez	Menendez
Brown (OH)	Gutknecht	Michaud
Brown, Corrine	Harman	Millender-
Butterfield	Harris	McDonald
Cannon	Hart	Miller (NC)
Capps	Hastings (WA)	Miller, George
Capuano	Hefley	Mollohan
Cardin	Hensarling	Moore (KS)
Cardoza	Herseth	Moore (WI)
Carnahan	Higgins	Moran (VA)
Carson	Hinchev	Murphy
Case	Holden	Murtha
Chandler	Holt	Nadler
Clay	Honda	Napolitano
Cleaver	Hooley	Neal (MA)
Clyburn	Hoyer	Oberstar
Coble	Hulshof	Obey
Conaway	Inglis (SC)	Olver
Conyers	Inslee	Ortiz
Cooper	Israel	Otter
Costa	Issa	Owens
Costello	Istook	Pallone
Cox	Jackson (IL)	Pascarell
Cramer	Jackson-Lee	Pastor
Crowley	(TX)	Paul
Cuellar	Jenkins	Payne
Cummings	Johnson (IL)	Pelosi
Cunningham	Johnson, E. B.	Pence
Davis (AL)	Jones (NC)	Peterson (MN)
Davis (CA)	Jones (OH)	Petri
Davis (FL)	Kanjorski	Poe
Davis (IL)	Kaptur	Pomeroy
Davis (TN)	Kennedy (MN)	Porter
DeFazio	Kennedy (RI)	Price (GA)
DeGette	Kildee	Price (NC)
Delahunt	Kilpatrick (MI)	Rahall
DeLauro	Kind	Rangel
Dicks	Kingston	Regula
Dingell	Kucinich	Reyes
Doggett	Kuhl (NY)	Rohrabacher
Doyle	Langevin	Ross
Duncan	Lantos	Rothman
Edwards	Larsen (WA)	Roybal-Allard
Ehlers	Larson (CT)	Ruppersberger
Emanuel	LaTourette	Rush
Emerson	Leach	Ryan (OH)
Engel	Lee	Sabo

Salazar  
 Sánchez, Linda T.  
 Sanchez, Loretta  
 Sanders  
 Schakowsky  
 Schiff  
 Schwartz (PA)  
 Schwarz (MI)  
 Scott (GA)  
 Scott (VA)  
 Sensenbrenner  
 Serrano  
 Sherman  
 Simpson  
 Skelton  
 Slaughter  
 Smith (NJ)

Smith (TX)  
 Smith (WA)  
 Snyder  
 Solis  
 Spratt  
 Stark  
 Strickland  
 Stupak  
 Tanner  
 Tauscher  
 Thompson (CA)  
 Thompson (MS)  
 Tierney  
 Towns  
 Udall (CO)  
 Udall (NM)  
 Upton  
 Van Hollen

Velázquez  
 Vislosky  
 Walden (OR)  
 Wamp  
 Wasserman  
 Schultz  
 Waters  
 Watson  
 Watt  
 Waxman  
 Weiner  
 Wexler  
 Woolsey  
 Wu  
 Wynn  
 Young (AK)

So the amendment was agreed to.  
 The result of the vote was announced as above recorded.  
 AMENDMENT NO. 11 OFFERED BY MR. SCHIFF  
 The Acting CHAIRMAN (Mr. SIMPSON). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. SCHIFF) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

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

Kaptur  
 Keller  
 Kelly  
 Kennedy (MN)  
 Kennedy (RI)  
 Kind  
 King (IA)  
 King (NY)  
 Kingston  
 Kirk  
 Kline  
 Knollenberg  
 Kolbe  
 Kuhl (NY)  
 LaHood  
 Langevin  
 Lantos  
 Larsen (WA)  
 Larson (CT)  
 Latham  
 LaTourette  
 Leach  
 Levin  
 Lewis (CA)  
 Lewis (KY)  
 Linder  
 Lipinski  
 LoBiondo  
 Lofgren, Zoe  
 Lowey  
 Lucas  
 Lungren, Daniel E.

Musgrave  
 Myrick  
 Napolitano  
 Neal (MA)  
 Neugebauer  
 Ney  
 Northup  
 Norwood  
 Nunes  
 Nussle  
 Obey  
 Ortiz  
 Osborne  
 Oxley  
 Pallone  
 Pascrell  
 Pastor  
 Pearce  
 Pelosi  
 Pence  
 Peterson (MN)  
 Peterson (PA)  
 Petri  
 Pitts  
 Platts  
 Poe  
 Pombo  
 Pomeroy  
 Porter  
 Price (GA)  
 Price (NC)  
 Pryce (OH)  
 Putnam  
 Radanovich  
 Rahall  
 Ramstad  
 Rangel  
 Regula  
 Rehberg  
 Reichert  
 Renzi  
 Reyes  
 Reynolds  
 Rogers (AL)  
 Rogers (KY)  
 Rogers (MI)  
 Rohrabacher  
 Ros-Lehtinen  
 Ross  
 Rothman  
 Roybal-Allard  
 Royce  
 Ruppertsberger  
 Rush  
 Ryan (OH)  
 Ryan (WI)  
 Ryan (KS)  
 Salazar  
 Sánchez, Linda T.

Schwarz (MI)  
 Scott (GA)  
 Sensenbrenner  
 Sessions  
 Shadegg  
 Shaw  
 Shays  
 Sherman  
 Sherwood  
 Shimkus  
 Shuster  
 Simmons  
 Simpson  
 Skelton  
 Slaughter  
 Smith (NJ)  
 Smith (TX)  
 Smith (WA)  
 Snyder  
 Sodrel  
 Solis  
 Souder  
 Spratt  
 Stearns  
 Strickland  
 Stupak  
 Sullivan  
 Sweeney  
 Tancredo  
 Tanner  
 Tauscher  
 Taylor (NC)  
 Terry  
 Thompson (CA)  
 Thompson (MS)  
 Thornberry  
 Tiahrt  
 Tiberi  
 Towns  
 Turner  
 Udall (CO)  
 Udall (NM)  
 Upton  
 Van Hollen  
 Velázquez  
 Walden (OR)  
 Walsh  
 Wamp  
 Watson  
 Waxman  
 Weiner  
 Weldon (PA)  
 Weldon (FL)  
 Weller  
 Westmoreland  
 Wexler  
 Whitfield  
 Wicker  
 Wilson (NC)  
 Wilson (SM)  
 Wolf  
 Wu  
 Wynn  
 Young (AK)  
 Young (FL)

NOES—165

Akin  
 Alexander  
 Bachus  
 Baker  
 Barrett (SC)  
 Barton (TX)  
 Bass  
 Beauprez  
 Biggert  
 Bilirakis  
 Bishop (UT)  
 Blackburn  
 Blunt  
 Boehlert  
 Boehner  
 Bonilla  
 Bonner  
 Bono  
 Boustany  
 Brady (TX)  
 Brown-Waite,  
     Ginny  
 Burgess  
 Burton (IN)  
 Buyer  
 Calvert  
 Camp  
 Cantor  
 Capito  
 Carter  
 Castle  
 Chabot  
 Chocola  
 Cole (OK)  
 Crenshaw  
 Cubin  
 Culberson  
 Davis (KY)  
 Davis, Jo Ann  
 Davis, Tom  
 Deal (GA)  
 DeLay  
 Dent  
 Diaz-Balart, L.  
 Diaz-Balart, M.  
 Doolittle  
 Drake  
 Dreier  
 Everett  
 Ferguson  
 Forbes  
 Fortenberry  
 Fossella  
 Foxx  
 Franks (AZ)  
 Frelinghuysen  
 Gallegly  
 Garrett (NJ)  
 Gibbons  
 Gilchrest  
 Gingrey  
 Granger  
 Graves  
 Hall  
 Hayes  
 Hayworth  
 Herger  
 Hobson  
 Hoekstra  
 Hostettler  
 Hunter  
 Hyde  
 Jindal  
 Johnson (CT)  
 Johnson, Sam  
 Keller  
 Kelly  
 King (IA)  
 King (NY)  
 Kirk  
 Kline  
 Knollenberg  
 Kolbe  
 LaHood  
 Latham  
 Lewis (CA)  
 Lewis (KY)  
 Linder  
 LoBiondo  
 Lucas  
 Lungren, Daniel E.  
 Manzullo  
 Marchant  
 McCaul (TX)  
 McCrery  
 McHenry  
 McHugh  
 McKeon  
 McMorris  
 Mica  
 Miller (FL)  
 Miller (MI)  
 Miller, Gary  
 Moran (KS)  
 Musgrave  
 Myrick  
 Neugebauer  
 Ney  
 Northup  
 Norwood  
 Nunes  
 Jefferson  
 Pickering  
 Taylor (MS)

Nussle  
 Osborne  
 Oxley  
 Pearce  
 Peterson (PA)  
 Pitts  
 Platts  
 Pombo  
 Pryce (OH)  
 Putnam  
 Radanovich  
 Ramstad  
 Rehberg  
 Reichert  
 Renzi  
 Reynolds  
 Rogers (AL)  
 Rogers (KY)  
 Rogers (MI)  
 Ros-Lehtinen  
 Royce  
 Ryan (WI)  
 Ryan (KS)  
 Saxton  
 Sessions  
 Shadegg  
 Shaw  
 Shays  
 Sherwood  
 Shimkus  
 Shuster  
 Simmons  
 Sodrel  
 Souder  
 Stearns  
 Sullivan  
 Sweeney  
 Tancredo  
 Taylor (NC)  
 Terry  
 Thornberry  
 Tiahrt  
 Tiberi  
 Turner  
 Walsh  
 Weldon (FL)  
 Weldon (PA)  
 Weller  
 Westmoreland  
 Whitfield  
 Wicker  
 Wilson (NM)  
 Wilson (SC)  
 Wolf  
 Young (FL)

RECORDED VOTE  
 The Acting CHAIRMAN. A recorded vote has been demanded.

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

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

[Roll No. 410]  
 AYES—381

Abercrombie  
 Ackerman  
 Aderholt  
 Akin  
 Alexander  
 Allen  
 Andrews  
 Baca  
 Bachus  
 Baird  
 Baker  
 Barrett (SC)  
 Barrow  
 Bartlett (MD)  
 Barton (TX)  
 Bass  
 Bean  
 Beauprez  
 Becerra  
 Berkley  
 Berman  
 Berry  
 Biggert  
 Bilirakis  
 Bishop (GA)  
 Bishop (NY)  
 Bishop (UT)  
 Blackburn  
 Blunt  
 Boehlert  
 Boehner  
 Bonilla  
 Bonner  
 Bono  
 Boozman  
 Boren  
 Boswell  
 Boucher  
 Boustany  
 Boyd  
 Bradley (NH)  
 Brady (PA)  
 Brady (TX)  
 Brown (OH)  
 Brown, Corrine  
 Brown-Waite,  
     Ginny  
 Burgess  
 Burton (IN)  
 Butterfield  
 Buyer  
 Calvert  
 Camp  
 Cannon  
 Cantor  
 Capito  
 Capps  
 Capuano  
 Cardin  
 Cardoza  
 Carnahan  
 Carson  
 Carter  
 Case  
 Castle  
 Chabot  
 Chandler  
 Chocola  
 Clay  
 Cleaver  
 Clyburn  
 Coble  
 Cole (OK)  
 Conaway  
 Cooper  
 Costa  
 Costello  
 Cox  
 Cramer  
 Crenshaw  
 Crowley  
 Cubin  
 Cuellar  
 Culberson  
 Cummings  
 Cunningham  
 Davis (AL)  
 Davis (CA)  
 Davis (FL)  
 Davis (KY)  
 Davis (TN)  
 Davis, Jo Ann  
 Davis, Tom  
 DeFazio  
 DeGette  
 DeLauro  
 DeLay  
 Dent  
 Diaz-Balart, L.  
 Diaz-Balart, M.  
 Dicks  
 Dingell  
 Doggett  
 Doolittle  
 Doyle  
 Drake  
 Dreier  
 Duncan  
 Edwards  
 Ehlers  
 Emanuel  
 Emerson  
 Engel  
 English (PA)  
 Eshoo  
 Etheridge  
 Evans  
 Everett  
 Farr  
 Fattah  
 Feeney  
 Ferguson  
 Fitzpatrick (PA)  
 Flake

Foley  
 Forbes  
 Ford  
 Fortenberry  
 Fossella  
 Foxx  
 Franks (AZ)  
 Frelinghuysen  
 Gallegly  
 Garrett (NJ)  
 Gerlach  
 Gibbons  
 Gilchrest  
 Gillmor  
 Gingrey  
 Gohmert  
 Gonzalez  
 Goode  
 Goodlatte  
 Gordon  
 Granger  
 Graves  
 Green (WI)  
 Green, Al  
 Green, Gene  
 Gutierrez  
 Gutknecht  
 Hall  
 Harman  
 Harris  
 Hart  
 Hastings (WA)  
 Hayes  
 Hayworth  
 Hefley  
 Hensarling  
 Herger  
 Herseth  
 Higgins  
 Hinchey  
 Hobson  
 Hoekstra  
 Holden  
 Honda  
 Hooley  
 Hostettler  
 Hoyer  
 Hulshof  
 Hunter  
 Hyde  
 Inglis (SC)  
 Inslee  
 Israel  
 Issa  
 Istook  
 Jenkins  
 Jindal  
 Johnson (CT)  
 Johnson (IL)  
 Johnson, E. B.  
 Johnson, Sam  
 Jones (NC)  
 Kanjorski

McCarthy  
 McCaul (TX)  
 McCotter  
 McCrery  
 McHenry  
 McHugh  
 McIntyre  
 McKeon  
 McMorris  
 McNulty  
 Meehan  
 Meek (FL)  
 Melancon  
 Menendez  
 Mica  
 Miller (FL)  
 Miller (MI)  
 Miller (NC)  
 Miller, Gary  
 Moore (KS)  
 Moran (VA)  
 Moran (VA)  
 Murphy  
 Murtha

Peterson (MN)  
 Peterson (PA)  
 Petri  
 Pitts  
 Platts  
 Poe  
 Pombo  
 Pomeroy  
 Porter  
 Price (GA)  
 Price (NC)  
 Pryce (OH)  
 Putnam  
 Radanovich  
 Rahall  
 Ramstad  
 Rangel  
 Regula  
 Rehberg  
 Reichert  
 Renzi  
 Reyes  
 Reynolds  
 Rogers (AL)  
 Rogers (KY)  
 Rogers (MI)  
 Rohrabacher  
 Ros-Lehtinen  
 Ross  
 Rothman  
 Roybal-Allard  
 Royce  
 Ruppertsberger  
 Rush  
 Ryan (OH)  
 Ryan (WI)  
 Ryan (KS)  
 Salazar  
 Sánchez, Linda T.

Schwarz (MI)  
 Scott (GA)  
 Sensenbrenner  
 Sessions  
 Shadegg  
 Shaw  
 Shays  
 Sherman  
 Sherwood  
 Shimkus  
 Shuster  
 Simmons  
 Simpson  
 Skelton  
 Slaughter  
 Smith (NJ)  
 Smith (TX)  
 Smith (WA)  
 Snyder  
 Sodrel  
 Solis  
 Souder  
 Spratt  
 Stearns  
 Strickland  
 Stupak  
 Sullivan  
 Sweeney  
 Tancredo  
 Tanner  
 Tauscher  
 Taylor (NC)  
 Terry  
 Thompson (CA)  
 Thompson (MS)  
 Thornberry  
 Tiahrt  
 Tiberi  
 Towns  
 Turner  
 Udall (CO)  
 Udall (NM)  
 Upton  
 Van Hollen  
 Velázquez  
 Walden (OR)  
 Walsh  
 Wamp  
 Watson  
 Waxman  
 Weiner  
 Weldon (PA)  
 Weldon (FL)  
 Weller  
 Westmoreland  
 Wexler  
 Whitfield  
 Wicker  
 Wilson (NC)  
 Wilson (SM)  
 Wolf  
 Wu  
 Wynn  
 Young (AK)  
 Young (FL)

NOES—45

Baldwin  
 Blumenauer  
 Conyers  
 Delahunt  
 Filner  
 Frank (MA)  
 Grijalva  
 Holt  
 Jackson (IL)  
 Jackson-Lee  
 Jones (OH)  
 Kildee  
 Kilpatrick (MI)  
 Kucinich  
 Lee

Lewis (GA)  
 Markey  
 McCollum (MN)  
 McDermott  
 McGovern  
 McKinney  
 Meeks (NY)  
 Michaud  
 Millender-  
     McDonald  
 Miller, George  
 Mollohan  
 Moore (WI)  
 Nadler  
 Oberstar  
 Oliver

Otter  
 Owens  
 Paul  
 Payne  
 Sabo  
 Schakowsky  
 Scott (VA)  
 Serrano  
 Stark  
 Tierney  
 Vislosky  
 Wasserman  
 Schultz  
 Waters  
 Watt  
 Woolsey

NOT VOTING—7

Brown (SC)  
 Hastings (FL)  
 Hinojosa

Jefferson  
 Pickering  
 Taylor (MS)

Thomas

ANNOUNCEMENT BY THE ACTING CHAIRMAN  
 The Acting CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 2039

Messrs. KILDEE, BLUMENAUER, DELAHUNT and Ms. MILLENDER-

Ms. FOXF, Messrs. LINCOLN DIAZ-BALART, RADANOVICH, SODREL, BOUSTANY, Mrs. MYRICK, Messrs. GRAVES, MCCRERY, TERRY and Miss MCMORRIS changed their vote from “aye” to “no”.  
 Messrs. KINGSTON, WALDEN of Oregon, GUTKNECHT, Ms. SOLIS, Mr. SCHWARZ of Michigan, Ms. HARRIS, Mr. ROHRBACHER, Mrs. EMERSON, and Messrs. YOUNG of Alaska, COX and INGLIS of South Carolina changed their vote from “no” to “aye.”

NOT VOTING—7

□ 2030

McDONALD changed their vote from “aye” to “no”.

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 14 OFFERED BY MS. HART

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

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

[Roll No. 411]

AYES—387

Abercrombie	Castle	Ford
Ackerman	Chabot	Fortenberry
Aderholt	Chandler	Fossella
Akin	Chocola	Fox
Alexander	Cleaver	Franks (AZ)
Allen	Clyburn	Frelinghuysen
Andrews	Coble	Gallegly
Baca	Cole (OK)	Garrett (NJ)
Bachus	Conaway	Gerlach
Baird	Cooper	Gibbons
Baker	Costa	Gilchrist
Barrett (SC)	Gillmor	Gillmor
Barrow	Cox	Gingrey
Bartlett (MD)	Cramer	Gohmert
Barton (TX)	Crenshaw	Gonzalez
Bass	Cubin	Goode
Bean	Cuellar	Goodlatte
Beauprez	Culberson	Gordon
Becerra	Cunningham	Granger
Berkley	Davis (AL)	Graves
Berman	Davis (CA)	Green (WI)
Berry	Davis (FL)	Green, Al
Biggart	Davis (IL)	Green, Gene
Bilirakis	Davis (KY)	Gutknecht
Bishop (GA)	Davis (TN)	Hall
Bishop (NY)	Davis, Jo Ann	Harman
Bishop (UT)	Davis, Tom	Harris
Blackburn	Deal (GA)	Hart
Blunt	DeFazio	Hastings (WA)
Boehlert	DeGette	Hayes
Boehner	Delahunt	Hayworth
Bonilla	DeLauro	Hefley
Bonner	DeLay	Hensarling
Bono	Dent	Herger
Boozman	Diaz-Balart, L.	Herseth
Boren	Diaz-Balart, M.	Higgins
Boswell	Dicks	Hinchey
Boucher	Dingell	Hobson
Boustany	Doggett	Hoeckstra
Boyd	Doolittle	Holden
Bradley (NH)	Doyle	Honda
Brady (PA)	Drake	Hooley
Brady (TX)	Dreier	Hostettler
Brown (OH)	Duncan	Hoyer
Brown, Corrine	Edwards	Hulshof
Brown-Waite,	Ehlers	Hunter
Ginny	Emanuel	Hyde
Burgess	Emerson	Inglis (SC)
Burton (IN)	Engel	Inslee
Butterfield	English (PA)	Israel
Buyer	Eshoo	Issa
Calvert	Etheridge	Istook
Camp	Evans	Jackson-Lee
Cannon	Everett	(TX)
Cantor	Farr	Jenkins
Capito	Fattah	Jindal
Capps	Feeney	Johnson (CT)
Cardin	Ferguson	Johnson (IL)
Cardoza	Fitzpatrick (PA)	Johnson, E. B.
Carnahan	Flake	Johnson, Sam
Carter	Foley	Jones (NC)
Case	Forbes	Kanjorski

Kaptur	Murphy	Schwartz (PA)
Keller	Murtha	Schwarz (MI)
Kelly	Musgrave	Scott (GA)
Kennedy (MN)	Myrick	Sensenbrenner
Kennedy (RI)	Nader	Sessions
Kildee	Napolitano	Shadegg
Kilpatrick (MI)	Neal (MA)	Shaw
Kind	Neugebauer	Shays
King (IA)	Ney	Sherman
King (NY)	Northup	Sherwood
Kingston	Norwood	Shimkus
Kirk	Nunes	Shuster
Kline	Nussle	Simmons
Knollenberg	Oberstar	Simpson
Kolbe	Obey	Skelton
Kuhl (NY)	Olver	Slaughter
LaHood	Ortiz	Smith (NJ)
Langevin	Osborne	Smith (TX)
Lantos	Otter	Smith (WA)
Larsen (WA)	Owens	Snyder
Larson (CT)	Oxley	Sodrel
Latham	Pallone	Souder
LaTourette	Pascrell	Spratt
Leach	Pastor	Stearns
Levin	Pearce	Strickland
Lewis (KY)	Pelosi	Stupak
Linder	Pence	Sullivan
Lipinski	Peterson (MN)	Sweeney
LoBiondo	Peterson (PA)	Tancredo
Lowe	Pitts	Tanner
Lucas	Platts	Tauscher
Lungren, Daniel	Poe	Taylor (NC)
E.	Pombo	Terry
Lynch	Pomeroy	Thompson (CA)
Mack	Porter	Thompson (MS)
Maloney	Price (GA)	Thornberry
Manzullo	Price (NC)	Tiahrt
Marchant	Pryce (OH)	Tiberi
Marshall	Putnam	Tierney
Matheson	Radanovich	Towns
Matsui	Rahall	Turner
McCarthy	Ramstad	Udall (CO)
McCaul (TX)	Rangel	Udall (NM)
McCollum (MN)	Regula	Upton
McCotter	Rehberg	Van Hollen
McCrery	Reichert	Velazquez
McHenry	Renzi	Visclosky
McHugh	Reyes	Walden (OR)
McIntyre	Reynolds	Walsh
McKeon	Rogers (AL)	Wamp
McMorris	Rogers (KY)	Wasserman
McNulty	Rogers (MI)	Schultz
Meehan	Rohrabacher	Watson
Meek (FL)	Ros-Lehtinen	Waxman
Meeks (NY)	Rothman	Weiner
Melancon	Roybal-Allard	Weldon (FL)
Menendez	Royce	Weldon (PA)
Mica	Ruppersberger	Weller
Michaud	Rush	Westmoreland
Millender-	Ryan (OH)	Whitfield
McDonald	Ryan (WI)	Wicker
Miller (FL)	Ryun (KS)	Wilson (NM)
Miller (MI)	Sabo	Wilson (SC)
Miller (NC)	Salazar	Wolf
Miller, Gary	Sanchez, Loretta	Wu
Mollohan	Sanders	Wynn
Moore (KS)	Saxton	Young (AK)
Moran (KS)	Schiff	Young (FL)
Moran (VA)		

NOES—38

Baldwin	Jackson (IL)
Blumenauer	Jones (OH)
Capuano	Kucinich
Carson	Lee
Clay	Lewis (GA)
Conyers	Lofgren, Zoe
Crowley	Markey
Cummings	McDermott
Filner	McGovern
Frank (MA)	McKinney
Grijalva	Miller, George
Gutierrez	Moore (WI)
Holt	Paul
Brown (SC)	Jefferson
Hastings (FL)	Lewis (CA)
Hinojosa	Pickering

NOT VOTING—8

Payne	Taylor (MS)
Petri	Thomas
Sánchez, Linda	
T.	
Schakowsky	
Scott (VA)	
Serrano	
Solis	
Stark	
Waters	
Watt	
Wexler	
Woolsey	

ANNOUNCEMENT BY THE ACTING CHAIRMAN  
The Acting CHAIRMAN (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 2046

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 15, AS MODIFIED, OFFERED BY MS. JACKSON-LEE OF TEXAS

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment, as modified, offered by the gentlewoman from Texas (Ms. JACKSON-LEE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 233, noes 192, not voting 9, as follows:

[Roll No. 412]

AYES—233

Abercrombie	Eshoo	Marshall
Ackerman	Etheridge	Matheson
Alexander	Evans	Matsui
Allen	Farr	McCarthy
Andrews	Fattah	McCaul (TX)
Baca	Filner	McCollum (MN)
Baird	Fitzpatrick (PA)	McCotter
Baldwin	Ford	McDermott
Barrow	Fortenberry	McGovern
Bass	Frank (MA)	McIntyre
Bean	Frelinghuysen	McKinney
Becerra	Gerlach	McNulty
Berkley	Gilchrist	Meehan
Berman	Gillmor	Meek (FL)
Berry	Gohmert	Meeks (NY)
Bilirakis	Gonzalez	Melancon
Bishop (GA)	Gordon	Menendez
Bishop (NY)	Green, Al	Michaud
Bishop (UT)	Green, Gene	Millender-
Grijalva	McDonald	Gutierrez
Boswell	Gutierrez	Miller (FL)
Boucher	Harman	Miller (NC)
Boyd	Herseth	Miller, George
Bradley (NH)	Higgins	Mollohan
Brady (PA)	Hinches	Moore (KS)
Brady (TX)	Hobson	Moore (WI)
Brown (OH)	Holden	Nadler
Brown, Corrine	Holt	Napolitano
Butterfield	Honda	Neal (MA)
Capps	Hooley	Ney
Capuano	Hoyer	Nussle
Cardin	Hunter	Oberstar
Carnahan	Inslee	Obey
Carson	Israel	Olver
Case	Jackson (IL)	Ortiz
Castle	Jackson-Lee	Owens
(TX)	Pallone	Pascrell
Chocola	Johnson (CT)	Pastor
Clay	Johnson (IL)	Paul
Cleaver	Johnson, E. B.	Payne
Coble	Jones (NC)	Pelosi
Cole (OK)	Jones (OH)	Pence
Conyers	Kaptur	Poe
Costa	Kennedy (RI)	Pomeroy
Costello	Kildee	Price (NC)
Crowley	Kilpatrick (MI)	Rahall
Cuellar	Kind	Ramstad
Cummings	Kucinich	Rangel
Davis (CA)	Langevin	Reyes
Davis (FL)	Lantos	Rogers (KY)
Davis (IL)	Larsen (WA)	Ross
Davis (TN)	Larson (CT)	Rothman
Davis, Tom	Leach	Roybal-Allard
DeFazio	Lee	Ruppersberger
DeGette	Levin	Rush
Delahunt	Lewis (GA)	Ryan (OH)
DeLauro	Lewis (KY)	Sabo
Dent	Lipinski	Salazar
Dicks	LoBiondo	Sánchez, Linda
Dingell	Lofgren, Zoe	T.
Doggett	Lowey	Sanchez, Loretta
Doyle	Lynch	Sanders
Duncan	Mack	Schakowsky
Edwards	Maloney	Schiff
Emanuel	Markey	Schwartz (PA)
Engel		

Schwarz (MI)	Strickland	Walden (OR)
Scott (GA)	Stupak	Wasserman
Serrano	Tanner	Schultz
Shays	Tauscher	Waters
Sherman	Terry	Watson
Simmons	Thompson (CA)	Watt
Skelton	Thompson (MS)	Waxman
Slaughter	Tierney	Weiner
Smith (WA)	Towns	Wexler
Snyder	Udall (CO)	Whitfield
Solis	Udall (NM)	Woolsey
Spratt	Van Hollen	Wu
Stark	Velázquez	Wynn
Stearns	Visclosky	Young (FL)

## NOES—192

Aderholt	Gibbons	Norwood
Akin	Gingrey	Nunes
Bachus	Goode	Osborne
Baker	Goodlatte	Otter
Barrett (SC)	Granger	Oxley
Bartlett (MD)	Graves	Pearce
Barton (TX)	Green (WI)	Pence
Beauprez	Gutknecht	Peterson (MN)
Biggert	Hall	Peterson (PA)
Bishop (UT)	Harris	Petri
Blackburn	Hart	Pitts
Blunt	Hastert	Platts
Boehlert	Hastings (WA)	Pombo
Boehner	Hayes	Porter
Bonilla	Hayworth	Price (GA)
Bonner	Hefley	Pryce (OH)
Bono	Hensarling	Putnam
Boozman	Hergert	Radanovich
Boustany	Hoekstra	Regula
Brown-Waite,	Hostettler	Rehberg
Ginny	Hulshof	Reichert
Burgess	Hyde	Renzi
Burton (IN)	Inglis (SC)	Reynolds
Buyer	Issa	Rogers (AL)
Calvert	Istook	Rogers (MI)
Camp	Jenkins	Rohrabacher
Cannon	Jindal	Ros-Lehtinen
Cantor	Johnson, Sam	Royce
Capito	Kanjorski	Ryan (WI)
Carter	Keller	Ryun (KS)
Chabot	Kelly	Saxton
Chandler	Kennedy (MN)	Scott (VA)
Clyburn	King (IA)	Sensenbrenner
Conaway	King (NY)	Sessions
Cooper	Kingston	Shadegg
Cox	Kline	Shaw
Cramer	Knollenberg	Sherwood
Crenshaw	Kolbe	Shimkus
Cubin	Kuhl (NY)	Shuster
Culberson	LaHood	Simpson
Cunningham	Latham	Smith (NJ)
Davis (AL)	LaTourette	Smith (TX)
Davis (KY)	Lewis (CA)	Sodrel
Davis, Jo Ann	Linder	Souder
Deal (GA)	Lucas	Sullivan
DeLay	Lungren, Daniel	Sweeney
Diaz-Balart, L.	E.	Tancredo
Diaz-Balart, M.	Manzullo	Taylor (NC)
Doolittle	Marchant	Thornberry
Drake	McCrery	Tiahrt
Dreier	McHenry	Tiberi
Ehlers	McHugh	Turner
Emerson	McKeon	Upton
English (PA)	McMorris	Walsh
Everett	Mica	Wamp
Feeney	Miller (MI)	Weldon (FL)
Ferguson	Miller, Gary	Weldon (PA)
Flake	Moran (KS)	Weller
Foley	Moran (VA)	Westmoreland
Forbes	Murphy	Wicker
Fossella	Murtha	Wilson (NM)
Foxx	Musgrave	Wilson (SC)
Franks (AZ)	Myrick	Wolf
Gallely	Neugebauer	Young (AK)
Garrett (NJ)	Northup	

## NOT VOTING—9

Brown (SC)	Hinojosa	Pickering
Cardoza	Jefferson	Taylor (MS)
Hastings (FL)	Kirk	Thomas

## ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 2053

Messrs. SCHWARZ of Michigan, FORD, BERMAN and SHAYS changed their vote from “no” to “aye.”

So the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

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

The amendment in the nature of a substitute, as amended, was agreed to.

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

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

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

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

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

MOTION TO RECOMMIT OFFERED BY MR. BOUCHER

Mr. BOUCHER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BOUCHER. I am, Mr. Speaker.

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

The Clerk read as follows:

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

Amend section 3 to read as follows:

**SEC. 3. USA PATRIOT ACT SUNSET PROVISIONS.**

(a) EXTENSION OF SUNSET.—Section 224 of the USA PATRIOT Act is amended by striking “December 31, 2005” and inserting “December 31, 2009”.

(b) SUNSET OF NEW PROVISIONS.—

(1) IN GENERAL.—Sections 6, 7, 8, 9, and 10 of this Act and the amendments made by such sections shall cease to have effect on December 31, 2009.

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

Mr. BOUCHER (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. BOUCHER) is recognized for 5 minutes.

Mr. BOUCHER. Mr. Speaker, I rise this evening to ask that the House retain its oversight authority by inserting 4-year sunsets into H.R. 3199.

In the past year, we have asked the Department of Justice how it is using the authority granted to it under the PATRIOT Act. Some of our questions simply went unanswered. Other questions were rebuffed, and we were told that the information was classified. And still others were avoided by telling us that the information simply was not available.

However, all of that changed in April of this year when the Justice Department realized that a straight reauthorization of the PATRIOT Act would not happen without serious answers to our reasonable questions. Suddenly, numbers and examples were no longer unavailable. Suddenly, the information we had long been seeking was provided.

I have no doubt that if 16 provisions of the law were not scheduled to sunset at the end of this year, we would still have little information about how these authorities have been used.

Members of the majority have stressed today that the Committee on the Judiciary has held 12 PATRIOT Act hearings in recent months. That extensive inquiry would not have occurred had the sunsets in the law not been in place. For these reasons, we should reinstate the sunsets for an additional 4 years. All 16 of the sunsets that were contained in the original law would be reinserted through this motion to recommit. The FBI will still have all the powers that the bill gives it. It will simply have to come back 4 years from now and answer our legitimate questions about how those powers have been used.

□ 2100

Reinstating the sunsets is about accountability. Our colleagues across the aisle will say that no abuses have occurred by the powers granted to the government under the PATRIOT Act. That point I think is open to debate. I think most would agree that the breadth of many of these provisions creates, at a minimum, the potential for abuse and we, therefore, have an obligation to conduct rigorous oversight to ensure that civil liberties are protected. Inserting the sunset provisions into the law once again will be the way to ensure that we can conduct that vigorous oversight. I urge approval for this motion, which will simply assure that we remain in that strong position.

Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in support of this motion. After 9/11, the United States Congress gave

our investigative agencies a wide variety of special powers to fight a war on terrorism, an expansion of powers that we would have never approved in peacetime. This included the right to break into homes of American citizens without court order, seize documents, copy computer files, and evidence without ever telling the owner. We gave our agencies, among those other things, the right to wiretap and intercept phone and computer communications without prior cause, and in general we lowered the requirement for lawful searches. I supported this dramatic expansion of Federal power because our country was at war.

In times of emergency, it is responsible to increase the power of our government, yet we recognize that these powers should contain sunset provisions. The first PATRIOT Act had 16 of its sections sunsetted, so after the emergency was over the government would again return to a level consistent to a free society. Our Republic was founded on the idea that the powers of government should be limited. We should not be required to live in peacetime under the extraordinary laws that were passed during times of war and crisis. Emergency powers of investigation should not become the standard once the crisis has passed.

I am seriously concerned about the use of emergency conditions to permanently alter our constitutional legal rights. Until now, the Members of this body have been denied the ability to vote their conscience on the issue of sunsets. Now, each of us will have that opportunity. It is not a Republican vote, it is not a Democrat vote. I support this war on terror and the war on radical Islam. I was here yesterday fighting for a very important provision that put me against my friends on the other side of the aisle. But today I am asking all of my friends, on both sides of the aisle, let us be patriots. Let us stand up for those principles that our Founding Fathers talked about, and that is limiting the power of government.

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

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

Good oversight is done by congressional leadership, not by sunsets. There has been good oversight over the PATRIOT Act right from the beginning. The Committee on the Judiciary has spent a lot of time overseeing the Justice Department, with oversight letters, questions that the gentleman from Michigan (Mr. CONYERS) and I have sent jointly to the Justice De-

partment, Inspector General reports, and this is the result of it: Almost two feet of responses.

And what have these responses said? First of all, there has been no provision, of the 16 sunsetted provisions, that have been found unconstitutional by any Federal court in the Nation. The Inspector General's report has found no civil liberties violations under the PATRIOT Act, and I think that the question we ought to ask ourselves today is whether we should weigh the potential for abuse of this law against the actual record of abuse. There is no actual record of abuse with all of the oversight that we have been doing.

Now, we have had 12 hearings on the PATRIOT Act, the 16 sunsetted provisions. Thirteen of the 16 provisions are noncontroversial. There have not been witnesses that have appeared before the committee that have said that there are problems, and that includes the provision that tore down the wall after 9/11 that prevented the CIA and the FBI from exchanging intelligence information. This motion to recommit will bring that wall back up in 2009. I think we ought to look at the record. We ought to look at the actual record of abuse. There has been none.

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

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

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

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

We have made amendments to section 215, to section 213. We have tightened up the requirements of national security letters. These are substantive amendments. They are good. Sometimes, as my hero in politics said once,

in one book, Barry Goldwater said, "Politics is nothing more than public business. Sometimes you make the best of a mixed bargain. You don't always get everything you want."

We got good substantive reform here and we have sunsets. They are a bit longer than I am comfortable with at times, but we have them here. I think we ought to make the best of what we have. It is a good product. I commend the chairman and the others.

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

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

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

The SPEAKER pro tempore (Mr. LATOURETTE). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

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

The yeas and nays were ordered.

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

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

[Roll No. 413]

YEAS—209

Abercrombie	Cardoza	Doyle
Ackerman	Carnahan	Edwards
Allen	Carson	Ehlers
Andrews	Case	Emanuel
Baca	Chandler	Engel
Baird	Clay	Eshoo
Baldwin	Cleaver	Etheridge
Barrow	Clyburn	Evans
Bartlett (MD)	Conyers	Farr
Bean	Cooper	Fattah
Becerra	Costa	Filner
Berkley	Costello	Ford
Berman	Cramer	Frank (MA)
Berry	Crowley	Gonzalez
Bishop (GA)	Cuellar	Gordon
Bishop (NY)	Cummings	Green, Al
Blumenauer	Davis (AL)	Green, Gene
Boren	Davis (CA)	Grijalva
Boswell	Davis (FL)	Gutierrez
Boucher	Davis (IL)	Harman
Boyd	Davis (TN)	Hefley
Brady (PA)	DeFazio	Herseth
Brown (OH)	DeGette	Higgins
Brown, Corrine	Delahunt	Hinchey
Butterfield	DeLauro	Holden
Capps	Dicks	Holt
Capuano	Dingell	Honda
Cardin	Doggett	Hooley

Hoyer	Meek (FL)	Salazar	Price (GA)	Sessions	Tiahrt	Herger	McKeon	Ryan (WI)
Inslee	Meeks (NY)	Sánchez, Linda	Pryce (OH)	Shadegg	Tiberi	Herseth	McMorris	Ryan (KS)
Israel	Melancon	T.	Putnam	Shaw	Turner	Higgins	Melancon	Saxton
Jackson (IL)	Menendez	Sanchez, Loretta	Radanovich	Shays	Upton	Hobson	Menendez	Schwartz (PA)
Jackson-Lee	Michaud	Sanders	Ramstad	Sherwood	Walden (OR)	Mica	Mica	Schwarz (MI)
(TX)	Millender-	Schakowsky	Regula	Shimkus	Walsh	Holden	Miller (FL)	Scott (GA)
Jefferson	McDonald	Schiff	Rehberg	Shuster	Wamp	Hostettler	Miller (MI)	Sensenbrenner
Johnson (IL)	Miller (NC)	Schwartz (PA)	Reichert	Simmons	Weldon (FL)	Hoyer	Miller (NC)	Sessions
Johnson, E. B.	Miller, George	Scott (GA)	Renzi	Simpson	Weldon (PA)	Hulshof	Miller, Gary	Shadegg
Jones (NC)	Mollohan	Scott (VA)	Reynolds	Smith (NJ)	Weller	Hunter	Moran (KS)	Shaw
Jones (OH)	Moore (KS)	Serrano	Rogers (AL)	Smith (TX)	Westmoreland	Hyde	Murphy	Shays
Kanjorski	Moore (WI)	Sherman	Rogers (KY)	Sodrel	Whitfield	Inglis (SC)	Musgrave	Sherwood
Kaptur	Moran (VA)	Skelton	Rogers (MI)	Souder	Wicker	Issa	Myrick	Shimkus
Kennedy (RI)	Murtha	Slaughter	Ros-Lehtinen	Stearns	Wilson (NM)	Istook	Neugebauer	Shuster
Kildee	Nadler	Smith (WA)	Royce	Sullivan	Wilson (SC)	Jenkins	Northup	Simmons
Kilpatrick (MI)	Napolitano	Snyder	Ryan (WI)	Sweeney	Wolf	Jindal	Norwood	Simpson
Kind	Neal (MA)	Solis	Ryan (KS)	Tancredo	Young (AK)	Johnson (CT)	Nunes	Skelton
Kucinich	Oberstar	Spratt	Saxton	Taylor (NC)	Young (FL)	Johnson, Sam	Nussle	Smith (NJ)
Langevin	Obey	Stark	Schwarz (MI)	Terry		Jones (NC)	Ortiz	Smith (TX)
Lantos	Oliver	Strickland	Sensenbrenner	Thornberry		Keller	Osborne	Sodrel
Larsen (WA)	Ortiz	Stupak				Kelly	Oxley	Souder
Larson (CT)	Otter	Tanner				Kennedy (MN)	Pearce	Spratt
Leach	Owens	Tauscher	Brown (SC)	Mack	Thomas	King (IA)	Pence	Spratt
Lee	Pallone	Thompson (CA)	Hastings (FL)	Pickering		King (NY)	Peterson (PA)	Stearns
Levin	Pascrell	Thompson (MS)	Hinojosa	Taylor (MS)		Kingston	Petri	Sullivan
Lewis (GA)	Pastor	Tierney				Kirk	Pitts	Sweeney
Lipinski	Paul	Towns				Kline	Platts	Tancredo
Lofgren, Zoe	Payne	Udall (CO)				Knollenberg	Poe	Taylor (NC)
Lowey	Pelosi	Udall (NM)				Kolbe	Pombo	Terry
Lynch	Peterson (MN)	Van Hollen				Kuhl (NY)	Pomeroy	Thornberry
Maloney	Pomeroy	Velázquez				Latham	Porter	Tiahrt
Markey	Price (NC)	Visclosky				LaTourette	Pryce (OH)	Tiberi
Marshall	Rahall	Wasserman				Leach	Putnam	Turner
Matheson	Rangel	Schultz				Lewis (CA)	Radanovich	Upton
Matsui	Reyes	Waters				Lewis (KY)	Ramstad	Walden (OR)
McCarthy	Rohrabacher	Watson				Linder	Regula	Walsh
McCollum (MN)	Ross	Watt				Lipinski	Rehberg	Wamp
McDermott	Rothman	Waxman				LoBiondo	Reichert	Weldon (FL)
McGovern	Roybal-Allard	Weiner				Lungren, Daniel	Reynolds	Weldon (PA)
McIntyre	Ruppersberger	Wexler				E.	Rogers (AL)	Weller
McKinney	Rush	Woolsey				Marchant	Rogers (KY)	Westmoreland
McNulty	Ryan (OH)	Wu				Marshall	Rogers (MI)	Whitfield
Meehan	Sabo	Wynn				McCaul (TX)	Rogers (NY)	Whitfield
						McCotter	Ros-Lehtinen	Wicker
						McCrery	Ross	Wilson (NM)
						McHenry	Royce	Wilson (SC)
						McHugh	Ruppersberger	Wolf
						McIntyre		Young (FL)

## NOT VOTING—7

□ 2125

Mr. BASS changed his vote from “yea” to “nay.”

Mr. SERRANO changed his vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

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

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

## RECORDED VOTE

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

A recorded vote was ordered.

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

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

[Roll No. 414]

AYES—257

Aderholt	Drake	Kelly						
Akin	Dreier	Kennedy (MN)						
Alexander	Duncan	King (IA)						
Bachus	Emerson	King (NY)						
Baker	English (PA)	Kingston						
Barrett (SC)	Everett	Kirk						
Barton (TX)	Feeney	Kline						
Bass	Ferguson	Knollenberg						
Beauprez	Fitzpatrick (PA)	Kolbe						
Biggert	Flake	Kuhl (NY)						
Bilirakis	Foley	LaHood						
Bishop (UT)	Forbes	Latham						
Blackburn	Fortenberry	LaTourette						
Blunt	Fossella	Lewis (CA)						
Boehrlert	Fox	Lewis (KY)						
Boehner	Franks (AZ)	Linder	Aderholt	Capito	Etheridge			
Bonilla	Frelinghuysen	LoBiondo	Akin	Cardin	Everett			
Bonner	Gallely	Lucas	Alexander	Carnahan	Feeney			
Bono	Garrett (NJ)	Lungren, Daniel	Andrews	Carter	Ferguson			
Boozman	Gerlach	E.	Baca	Case	Fitzpatrick (PA)			
Boustany	Gibbons	Manzullo	Bachus	Castle	Flake			
Bradley (NH)	Gilchrest	Marchant	Baker	Chabot	Foley			
Brady (TX)	Gillmor	McCaul (TX)	Barrett (SC)	Chandler	Forbes			
Brown-Waite,	Gingrey	McCotter	Barrow	Chocola	Fortenberry			
Ginny	Gohmert	McCrery	Barton (TX)	Clyburn	Fossella			
Burgess	Goode	McHenry	Bass	Coble	Fox			
Burton (IN)	Goodlatte	McHugh	Bean	Cole (OK)	Franks (AZ)			
Buyer	Granger	McKeon	Beauprez	Conaway	Frelinghuysen			
Calvert	Graves	McMorris	Biggert	Cooper	Gallely			
Camp	Green (WI)	Mica	Bilirakis	Cox	Garrett (NJ)			
Cannon	Gutknecht	Miller (FL)	Bishop (GA)	Cramer	Gerlach			
Cantor	Hall	Miller (MI)	Blackburn	Crenshaw	Gibbons			
Capito	Harris	Miller, Gary	Blunt	Cubin	Gilchrest			
Carter	Hart	Moran (KS)	Boehrlert	Culbertson	Gillmor			
Castle	Hastert	Murphy	Boehner	Cunningham	Gingrey			
Chabot	Hastings (WA)	Musgrave	Bonilla	Davis (AL)	Gohmert			
Chocola	Hayes	Myrick	Bonner	Davis (FL)	Goode			
Coble	Hayworth	Neugebauer	Bono	Davis (KY)	Goodlatte			
Cole (OK)	Hensarling	Ney	Boozman	Davis (TN)	Gordon			
Conaway	Herger	Northup	Boren	Davis, Jo Ann	Granger			
Cox	Hobson	Norwood	Boswell	Davis, Tom	Graves			
Crenshaw	Hoekstra	Nunes	Boustany	Deal (GA)	Green (WI)			
Cubin	Hostettler	Nussle	Bradley (NH)	DeLay	Green, Gene			
Culbertson	Hulshof	Osborne	Brady (TX)	Dent	Gutknecht			
Cunningham	Hunter	Oxley	Brown-Waite,	Diaz-Balart, L.	Hall			
Davis (KY)	Hyde	Pearce	Ginny	Diaz-Balart, M.	Harman			
Davis, Jo Ann	Inglis (SC)	Pence	Burgess	Doolittle	Harris			
Davis, Tom	Issa	Peterson (PA)	Burton (IN)	Drake	Hart			
Deal (GA)	Istook	Petri	Butterfield	Dreier	Hastert			
DeLay	Jenkins	Pitts	Buyer	Edwards	Hastings (WA)			
Dent	Jindal	Platts	Calvert	Ehlers	Hayes			
Diaz-Balart, L.	Johnson (CT)	Poe	Camp	Emanuel	Hayworth			
Diaz-Balart, M.	Johnson, Sam	Pombo	Cannon	Emerson	Hefley			
Doolittle	Keller	Porter	Cantor	English (PA)	Hensarling			

## NOES—171

Abercrombie	Gonzalez	Meek (FL)
Ackerman	Green, Al	Meeks (NY)
Allen	Grijalva	Michaud
Baird	Gutierrez	Millender-
Baldwin	Hinchee	McDonald
Bartlett (MD)	Holt	Miller, George
Becerra	Honda	Mollohan
Berkley	Hooley	Moore (KS)
Berman	Moore (WI)	Inslee
Berry	Israel	Moran (VA)
Bishop (NY)	Jackson (IL)	Murtha
Bishop (UT)	Jackson-Lee	Nadler
Blumenauer	(TX)	Napolitano
Boucher	Jefferson	Neal (MA)
Boyd	Johnson (IL)	Ney
Brady (PA)	Johnson, E. B.	Oberstar
Brown (OH)	Jones (OH)	Obey
Brown, Corrine	Kanjorski	Oliver
Capps	Kaptur	Otter
Capuano	Kennedy (RI)	Owens
Cardoza	Kildee	Pallone
Carson	Kilpatrick (MI)	Pascrell
Clay	Kind	Pastor
Cleaver	Kucinich	Paul
Conyers	LaHood	Payne
Costa	Langevin	Pelosi
Costello	Lantos	Peterson (MN)
Crowley	Larsen (WA)	Price (GA)
Cuellar	Larson (CT)	Price (NC)
Cummings	Lee	Rahall
Davis (CA)	Levin	Rangel
Davis (IL)	Lewis (GA)	Rohrabacher
DeFazio	Lofgren, Zoe	Rothman
DeGette	Lowey	Roybal-Allard
Delahunt	Lucas	Rush
DeLauro	Lynch	Ryan (OH)
Dicks	Mack	Sabo
Dingell	Maloney	Salazar
Doggett	Manzullo	Sánchez, Linda
Doyle	Markey	T.
Duncan	Matheson	Sanchez, Loretta
Engel	Matsui	Sanders
Eshoo	McCarthy	Schakowsky
Evans	McCollum (MN)	Schiff
Farr	McDermott	Scott (VA)
Fattah	McGovern	Serrano
Filner	McKinney	Sherman
Ford	McNulty	Slaughter
Frank (MA)	Meehan	Smith (WA)

Snyder	Towns	Watt
Solis	Udall (CO)	Waxman
Stark	Udall (NM)	Weiner
Strickland	Van Hollen	Wexler
Stupak	Velázquez	Woolsey
Tanner	Visclosky	Wu
Tauscher	Wasserman	Wynn
Thompson (CA)	Schultz	Young (AK)
Thompson (MS)	Waters	
Tierney	Watson	

NOT VOTING—6

Brown (SC)	Hinojosa	Taylor (MS)
Hastings (FL)	Pickering	Thomas

□ 2144

Mrs. MCCARTHY and Messrs. BISHOP of New York, ISRAEL, ROTHMAN, SNYDER, and MOORE of Kansas changed their vote from “aye” to “no.”

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

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 2145

**AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN EN-GROSSMENT OF H.R. 3199, USA PATRIOT AND TERRORISM PREVENTION REAUTHORIZATION ACT OF 2005**

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

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

There was no objection.

**ANNOUNCEMENT BY THE COMMITTEE ON RULES REGARDING AMENDMENTS TO H.R. 22, POSTAL ACCOUNTABILITY AND ENHANCEMENT ACT**

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

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

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

tarian to be certain their amendments comply with the rules of the House.

**CORRECTING ENROLLMENT OF H.R. 3377, SURFACE TRANSPORTATION EXTENSION ACT OF 2005, PART IV**

Mr. PETRI. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 212) to correct technical errors in the enrollment of the bill H.R. 3377.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 212

*Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill H.R. 3377, the Clerk of the House shall make the following corrections in section 5 of the bill:*

(1) In the matter amending section 157(g)(1) of title 23, United States Code, strike “\$92,054,794.521” and insert “\$92,054,794”.

(2) In the matter amending section 163(e)(1) of such title, strike “\$90,410,958.900” and insert “\$90,410,958”.

(3) In the matter amending section 2009(a)(1) of the Transportation Equity Act for the 21st Century strike “\$135,616,438.356” and insert “\$135,616,438”.

(4) In the matter amending section 2009(a)(2) of such Act strike “\$59,178,082.192” and insert “\$59,178,082”.

(5) In the matter amending section 2009(a)(3) of such Act strike “\$16,438,356.164” and insert “\$16,438,356”.

(6) In the matter amending section 2009(a)(4) of such Act strike “\$32,876,712.329” and insert “\$32,876,712”.

(7) In the matter amending section 2009(a)(6) of such Act strike “\$2,958,904.110” and insert “\$2,958,904”.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

**REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1376**

Mr. BOREN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1376.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

**THE GOOD WORK AT GUANTANAMO**

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Georgia. Mr. Speaker, like many Americans, I have heard of some activities at the detention facility at Guantanamo Bay that have given me some concern. Unlike most Americans, I recently had the opportunity to visit Guantanamo and what I

saw with my own eyes was not what I had heard.

All Americans can be proud of our servicemen and women who protect us, including those at Guantanamo. They are our moms and our dads, our brothers and our sisters, our sons and our daughters, and they are running a professional, respectful, orderly and clean detention facility that is vital to our security.

The war on terror continues. The men being held at Guantanamo are constantly being evaluated to determine whether their detention should continue. Are they still a threat, or can they provide further information in the war on terror? For each of them the answer is clearly yes.

Mr. Speaker, General Raymond Hood and all members of the Joint Task Force at Guantanamo should be honored and commended for their work and help in protecting all Americans.

**PROVIDING HEALTH CARE SECURITY FOR ALL AMERICANS**

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, this evening we have addressed our Nation’s homeland security with the reauthorization of the PATRIOT Act, putting the focus where it should be, keeping this Nation safe.

My constituents talk with me not only about homeland security and economic security, but about our health care security.

Mr. Speaker, I would like to commend the gentleman from Texas (Mr. SAM JOHNSON) for the Small Business Health Fairness Act that he has filed. We talk about small businesses buying association health plans, being able to group together to buy health insurance to provide for their small business employees. This is a good idea. It helps bolster our Nation’s economic engine, those small businesses.

I commend the gentleman from Texas. I cosponsored his legislation. I look forward to supporting it as he begins to move that to the floor and we keep the focus on security in this great Nation.

**PRODUCTION, CONFIDENCE AND THE ECONOMY**

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, the impact of the President’s ambitious agenda and our work in the House is ensuring that America’s economy remains the strongest in the world. In fact, recent economic data shows the economy is providing the momentum necessary to drive steady jobs growth, despite Members of the minority party’s attempts to distort our economic agenda.

In the month of June, our robust economy created more than 144,000