the Nation and the Senate together instead of further dividing us?

I sincerely hope the answer to those questions is ''yes.'' Consultation is more than a process, it's about an outcome. I hope we are not just going through the motions. That will be up to the President. True consultation is not a one-sided conversation. The President must share his thoughts with all of us as well. I firmly believe the Nation wants and needs us to proceed in good faith and with open minds. The conditions are right for serious cooperation between the Senate and the executive, whom the Framers of the Constitution made ''jointly'' responsible for assuring the quality and independence of the Federal judiciary.

The President has won a second term and does not have to run again. He is freer to carry out his desire to be a uniter, not a divider, despite the pleas from the fringes of the party he leads.

Notwithstanding the constant clamor from the right, the public obviously does not support extreme right-wing positions on key court-related issues. Most Americans opposed the effort by some in Congress to order the courts to intrude into private medical decisions in the Schiavo case. Most Americans also rejected the idea that 200 years of Senate history should be reversed in order to give a narrow Senate majority the absolute power to approve extreme judges.

Our constituents wonder why we seem to spend so much time shouting angrily at one another. ''Washington'' has lost the respect of many Americans because of the atmosphere of confrontation and conflict that pervades Congress and the executive branch. They much prefer us to spend more time and thought on finding common ground. They know that their families, their local governments, their schools, and their own businesses, could not function if they operated in the kind of hostile, polarized environment that often seems to prevail on issues here.

Since the selection of judges is an area where the constitutional Framers placed the decision in the hands of the Senate and the President, we have a special obligation to make choices and take positions that facilitate cooperation and consensus, and avoid choices and positions that provoke confrontation and conflict.

History demonstrates that the Senate and the President can work together on judicial nominations, especially Supreme Court justices. Many of us have been here for the nominations of numerous new Justices—in my case 18 of them. On 13 of those, there was a consensus, with close to 90 percent more of the Senators voting for confirmation. On 5, there was a unanimous vote in the Senate.

It is not difficult to achieve that kind of consensus. We know what the Court needs and what the country expects. Nominees should be excellent lawyers who respect the Constitution, understand the law, and understand and respect the vital role of the judiciary in our Government. Most of the public do not want judges whose goal is to advance a result-oriented agenda, or to take the law on detours of their own. They want judges who proceed from the basic principles that unite us, as reflected in the Constitution and in two centuries of our shared history.

Most Americans would agree with Chief Justice John Marshall that to keep the Constitution relevant and responsive, judges have to be willing to look at it not as an inflexible and technical ''legal code,'' but as a document that sets forth ''great outlines'' and important goals, with the details to be filled in later, by Congress and the Courts. Certainly, when the Framers wrote the copyright clause of the Constitution, they never contemplated computer downloading, but their objective in that clause is something on which laws and legal decisions can build.

Of course, in the minds of most Americans, what defines this country, and about which our courts must be deeply concerned about is our rights and liberties. That is what our ancestors fought for two centuries ago. That is why the Framers spent so much of their time and effort on a governmental structure and a bill of rights establishing and protecting our freedoms—both freedoms to and freedoms from. That is why we fought a civil war to expand freedom. That is why our ancestors came to these shores in the 1800's 1900's why people everywhere still want to come here. There is no freer place in the world, and we must find judges who agree that their first obligation is to keep it that way: to safeguard those freedoms.

Our judges must therefore be aware of freedom's history, so that they know what happens when we are tempted to dilute bedrock rights and liberties by subordinating them to short-term political expediency. The notorious ''Palmer raids'' after World War I, the internment of Japanese Americans during World War II, and the McCarthy era during the cold war are obvious examples of past abuses of which Supreme Court nominees should be well aware.

Next only to protection of their freedoms, Americans expect and want fairness. That means the rights and freedoms we cherish must be applicable to all—rich and poor, popular and unpopular, powerful and powerless—especially the poor, the unpopular and the powerless who may have no other recourse. That is what makes America very special among all the nations of the world. Courts cannot cure all the ills of society, but a court system that purports to provide legal remedies for legal wrongs must make those remedies real. It cannot be credible if it erects impenetrable barriers of money, process, or theory that deprive a right of any meaningful reality.

The American people understand that our system of checks and balances is a cornerstone of our basic rights and liberties. They want us to make sure that the judges we confirm will not permit unconstrained Executive power to usurp legislative power or judicial power. They certainly do not want the Congress or the President to control or interfere with the judiciary. They surely want an independent judiciary.

We can look deeper into each of these general principles on which there is a national consensus, and find areas of agreement and disagreement, but they are clearly a guide for choosing a Supreme Court nominee who can achieve a broad consensus in Congress and the country.

We cannot do so if we adopt an ideological standard promoted by a narrow group as the first principle of the process. It makes no sense to delegate the process to groups or their supporters within the government whose personal goal is to limit the range of nominees to those who will advance their own ideological agenda.

Clearly, the choice is the President's. We can help him if he chooses the route of cooperation and consensus. Hopefully, he will not follow the advice of those who want to pick fights instead of picking judges.

I would like to see a wide open process that begins with a search for Republicans in all walks of legal life—not just judges—selected for the quality of their minds and their commitment to the law, rather than for their adherence to extreme ideologies. I am confident such a search would produce a wide range of eligible candidates who might be able to gain a consensus in the legal profession, among the American people and with the Senate.

President Bush has a unique opportunity to unite us, not divide us. He has an extraordinary chance to do so with this nomination and perhaps other Supreme Court nominations to come. If he does, American people and American history will thank him.

Mr. President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:38 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. CHAMBLISS).

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2006—Continued

The PRESIDING OFFICER. There will now be 90 minutes of debate equally divided on the Collins and Feinstein amendments.

Who seeks time?

The Senator from Texas.

Mr. CORNYN. I yield myself 20 minutes from the time allocated for the proponents of the Feinstein-Cornyn amendment.

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

Mr. SCHUMER. I ask unanimous consent—I think Senator FEINSTEIN has agreed—that I be given 10 minutes immediately after the Senator from Texas.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CORNYN. Mr. President, in the debate on the competing amendments, the Collins-Lieberman amendment and the Cornyn-Feinstein amendment, before I get into the body of my remarks, I want to address some criticism that was lodged at the Cornyn-Feinstein amendment. I believe reference was made to the amendment as being ''cobbled together.''

I point out to my colleagues that the amendment of Senator FEINSTEIN and myself was not a cobbled-together proposal. Our work was based on work already done in the House of Representatives and in this body as well. We have also worked with a number of cities and States. In fact, our language is precisely the same, or I should say based on Congressman Chris Cox's legislation, H.R. 1544, which passed in the House 409 to 10, hardly indicative of an amendment that was cobbled together.

The question really is, Who should make the decision on how to allocate homeland security dollars? There has been a lot of discussion about how much money should be distributed as a minimum amount and how much should be distributed based on risk. I ask my colleagues to consider in this war on terror who should make the decisions on how best to allocate resources. Should Congress divvy up the pie and decide to distribute money based on how many pieces of pie ought to be cut up, or should those who have access to the intelligence, who know about risk and how best to allocate our resources to address that risk be the ones to make that distribution?

In our military and national defense, Congress provides for adequate training and equipment for the Department of Defense and then empowers the Department to allocate the resources where it believes they will be the most effective.

I suggest to my colleagues that in the war on terror, the rules should be no different. We should empower the Department of Homeland Security with the similar flexibility to respond and marshal resources as needed.

Finally, just by way of preliminary remarks, this morning Senator FEINSTEIN offered a letter for the RECORD from a number of high-threat cities that support the Cornyn-Feinstein amendment. There have been several additions to the list of cities, including Atlanta, Buffalo, Houston, San Antonio, Seattle, and Toledo. I ask that this updated letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 11, 2005.

Re high-threat cities joint working group on homeland security.

Hon. BILL FRIST,
Majority Leader, U.S. Senate, Hart Senate Office Building, Washington, DC.

Hon. HARRY REID,
Minority Leader, U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR MAJORITY LEADER AND MINORITY LEADER: As cities on the front line of the war on terrorism, we are writing to express our support for the amendment offered by Senators Feinstein and Cornyn to incorporate S. 1013, the ''Homeland Security FORWARD Funding Act of 2005, into the FY2006 Homeland Security Appropriations bill. The Feinstein-Cornyn approach best targets first responder funds to areas of highest risk and highest threat throughout the nation. We also write to support homeland security funding for state and local governments at least at last year's levels. The recent events in London underline the importance of homeland funding for state and local governments.

The Statement of Administration Policy (SAP) issued today, in addressing State and Local Programs, urges Congress to take further steps to increase the share of State grants that can be targeted to where they are needed most, consistent with the President's request. The Statement further notes, when referring to Potential Amendments, that the Administration ''supports efforts to allocate a greater share of homeland security grants based on risk and would be opposed to any amendment that would . . . cap funding for high-threat cities while not providing flexibility to distribute over 90 percent of grant funds on the basis of risk, as proposed in the President's Budget.'' The Feinstein-Cornyn Amendment clearly meets these standards, and the alternative Collins Amendment incorporating S. 21 does not.

The Feinstein-Cornyn Amendment most closely tracks the recommendations of both the 9/11 Commission and the Administration in supporting the principle that homeland security funds should be allocated solely on the basis of risk of terrorism. According to the Congressional Research Service, the Feinstein-Cornyn Amendment would distribute 87 percent of state and local homeland security funds based on threat, compared to only 60 percent distributed based on threat under the Collins Amendment.

The Feinstein-Cornyn Amendment also preserves the critical partnership between the federal government, states and the nation's highest risk areas by maintaining the Urban Area Security Initiative (UASI) program. These UASI regions have for several years been aggressively working to implement comprehensive plans for terrorism prevention and preparedness approved by their States and DHS. Maintaining the UASI program will preserve and sustain the substantial planning, longterm projects, and regional decision-making processes underway. The Collins Amendment would cap the amount of funds that can go to high-threat cities at 30 percent of the total amount of state and local homeland funding. This cap would restrict the high-threat program to a lesser amount than appropriated in previous years.

The homeland security bill as reported by the Senate Appropriations committee would cut homeland security funding to state and local governments by almost a half billion dollars, $467 million less than FY2005. Please restore this funding.

We again commend you on your efforts to increase the amount of homeland security funds distributed based on threat, vulnerability, and consequences of a terrorist attack.

Sincerely,

City of Anaheim, California, City of Atlanta, Georgia, City of Baltimore, Maryland, City of Baton Rouge, Louisiana, City of Boston, Massachusetts, City of Buffalo, New York, City of Charlotte, North Carolina, City of Chicago, Illinois, City of Cleveland, Ohio, City of Columbus, Ohio;

City of Dallas, Texas, City of Denver, Colorado, City of Jacksonville, Florida, City of Kansas City, Missouri, City of Long Beach, California, City of Los Angeles, California, City of Miami, Florida, City of New York, New York, City of Newark, New Jersey, City of Oakland, California;

City of Philadelphia, Pennsylvania, City of Sacramento, California, City of San Antonio, Texas, City of San Diego, California, City of San Francisco, California, City of San Jose, California, City of Santa Ana, California. City of Seattle, Washington, City of Toledo, Ohio.

Mr. CORNYN. Finally, by way of preliminary remarks, I have in my hand a letter written by the Secretary of the Department of Homeland Security, Michael Chertoff, dated July 12, 2005, where Secretary Chertoff writes to express his concern with regard to amendments that may be offered to change the first responder grant funding formula. Secretary Chertoff says that he welcomes the efforts by Congress to ensure that more homeland security dollars are distributed on the basis of risk, which is precisely what the amendment Senator FEINSTEIN and I have offered does.

I ask unanimous consent that this be printed in the RECORD at the close of my remarks.

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

(See exhibit 1.)

Mr. CORNYN. I rise to join the Senator from California, Mrs. FEINSTEIN, and other distinguished colleagues in urging support for the amendment that we have offered. I am compelled to bring this issue to the Senate's attention because I think it is imperative that we effectively and efficiently protect our most vulnerable assets and population centers, as this amendment is calculated to do. I am grateful for the opportunity to have this debate, and I certainly want to acknowledge the outstanding work that Senator COLLINS and Senator LIEBERMAN have done on homeland security issues generally.

However, the amendment that Senator FEINSTEIN and I offer takes a different approach than the one they have taken. I submit their amendment, as embodied in S. 21, does not achieve the level of risk-based funding necessary to most effectively spend our homeland security dollars.

We have said it often on the Senate floor and elsewhere that 9/11 has changed everything. The attacks of that day were unprecedented in our history, and they brought home the need for similarly unprecedented security measures. In an effort to respond quickly to the devastation that day wrought in our country, the Federal

Government created a system that worked to raise overall national emergency preparedness to ensure that we would better guard against another such terrorist attack in the future.

So we embarked on shoring up our airline, transportation, border, and port security. We worked to protect our critical infrastructure, to protect our cyber security, our agriculture and food supply systems. But taxpayer dollars are not limitless. Nor do any one of us want to live in a lockdown that would be tantamount to a police state. Rather, in this free society in which we live, Congress must work to ensure that every penny allocated for our homeland security efforts must be directed where it will do the most good.

It is imperative that we guard the places across our Nation where terrorists may strike and where such strikes could do the most harm to our people, to our Government, and to our economy. I believe this is the most responsible way to prepare for any future terrorist attack.

In addition to the important efforts we are undertaking with regard to collecting and analyzing intelligence, we must take the fight on the offensive where the terrorists work, train, and recruit rather than on our homeland. We need to have a system that will protect our most vulnerable population centers and that recognizes the need to protect the critical infrastructure and vital components of our national economy.

I am reminded of a tour that I took recently of several Texas seaports. I visited with port directors, industry leaders, and emergency responders in and around the ports of Houston, Beaumont, and Corpus Christi. These kinds of facilities and the communities that surround them have enormous security needs, and the consequences of a successful terrorist attack on any of these facilities would be devastating, not just to these local communities but to the economic engine that runs this whole country.

The ripples of a successful attack to any one of these areas would reach well into the interior of our country. We should protect our population centers, but we must also realize that when it comes to protecting our economy and vulnerable critical infrastructure, it is necessary to protect the vital components of these systems and not just the population centers. We must take further steps to secure our agricultural and food production systems and protect the ports that ship products in and out of this country. I believe the amendment offered by Senator FEINSTEIN and myself maximizes this kind of flexibility and this kind of protection.

This amendment would require that the Federal Department of Homeland Security funds be allocated to States according to a risk-based assessment. It is vital that we better allocate our limited resources to the vulnerable places in the country that we most need to protect and that these funds be distributed in an efficient and timely manner.

Senator FEINSTEIN and I have evaluated the 9/11 Commission's recommendations that call for allocation of money based on vulnerabilities. Our legislation provides for a distribution formula for homeland security grants based upon three main criteria: threat, vulnerability, and consequence. This requires States to quickly pass on Federal funds to where they are most needed. This proposal is inspired by the hard work and examination done on this issue by our colleagues in the House of Representatives and in the Senate.

We have also taken input from stakeholders in our respective States and from across the country. It is our hope and intention that by introducing this amendment we can contribute and enrich the public discourse on this critical issue and help move the Nation toward a more rational and effective distribution of our homeland security resources.

Key provisions of this amendment provide establishing a first responder grant board consisting of the Department of Homeland Security leadership that will rank and prioritize grant applications based on threat and vulnerability, enabling a region that encompasses more than one State to apply for funds. The money would still pass through the States but would go to the region to better enable coordination and planning.

This amendment would provide greater flexibility in using the funds, allowing the State to use them for other hazards consistent with federally established capability standards. And it allows States to retain authority to administer grant programs, but there are penalties for States that do not pass funds to local governments within 45 days. If a State fails to pass the funds through, local governments may petition the Department of Homeland Security directly to receive those funds.

In addition to trying to implement a system that was recommended by the 9/11 Commission, Senator FEINSTEIN and I have proposed an amendment that honors the requests of the administration as reflected in the fiscal year 2006 Presidential budget, which calls for awarding funds to meet national preparedness goals and priorities rather than on mandated formulas that bear little relation to need and risk.

It is my concern that our colleagues' alternative approach places too high a priority on providing steady streams of Federal assistance to each State to provide for possible terrorist attacks, with not enough regard to a risk-based consideration. With their proposal, States continue to receive a significant minimum amount, and other States with greater populations and population density get an additional amount. The result, though, is that just over half of the remaining funds are distributed based on risk.

Can the taxpayers afford to keep up that level of support for every State without regard to risk factors as being the predominant concern? Can we afford providing this level of support to every State at the expense of those communities that are most at risk, regardless of whether they happen to be resident in a large State or a small State?

I assert that continuing to spread homeland security funds throughout the Nation without regard to actual risk would be an inefficient approach and would ignore much of what I believe we have learned as part of our efforts to assess our vulnerabilities since the attacks of September 11.

As we have recently learned from the tragic events in London, terror still has the ability and the strength to strike. The effectiveness of our continued vigilance and preparedness relies heavily on the efficient spending of our limited homeland security dollars.

Let me say in closing, at least for this portion of my remarks, I believe Chairman GREGG, the chairman of the Homeland Security Appropriations Committee, and the entire subcommittee have done a very good job trying to address the concerns I have laid out and that Senator FEINSTEIN and I have addressed, our concerns that these funds be primarily allocated on the basis of risk. But I believe we can do better. I believe we can and should do better, and I believe the optimal formula which provides every State with access to homeland security grant funds but which optimizes the receipt and delivery of those funds based on risk, threat, and consequence is the preferable way to go. I urge my colleagues to support the Feinstein-Cornyn amendment.

EXHIBIT 1

U.S. DEPARTMENT OF HOMELAND SECURITY,
Washington, DC, July 12, 2005.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: As the Senate prepares to debate the FY 2006 Homeland Security Appropriations Act (H.R. 2360), I write to express my concern regarding amendments that may be offered to change the first responder grant funding formula. The Department welcomes the efforts by Congress to ensure that more homeland security dollars are distributed based on risk. The Department of Homeland Security strongly supports authorizing legislation that would distribute Federal homeland security grant funds based on risk and need (the delta between the level of capabilities possessed by a particular jurisdiction and the level set by the National Preparedness Goal) according to the President's budget request, rather than on static and arbitrary minimums.

The Administration strongly believes that Federal homeland security funds should be distributed to our first responders based on risk and need. Since the tragic events of September 11, 2001, we have distributed billions of dollars to our Nation's first responders to prevent and respond to major events. For the Department's primary State assistance program—the State Homeland Security Grant Program—we have complied with Congressional direction to distribute grants according to a formula authorized in the USA PATRIOT Act, which divides nearly half the

funds evenly among all states. We have also complied with Congressional direction to allocate the remaining funds based on population. As we know through experience, however, the threat posed by terrorists and others that would do us harm is ever changing. We, therefore, must not continue to base the distribution of limited homeland security funds on such a static, inflexible formula.

Instead, the Administration strongly supports a methodology that distributes the greatest amount of funds based on risk and need. This is consistent with the President's budget request for Fiscal Years 2005 and 2006, which supported distributing nearly 90 percent of DHS' homeland security grant programs according to risk and need. We also believe it is important for the Administration and Congress to retain the ability to adjust the balance of state and regional grants each year. Such an approach would still provide a minimum funding level for each state, recognizing that each state has unmet homeland security capabilities. For these reasons, the Administration would oppose amendments that would add new bureaucratic requirements and cap funding for high-threat cities while not providing enough flexibility to distribute over 90 percent of grant funds on the basis of risk.

Further, with the development and implementation of the Interim National Preparedness Goal and the accompanying National Planning Guidance, we now have the requisite tools and resources to make more informed decisions on how to focus our finite resources. In coordination with other Federal agencies, DHS has identified the 36 capabilities that are critical to preventing another terrorist attack and, if an attack does occur, to respond and recover in a manner that minimizes loss of life and other damage. We must focus our state and local preparedness efforts on building those capabilities to the right level and in the right places. Funding our first responders based on risk and need gives us the flexibility to ensure our finite resources are allocated in a prioritized and objective manner.

The Department would appreciate your support of legislation consistent with these principles, and looks forward to working with you to ensure that communities across the country improve their preparedness to prevent, respond to, and recover from terrorism and other major incidents.

Sincerely,

MICHAEL CHERTOFF.

The PRESIDING OFFICER. Under the previous agreement, the Senator from New York is recognized for 10 minutes.

Mr. SCHUMER. Mr. President, I rise in strong support of the Feinstein-Cornyn amendment or the Cornyn-Feinstein amendment, whichever it may be, because it would distribute a greater percentage of first responder money to areas that need it the most.

First, I thank my colleagues, Senator COLLINS and Senator LIEBERMAN, for their leadership. They have been at the forefront of saying that we needed a new formula. I think all of us in this area agree. I know they are trying their best to balance the interests of smaller States and larger States, an issue in this Republic since it was founded in 1789. While I do not agree with the way they came out, I have a great deal of respect for their efforts to be fair. If I were from a smaller State, who knows, maybe I would be supporting that formula. I hope not, but that might be the case.

But the reason I feel so strongly about the Feinstein-Cornyn amendment is this: The war on terror is a war we probably faced before 9/11, but we probably only realized we were fighting a full-fledged war after 9/11. The war on terror is a serious one, and I have said time and time again we have to make this a two-front war—a good war on offense, which you fight overseas, and a good war on defense, which you fight here at home.

Unfortunately, because of technology, small groups of bad people can hit any place at any time. Technology allows them to do this. So every one of our citizens is on the front line.

I understand that a Senator from Wyoming or a Senator from Maine or a Senator from Connecticut believes, correctly—or a Senator from Georgia, a middle-size State—believes that their people are on the front line. But I have to tell you that you have to live in New York to understand the difference. It is theoretically possible, of course, that terrorists could hit us everywhere, as I said. But it is not everywhere that has been subject to two devastating terrorist attacks. It is not everywhere where 100 members of the police force are overseas, on their own, trying to figure out intelligence to thwart an attack on our dear city. It is not everywhere, where every bridge in New York, every major bridge, has two police officers at one end and two police officers at the other end, 24 hours a day, 7 days a week.

It is not that the other areas are any less careful; it is just the threat and danger is greatest to us. So it seems patently unfair to say that States that might have a threat but do not have as large, as tangible, as repeated a threat—week after week, month after month—should actually get more money on a per capita basis than States such as New York or California or Texas, which are much more on the front lines simply because they have large agglomerations of people. We all know that is where the terrorists want to hit. They want to try to hurt as many people as they can, and our larger cities and larger metropolitan areas have those concentrations.

You do not read in the newspapers and when we have our intelligence briefings up in 407, when you ask what names have been named, you don't hear the smaller cities. You only hear a handful of names, over and over again. They are not the smaller cities. They are not the smaller States. They are the New Yorks and the Los Angeleses and the Washingtons and the Miamis.

I hope my colleagues in this case would rise to the occasion. Again, I understand that every State has needs. As I said, how can I be sure that if I were from a small State I would not want to favor a formula that had more for the small States? But in New York City, we would like to get a lot of corn subsidies or oil subsidies, but we don't have much corn or oil. This provision is aimed at threat. It is not something good to have, it is something bad to have, but it is only fair and it is only right that we make this as threat-based as possible.

The great irony is that at the very time when the administration, under Mr. Chertoff's leadership, has made pledges that their discretionary dollars, which is now 60 percent, would be threat-based, we in the Senate are making the formula less threat-based. The great irony is that, if we gave 100 percent of the money to the administration, the areas under the greatest threat would do better than under this proposal. That often doesn't happen when you are from New York City, but this is the case right now.

I hope we rise to the occasion. To have Wyoming get $38.31 per capita while New York gets only $5.47 per capita doesn't look like a formula based on threat but looks like a formula based on politics, to me. So we can change this around. The Cornyn-Feinstein bill does not go all the way to make it totally threat-based, but at least it restores some of the balance and makes it fair. I hope my colleagues will rise to the occasion and support a bill that we all know is ultimately the right thing to do. Support the Cornyn-Feinstein amendment which will give the areas under the greatest threat the greatest amount of dollars.

I yield the remaining time to my colleague from California, who generously ceded to me the 10 minutes I was granted.

Mrs. FEINSTEIN. Thank you. We reserve the remainder of that time.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. I yield 15 minutes to the Senator from Connecticut, who is the chief cosponsor of the Collins-Lieberman amendment.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 15 minutes.

Mr. LIEBERMAN. Mr. President, this is an important debate. I wish to give a little background to it because there is a sense in which what is said up here is a contest between the Collins-Lieberman amendment and the Feinstein-Cornyn amendment. Both of these amendments are amendments to the underlying bill. It is in that sense I urge my colleagues to consider the Collins-Lieberman amendment first.

There is some history to this amendment. It just didn't arise up in response to this Homeland Security appropriations bill, but from our committee; Senator COLLINS is the chair and I am the ranking Democrat on the Homeland Security and Governmental Affairs Committee. This is the committee from which the Department of Homeland Security emerged as an entity to be adopted by the Congress and signed and implemented by the President.

We have been concerned about these homeland security grants because, if I am correct, we had some testimony that there was not another grant program of this size, over $1 billion—over

$2 billion, actually, last year—that did not have an authorization, that just sort of was in the air.

We wanted to create an authorization for it. We also wanted to create some accountability. This is a lot of money. We, as Senator COLLINS has indicated, create a series of auditing and review processes to make sure the people's money is well spent so we do not find the kind of wastefulness of which Senator COLLINS has given examples. So that is the first thing. The bill, S. 21, that passed our committee overwhelmingly—as a matter of fact, I believe it passed on a unanimous voice vote, bipartisan obviously—becomes this amendment, so it creates an authorization.

Second, it creates a formula. Because the formula has been changing from year to year at the judgment of the Department of Homeland Security and the administration, it doesn't give a predictable flow of funds to the local communities that are trying to prepare themselves to protect us from a terrorist attack, which could occur anywhere in this country.

The second part of it is, how do you allocate the money in the formula? That is what now is at issue between the two amendments that are being debated, the Collins-Lieberman and the Cornyn-Feinstein amendment.

Senator COLLINS and I very strongly believe that our amendment, the committee proposal, is balanced. The choice seems to be, do you allocate based totally on risk assessments or do you allocate based on risk assessments and then give some minimum amount to every State in the country because we are not sure where the terrorists are going to strike next?

My friends who are supporting the other amendment sometimes have seemed to describe what is at issue here as a choice between a congressionally mandated, politically inspired—some dare use the word pork barrel formula—on the one hand and an intelligence-driven, pure risk-based approach determined by the Department of Homeland Security on the other hand. Not true. In fact, contrary to what my friend from New York, Senator SCHUMER, just said, it is not really a battle between big States and small States. It is a much more complicated but very crucial argument here as to how you assess risk in an age of terrorism, post-9/11, when our homeland was struck and 3,000 people were killed.

Sometimes my friends supporting the Cornyn-Feinstein amendment speak about risk assessment as if it were pure science, as if it were an exercise that was 100 percent predictable, as if one could say 2 plus 2 equals 4. That is right, you can say that: 2 plus 2 equals 4. You cannot make that same kind of certain conclusion about risk assessments regarding where terrorists will strike. The fact is, forgive me—maybe don't forgive me—terrorists are inherently irrational, insane, crazy, inhumane. So how could we predict where they are going to strike next?

We understand one of the factors they consider is the visibility of an attack. Presumably that is one of the reasons why they struck on September 11 in New York and in Washington. But that is not the only motivation they have. Their motivation is to create panic and fear in our society.

In fact, they have not always struck major population centers. Remember the disco attacks in Bali, a resort area. Why was that done? There are westerners gathered there, and it was done to terrify people in an area where they would not expect to be attacked. What about the school in Beslam, Russia? That was not a major population center. That was carried out in a community similar to thousands of communities across America for the psychological impact as well as the brutal effect on the children who were there.

When we talk about risk analysis, it is not a certainty. It is an educated guess about where the terrorists are going to strike next. The most likely guess, an educated guess about where they will strike in the United States.

But does that justify not continuing to fund the Homeland Security grants, the local law enforcement personnel all across America in other medium-sized cities and small cities? What about the risk everyone talks about of attacking our food supply or poisoning our water supply? That risk is not in the cities designated, according to the conventional risk analysis, as high risk.

The 9/11 Commission said our failure to be better prepared for September 11, our failure to do more to prevent it was what they described as a ''failure of imagination.'' What did they mean? We could not imagine that people would do what the terrorists did on September 11. And they were right. Therefore, as we think about how best to protect America, we have to put ourselves in the perverse and hateful heads of terrorists. There is all too much of a plausibility that terrorists want to strike not just the major population centers but smaller towns, places where people congregate. Want to create real panic in the United States? Do something like that.

For us to assume, based on essentially an educated guess that is risk analysis, that all the communities around the country that need our help should not get some amount of help seems to me to be without foundation.

Senator COLLINS was very compelling yesterday when she said also that if we take the September 11 attacks and look at places around America where those 19 terrorists gained access to the United States—Portland, ME, for instance; they took off from Portland to head to New York; the small towns where they trained in flying planes, where they acquired equipment to carry out their deadly deeds—we need to provide the kind of support that the Collins-Lieberman amendment provides to law enforcement officers all across America, the 700,000, God bless them, out there risking their lives every day for us.

They are the first responders. But they are also the first preventers, the ones whose eyes and ears are all across America. They see that piece of evidence that makes them suspicious; that can be the thread that will unravel the next terrorist plot, even one targeted toward one of the areas that is higher risk according to these risk assessments.

Senator COLLINS and I tried to balance this. We have deferred to the current risk analysis. We give effectively 60 percent and as high as 70 percent when we follow our sliding scale of money under this grant program to higher risk analyzed places in America. But the rest deserve some support, too. The rest merit some protection, as well. Bob Mueller, the FBI Director, said America is awash in targets. America is awash in possible vulnerable targets for terrorists—and they are all over America. We want to respond in a positive way and work to protect all of America.

This chart is a map of the United States of America. It is a comparison of the impact of the Collins-Lieberman amendment compared to the Feinstein-Cornyn amendment. All the States in green would get more funds under the Collins-Lieberman amendment than under the Feinstein-Cornyn amendment. The big States would also do fine. They get that extra money because of risk analysis. And we defer to that, but we do not yield totally to it.

Incidentally, we have some big States that receive more money under our proposal than under the other, including Texas, Florida, Michigan, and Ohio. Senator LEVIN will explain why, coming from Michigan, he strongly supports this amendment. I hope Members will keep this chart in mind when voting.

The second point, I go back to what I said at the beginning. This is an amendment to the underlying Homeland Security appropriations bill. In addition to the argument about risk and the formula, there is a difference of opinion about money. We have all been talking about this with an intensity after the dreadful attacks in London last week. The current appropriations bill would cut funding in these grant categories from $2.3 billion down to $1.9 billion. Senator COLLINS and I and members of our committee believe that is not enough.

I say again what I have said before: We have the best military in the world for a lot of reasons, one of which is we have had the guts to invest in that military, to spend the money on it. We will only have the best homeland defense if we similarly invest. This amendment would raise the authorization level up to $2.9 billion. That is the least we can do to support our local and State efforts, our first responders and first preventers.

I hope, as our colleagues come to vote on these two amendments at 5 o'clock, they will understand not only the differences in the approach on risk

formula, but the differences between our amendment and the underlying appropriations bill.

In the moment or two remaining, I will speak a little bit about how the Collins-Lieberman amendment improves on H.R. 2360, the underlying bill. We provide States with predictable funding over time. The appropriations bill adopts a different formula this year than last year and may adopt another formula next year. That does not help our local first responders, preventers, Homeland Security agencies in planning and protecting America.

Second, our amendment includes a sliding-scale baseline different from the Appropriations Committee proposal that provides additional guaranteed funds to the largest and most densely populated States.

Third, the amendment provides an overall framework for how Homeland Security funds are to be distributed.

Fourth, there are accountability measures designed to ensure that the grant money is spent properly and effectively. There are no accountability measures in the Appropriations Committee bill. Incidentally, there is no dollar number in the Cornyn-Feinstein amendment as compared to our $2.9 billion and the Appropriations Committee's $1.9 billion.

Finally, fifth, our amendment does improve the grants process itself compared to the underlying bill. The Collins-Lieberman amendment does not just establish a formula, it includes measures to streamline and improve the Homeland Security grants process. That includes provisions on applications, planning, and reporting measures to encourage regional coordination, so important in protecting our people from terrorism.

We establish a list of essential capabilities for all jurisdictions so that the Homeland Security Department and the localities understand what capabilities the experts feel they should develop in the local areas to be prepared to prevent, and God forbid, if an attack occurs, to respond to a terrorist attack. And it creates an interagency committee to find ways to eliminate redundant and duplicative requirements for the Homeland Security grants across the Federal Government.

In short, our amendment takes a far more comprehensive approach to the first responder grants than the underlying bill. On that basis alone, not to mention the fairness of our formula, I urge my colleagues to support the Collins-Lieberman amendment.

I yield the floor.

The PRESIDING OFFICER. Who seeks time?

Mrs. FEINSTEIN. Mr. President, I yield 10 minutes to the Senator from Florida, Mr. MARTINEZ.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Florida is recognized for 10 minutes.

Mr. MARTINEZ. Mr. President, I rise today in support of the Feinstein-Cornyn amendment to the fiscal year 2006 Department of Homeland Security appropriations bill.

The concept of this amendment is simple—to direct homeland security dollars to the areas where the threat of attack is greatest.

It was no accident that when the terrorists attacked our Nation on that September morning they chose to strike at our two most powerful cities, our center for capitalism and commerce, New York, and our center of Government, Washington.

Since that fateful day, we have been fortifying our Nation in order to prevent another attack—and so far we have succeeded—but we must remain vigilant.

And just last week London was hit by a string of deadly terrorist bombings, another heinous and despicable act performed by outlaws too weak to show their face and too naïve to know that this recent attack will only strengthen our resolve to hunt and destroy terrorists and their sympathizers wherever they lie. My heart goes out to our allies and friends in Great Britain and I know all of my colleagues join me in expressing our sympathy and solidarity with the British people.

It was no accident that when the terrorists attacked our Nation on September 11, 2001, they picked powerful, high-profile, and heavily trafficked targets.

Terrorists target areas where they can inflict the most damage and get the most attention, and for those reasons they focus on urban centers, areas of national importance, areas that are highly populated.

But if you include the interests of a region—be they tourist attractions, amusements parks or resorts, at anyone time there can be millions of visitors.

For instance, Orange County, FL, is one of the top vacation destinations in the world. In 2003 the region played host to over 45 million visitors.

On March 18, 2003, the Federal Aviation Administration imposed a no-fly zone over the Walt Disney World Resort area—because, according to an FAA spokesperson: "The Disney parks are a potential target of symbolic value . . ." Florida is also home to 14 deepwater ports, many of which are nationally significant and critically important parts of our country's shipping infrastructure.

For example, at the Port of Miami nearly 4 million cruise passengers passed through the Port and over 9 million tons of cargo transited through the seaport. This combination of cruise and cargo activities supported approximately 98,000 jobs, and has an economic impact in Miami-Dade County of over $12 billion.

The Port of Tampa had over 800,000 cruise passengers and handles nearly 50 million tons per year, or half of the State's total seaborne cargo tonnage. The Port of Tampa is also the largest economic engine in west central Florida.

Again, these examples highlight the issues associated with regional influx.

The whole State of Florida, in fact, now plays host to 77 million tourists a year. That is on top of our 17 million person population.

We cannot overstate the importance of regional concepts and that models created by this amendment will encourage funding to be spent not only on our major cities, but also on those regional centers that require certain protections.

One more point. In a letter. In a letter dated today from Homeland Security Secretary Michael Chertoff, he writes:

> Funding our first responders based on risk and need gives us the flexibility to ensure our finite resources are allocated in a prioritized and objective manner.

Secretary Chertoff adds:

> The Department of Homeland Security strongly supports authorization language that would distribute Federal homeland security grant funds based on risk and need, rather than on static and arbitrary minimums.

This amendment, the Feinstein-Cornyn amendment, meets Secretary Chertoff's desire, and that is to require the Department of Homeland Security to allocate grants to States based primarily on threat assessment and vulnerability. I believe that kind of discretion to the Secretary of Homeland Security will only enhance his ability to keep our country safe and to respond to the areas of most critical and immediate need and concern.

As a Congress, we must be prudent in appropriating funds to meet our essential capabilities. The ability to meet the risk to our Nation by reducing our vulnerability to attack is essential to our success in defending America in this war on terror.

Mr. President, I ask my colleagues to join me in supporting this important amendment. It is currently a time in which we have been reminded by the events of last week of the importance that we must place on our homeland security, on the security of our Nation in order that we might be able to forestall any future terrorist designs upon our Nation.

I believe the people of Florida will be best served by an approach that bases the decision on the Department of Homeland Security of where the grants may go on the risk and the perceived assessment of that risk and not on some static formula.

Thank you, Mr. President. I yield the remainder of my time back to the Senator from California.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, at this time I would like to yield up to 10 minutes to the Senator from Michigan. I thank the Senator from Michigan for his many contributions to this bill.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I thank the Chair. Let me thank our chairman, Senator COLLINS, for all the work she has put in on

this bill. It is a vast improvement over the formula and over the proposal of the administration, which came to us and which was worked on very hard by Senator COLLINS, Senator LIEBERMAN, and others on the Homeland Security and Governmental Affairs Committee. What we will be voting on at 5 o'clock will be two amendments. The first amendment will be the Collins-Lieberman amendment, which is a significant improvement, it seems to me, from the vantage point of almost every State over the administration proposal. It is that amendment that I want to talk about and which I am proud to cosponsor.

For the past 3 years, the State homeland security grant program has distributed funds using a funding formula that arbitrarily sets aside a large portion of the funds to be divided equally among the States regardless of need. This formula disadvantages States with high populations. While other Federal grant programs provide a minimum State funding level to ensure funds reach all areas of the country, the State minimum formula which has been used to allocate State homeland security program funds in the underlying bill and which was in the administration's proposal—let me correct that—in the underlying bill, the underlying bill is unusually high. The underlying bill basically is a .75 percent minimum guarantee, which is similar to the one which has been in effect until now, and this is an unusually high minimum formula when compared to other formulas in other bills. The most common minimum formula in most programs is .5, one-half of 1 percent.

The .25 percent minimum is more common than the .75 percent minimum. Yet in the bill before us—and I misspoke before when I said the administration's proposal. In the appropriations bill before us it is effectively a .75 percent minimum guarantee, which is significantly higher than most of the kinds of guarantees which have existed in programs similar to this where .5, half of a percent, is the most common formula and, in fact, one-quarter of 1 percent, or .25, is more common than the .75, or three-quarters of 1 percent, which is effectively the minimum guarantee in the Appropriations Committee's report.

We have been working hard to come up with a more equitable formula. We worked very hard, as the Presiding Officer knows, in the committee on which both of us serve. It is a very difficult issue to reach a consensus, and yet we came to a very near consensus in committee. It wasn't unanimous, but it was close to unanimous in committee because of the hard work particularly of our chairman and our ranking member to come up with a formula which would try to treat all of our States equitably.

We did a number of things, but perhaps the most significant addition we made to what has been the practice is that we added a new option basically for high population or high population density States so that they could choose in effect either between the minimum formula of .55 percent, which is in the Collins-Lieberman amendment, or select another formula which is based more on population and population density. Almost all of our States—not quite all but almost all of our States—as a result of that option that is built into the Collins-Lieberman amendment do better than they do under the bill which is pending before us.

The underlying appropriations bill that provides funding for homeland security grants provides that each State and territory shall receive the same dollar amount for the State minimum as was distributed in fiscal year 2005, and that is what essentially leads to the conclusion that that would be a .75 percent base State funding formula that arbitrarily sets aside a large portion of funds to be divided equally among the States regardless of need.

The authorizing committee—it is a key point here—the Homeland Security and Governmental Affairs Committee is the authorizing committee—after holding hearings and going through a markup passed this compromise formula language which is in the Collins-Lieberman amendment before us, which would allow States to choose either the .55 percent of the total amount appropriated for the threat-based homeland security grant program or—and this is the addition which is so critical to so many of our States—a minimum amount based on a State's relative population and population density. This option for States will provide additional guaranteed funds to the largest and most densely populated States. The remainder of the total funds, approximately 60 percent, would go to the States and regions based purely on risk and threat assessment by the Department of Homeland Security using factors set forth in the amendment—and that is another important point—that the factors for the Homeland Security Department to consider are set forth in the amendment. And then up to half of the remaining funds could be allocated in the discretion of the Department to metropolitan areas.

The amendment sets some guidance, in other words, on the factors to be considered in allocating risk-based funding.

Mr. President, this amendment that is before us represents a compromise. It is a compromise that has the support of small States and many of our largest States and our most populated States. Perhaps not all of them, although I believe by any measure, by any measure, the Collins-Lieberman amendment before us advantages even the most populated States compared to the bill that it seeks to amend.

There will be a later amendment that will be voted upon that from the perspective of a number of States would be an improvement over Collins-Lieberman, but that is not what people have to vote on, as to whether they support Collins-Lieberman or the Feinstein amendment. People could vote for both amendments. It is not one amendment substituting for the other. This is not a decision as to which is better, vote only for one. From the perspective of some States both of the amendments would be an improvement over the underlying bill.

The reason I am cosponsoring the Collins-Lieberman amendment is I believe it is the result of a carefully crafted compromise which adds a number of critical factors that do not exist in the way funds have been distributed up to now. The addition of the option for the population density factor is a significant improvement over the underlying bill which basically reflects the way funds have been apportioned to now. And the fact that there are also factors which are laid out in the bill to be considered by the Department means that all of us can see when it comes to the discretionary decisions by the Department the factors that the Department is to take into account when apportioning those funds. These are significant improvements in the underlying bill, I believe, for almost every State here. I repeat, the fact that an amendment that we will be voting on subsequently may be better even from the perspective of a number of States should not cause people to vote no on the Collins-Lieberman amendment, which from the perspective, I believe, of almost every State is an improvement on the underlying bill which is before us.

So I commend the Senator from Maine and the Senator from Connecticut for working so hard to try to find a bipartisan approach, an approach which has great equity in it for all of our States greater than, surely, the present status quo, which needs to be changed but which I am afraid would be perpetuated if we simply adopt the Appropriations Committee proposal and if we defeat the Collins-Lieberman amendment. I hope that amendment will be greeted with strong support on the floor because it does represent an improvement from the perspective of almost all if not all States over the underlying status quo.

I thank the Chair. I yield the floor.

Mrs. FEINSTEIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. There is 17 minutes 26 seconds remaining.

Mrs. FEINSTEIN. I think this small chart describes both amendments. The underlying appropriations bill has $1.39 billion. That is 70 percent of the money. Under the Collins-Lieberman amendment, $1.155 billion is based on risk. That is 60 percent. And under the Feinstein-Cornyn amendment, $1.667 billion is based on risk. That is 87 percent. The source is the Congressional Research Service. The Congressional Research Service was called again this morning. They stand by these figures.

Now, let me quickly bring to your attention the position of the administration. The position of the administration is set out in a letter of July 12 signed by Michael Chertoff to Members of the Senate. Let me just read a few parts.

The administration strongly believes that Federal homeland security funds should be distributed to our first responders based on risk and need.

The Administration would oppose amendments that would add new bureaucratic requirements and cap funding for high threat cities while not providing enough flexibility to distribute over 90 percent of grant funds on the basis of risk.

The administration's position is 90 percent of grant funds should be distributed on the basis of risk. The closest amendment to that is Feinstein-Cornyn at 87 percent of grant funds distributed on the basis of risk.

And here is the reason that DHS gives.

DHS is identifying 36 capabilities that are critical to preventing another terrorist attack and, if an attack does occur, to respond and recover in a manner that minimizes loss of life and other damages. We must focus our State and local preparedness efforts on building those capabilities to the right level and in the right places. Funding our first responders based on risk and need gives us the flexibility to ensure our finite resources are allocated in a prioritized and objective manner.

Mr. President, I could not agree with that more. That is why we feel so strongly about our amendment. You have to send the money where the need is.

You have to send the money where the anticipation is that there might be an attack, where the intelligence says—not this body; we don't know—this Nation is vulnerable. What Senator CORNYN and I have tried to do is see that there is enough flexibility to get enough of that money out there. The President has set the standard at 90 percent. Our bill comes to 87 percent.

Unlike the Collins-Lieberman amendment, the Cornyn-Feinstein amendment retains the high-threat cities' Urban Area Security Initiative Program. This program and these regions—some 50 cities—have for several years been aggressively working to implement comprehensive plans. They remain intact, unless the Secretary of Homeland Security decides to the contrary. I included in the RECORD previously the letter from them containing 30 of the cities.

It is actually true this body can vote yes on both amendments. But my view is this: We are spending billions and billions on intelligence. We are beefing up every aspect of intelligence, creating new entities, improving interfacing, giving this huge new Department of Homeland Security all kinds of analysis responsibility. But we are also giving them a formula by which they have to allocate the money. That makes no sense at all. Let them do it on the basis of risk. Let them do it on the basis of threat and vulnerability. Let them move money around as the need indicates.

I don't believe there is anyone in this body who is prescient enough to know where al-Qaida or Gama'a al-Islamiyya or any other group might attack the United States next. One thing we do know, there are terrorist cells in this country, and they are geographically spread across the country. There is no question about that. So why shouldn't the money be based on risk and threat?

This amendment does that: 87 percent of the funds, $1.667 billion, based on risk. The administration's standard is 90 percent. Our amendment comes closest to that standard.

Mr. President, I yield 6 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank the Senator from California and the Chair.

I want to clear up some of the confusion that took place this morning in our debate over these amendments on homeland security funding. First, I want to make it absolutely clear that we have checked continuously with the CRS. Their report sent to me about the effects of the amendment proposed by Senators COLLINS and LIEBERMAN to this appropriations bill is absolutely accurate. They confirm that the ratio of funds directed to the high-risk areas is at 60 percent and the other distribution is 40 percent. So we take it away from the highest risk areas. The Senator from Maine earlier suggested that CRS has somehow disavowed their memo. That is not so. Again, we have talked to CRS recently and have been assured that the memo sent to me is valid and accurate.

The CRS memo sent to me summarizes how much money the Collins amendment would direct to risk and how much to State guarantees. In a nutshell, the report finds that the Collins-Lieberman amendment would only provide 60 percent of the funding based on risk. The CRS report goes on to explain that the underlying appropriations bill would provide 70 percent of the funding on a risk basis. CRS reports this is a difference of over $183 million. That is over $183 million that Secretary Chertoff wanted to send to the highest risk places.

We don't want to tie the Secretary's hands. The administration has been very clear about what they want. They want to put the money where the risk is. That is what makes the most sense.

I have said in the past we are the second theater of war to Iraq because we know that at any time our enemies could attack, and they are not telling us when or where. The fact is, we are all under the misgiving that what happened in London and what happened at the World Trade Center and what happened in Madrid could happen here. How dare we say: No, we have to distribute around to other places. Everybody wants to protect their constituents, small towns, large cities, whatever it is. I don't blame people for that. But when you have a plague in an area, you give the vaccine, if you have it, to the people who live in that area. When you have an attack on the water, you send the ships to the area. Why in the world are we deciding here and now that we shouldn't give the money to the areas of highest risk?

In my State, a place called South Carney, NJ has a significant chemical manufacturing and distribution operation. If that was attacked and those chemicals were released into the air, we could see 12 million people die. We saw the terrible events in London. It has been said that a couple seconds either way could have created a much higher casualty figure.

Today you heard from the Senator from California that Secretary Chertoff wrote a letter to all Senators. I repeat:

The administration strongly believes that Federal Homeland Security funds should be distributed to our first responders based on risk and need.

You have heard again that Secretary Chertoff wants the flexibility to distribute up to 90 percent of the funds based on risk. Ninety percent is a lot different than a mere 60 percent.

We can't legislate risk. It is that simple. We need to leave this to the experts. Secretary Chertoff is developing analytical tools to target areas of risk and vulnerability. We confirmed him almost unanimously. Now we should let him do the job he has been selected to do.

The 9/11 Commission was adamant that we must distribute homeland security money based on risk. I have talked to former Governor Tom Kean, a distinguished public servant and head of the Commission, about this subject. He continues to demand that we move toward risk-based funding. I remind the Senate that Secretary Ridge, before Secretary Chertoff, supported full funding to go to the areas of highest risk.

There was an arduous effort put into the creation of an intelligence reform bill, led by Senators COLLINS and Senator LIEBERMAN. I say to them: Let's help the administration target real areas of risk and vulnerability. Let's make sure we understand that the authorization for the bill was at $2.9 billion, around that, and the appropriations bill is at $1.9 billion. So on the surface it does look like there is more coming to everybody. But it is not true. The fact is, we should not be taking money away from the highest risk areas and dividing it based simply on population.

I hope we will approve the Feinstein amendment and reject the Collins amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, would the Chair inform me how much time is left on the Collins-Lieberman amendment?

The PRESIDING OFFICER. There is 18 minutes 51 seconds.

Ms. COLLINS. Mr. President, I am pleased to yield 5 minutes to the Senator from Nebraska, who has played a

very important role in crafting this legislation.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I thank my colleague from Maine for the opportunity to rise in support of the Collins amendment today. I am also a cosponsor of the bill she and Senator LIEBERMAN have introduced, S. 21, the Homeland Security Grant Enhancement Act of 2005. Each year since the attacks on the Pentagon and World Trade Center, many of us have come to the floor to remind our colleagues that terrorism is not only a threat faced by States with large urban populations but also States with large rural populations. Since September 11, States and communities of all sizes have made great strides in preparing for another possible terrorist attack.

Based on the National Strategy for Homeland Security's principle of shared responsibility, Federal, State, and local governments, together with the private sector and the American people, work in partnership to ensure our first responders are well equipped and well trained. States and local governments are responsible for preparing and implementing multiyear plans to ensure our Nation's first responders receive the equipment and training they require. This year we turn our attention to the fiscal year 2006 Homeland Security appropriations bill following the devastating terrorist attack on our closest ally in the global war on terrorism. The coordinated attacks in London last week remind us that Islamic totalitarianism is still a threat to our democratic values and ideals and not solely confined to the borders of Iraq or the Middle East. The bombings on the subway and bus lines in London underscore the fact that terrorists will attempt to attack us when they choose, how they choose, and where they choose. And because terror can strike us anywhere, it is vitally important that our first responders have the funding they need in order to prepare for most, if not every, imagined threat.

Each year we look for better ways to provide homeland security funding for States, be they large or small. The amendment offered by my colleague from Maine would achieve something that has not happened yet with respect to first responder funding. It would provide much needed predictability for our first responder planners. Because there has never been an authorization for this funding, each year, these programs are subject to great debate and amendments on the Senate floor, leaving our city and State officials without any sort of certainty in their preparedness planning. In the years since the attacks of September 11, 2001, the Federal Government has provided States with a share of available homeland security funds through the State Homeland Security Grant Program, SHSGP. This program has been the primary source of coordinated funding for first responders, allowing States and local governments to build a base capacity by funding essential prevention, preparedness, response, and recovery capabilities. In past years, States have been guaranteed a minimum of .75 percent of these funds.

The Collins amendment would modify the State funding program in three primary ways. First, it would combine three programs into one larger pot of funding. The SHSGP, with the Law Enforcement Terrorism and Prevention Program and the Urban Area Security Initiative, would now become one pool of money to be shared among the States. Second, it would authorize $2.9 billion in total funding for the three programs. This is important because the trend has clearly been to decrease this amount. Last year's bill included $2.7 billion in first responder funding, and this year's underlying Senate bill only includes $1.9 billion for these programs.

Third, it would set the funding formula so that each State would be guaranteed a minimum level of funding, .55 percent of the total funding of the program. The remainder of the funds would be distributed based on risk. This guaranteed funding stream is critical for all of our smaller States. For many of our States, this guaranteed minimum will be most, if not all, of our first responder funding. I am not advocating that homeland security funds be diverted from high risk areas. But, rather, I am saying that rural and smaller States also need assistance in securing their communities and preparing for a possible attack. States set their own priorities when it comes to preparing for terrorist attacks.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. COLLINS. Mr. President, I yield 30 more seconds to the Senator.

Mr. NELSON of Nebraska. Mr. President, our amendment would give the smaller States the ability to have continuity and predictability in budgeting for their plans. I think it suffices to say that our country is only as safe as our weakest vulnerability. We need to make sure every part of the country is prepared, regardless of location or size. The citizens of America expect that everything possible is being done to prevent another terrorist attack, and they expect that if another tragedy were to occur, the response and recovery will be immediate, well coordinated, and well trained.

The Collins amendment will strengthen regional efforts and increase every State's ability to protect both its urban and rural critical infrastructure. Whether it is the protection of an urban shopping mall or the prevention of a rural bioterrorism incident that would affect our food and water supply, these infrastructures in every State must be protected. I urge my colleagues to support this important amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, how much time is remaining?

The PRESIDING OFFICER. There are 12 minutes 42 seconds.

Ms. COLLINS. Mr. President, I yield myself 9 minutes.

Let me make some concluding remarks about the impact of the amendment offered by our colleagues, Senator FEINSTEIN and Senator CORNYN. The fact is that the amendment would decimate the predictable funding levels for States. The minimum in the Feinstein-Cornyn amendment is only .25. It is simply too low to support the efforts by States to have a predictable base level of funding each year to fund multiyear projects, such as creating interoperable communications networks, first responder training programs, or the agriterrorism project that the Midwestern Governors are eager to establish.

I will give you a couple of examples of what the differences would mean. Assuming the Senate bill's appropriation level under our amendment, the State of Georgia could plan on receiving a base amount of $15.3 million. Under the Feinstein-Cornyn amendment, Georgia would be assured of getting only $2.4 million as a minimum allocation.

Under our amendment, North Carolina would receive a base of a little over $15 million. But under Feinstein-Cornyn, the State could only count on $2.4 million.

Under our amendment, Florida would receive a base amount of more than $30 million because of the sliding scale minimum. But under the Feinstein-Cornyn amendment, Florida would only get $2.4 million.

Furthermore, the Feinstein-Cornyn amendment's lack of predictable funding inhibits the ability of States to plan. Both our colleagues' amendment and the Collins-Lieberman amendment would require States to submit 3-year State homeland security plans. Yet, the Feinstein-Cornyn amendment does not provide a predictable base, so such plans would not be a fruitful exercise.

For example, the Feinstein-Cornyn amendment requires that the State plan include ''a prioritization of needs based on threat, vulnerability, and consequence assessment, and a description of how the State intends to address such needs at the city, county, regional, tribal, and interstate level.''

I simply fail to see how a State could satisfy these ambitious requirements without any assurances that it would receive a significant base amount of funding. Because our amendment provides States with that predictable, substantial base allocation, the 3-year plans would actually become useful roadmaps and would allow for more efficient expenditure of homeland security funds. That is why our amendment is strongly supported over the Feinstein-Cornyn amendment by the National Governors Association.

Mr. President, the Feinstein-Cornyn amendment shortchanges funding dedicated to the prevention of terrorism attacks. It simply does not provide the kind of assured funding needed for law enforcement to help detect and prevent attacks before they occur. Indeed, it takes significant steps backward from what Senators GREGG and BYRD have included in the underlying bill.

The underlying bill appropriates $400 million for the Law Enforcement Terrorism Prevention Program, which provides funds for police, sheriffs, and other law enforcement personnel to stop terrorist activity before it occurs. By contrast, the Feinstein-Cornyn amendment actually swallows up the existing law enforcement terrorism prevention program, without ensuring any funds whatsoever—any funds whatsoever—for our police, sheriffs, and other law enforcement personnel.

In other words, all of the funding under the Feinstein-Cornyn amendment could be used to prepare to respond to terrorist attacks, leaving efforts to prevent such attacks entirely up to our States and communities.

In sharp contrast, the Collins-Lieberman amendment would formally authorize the Law Enforcement Terrorism Prevention Program and ensure that prevention efforts are adequately protected by treating them as a separate program with different allowable uses than response efforts. That is why the law enforcement community has overwhelmingly endorsed our amendment.

The Collins-Lieberman amendment enjoys the support of the National Troopers Coalition, the Fraternal Order of Police, the National Association of Police Organizations, the International Union of Police Associations, the Association of Chiefs of Police, and the list goes on and on, including the International Brotherhood of Police Officers, the National Organization of Black Law Enforcement Executives, and the National Emergency Management Association.

I ask unanimous consent that the letters from these and other organizations be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LETTERS OF SUPPORT FOR S. 21

NATIONAL TROOPERS COALITION,
Green Bay, WI, June 9, 2005.

Hon. SUSAN M. COLLINS,
Chair, Homeland Security and Governmental Affairs Committee, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN COLLINS: On behalf of the 40,000 state troopers and highway patrol men and women represented by the National Troopers Coalition (NTC), I would like to express our support of S. 21. ''The Homeland Security Grant Enhancement Act of 2005.''

By bringing together existing programs and initiatives addressing homeland security, this legislation will help streamline and rationalize the process by which grants are made to individual cities and metropolitan regions based on relative threat, vulnerability, and consequences faced by an area from a terrorist attack.

As a nationwide organization, the NTC feels the funding formula proposed in this bill promotes a better level of preparedness and brings some predictability to states for planning purposes. In addition, S. 21 adopts new accountability measures to ensure homeland security grants are used effectively and appropriately.

We appreciate your leadership and support of the law enforcement community, and would like to offer any assistance we can provide for the successful passage of S. 21.

Sincerely,

CASEY PERRY,
Chairman.

FRATERNAL ORDER OF POLICE,
Washington, DC, June 21, 2005.

Hon. SUSAN M. COLLINS,
Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

Hon. JOSEPH I. LIEBERMAN,
Ranking Member, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MADAM CHAIRMAN AND SENATOR LIEBERMAN: I am writing to advise you of the position of the Fraternal Order of Police on S. 21, the ''Homeland Security Grant Enhancement Act,'' which was favorably reported by the Committee on Homeland Security and Governmental Affairs in May of this year.

Almost four years have passed since the terrorist attacks on New York and northern Virginia, and at that time it has become clear that the current system of distributing Federal homeland security grants needs to be reformed. Under the current system, not enough of those funds are being targeted to our Nation's primary goal-preventing future terrorist attacks. Your legislation recognizes the fact that the majority of Federal funds have been directed toward ''recovery and response'' operations, too often at the expense of efforts to prevent future attacks. The Homeland Security Advisory Committee (HSAC) Task Force on State and Local Homeland Security Funding reached this conclusion in its final report, issued last June:

The Task Force found that the vast majority of funds received thus far by State, county, municipal and tribal governments have been spent on emergency response equipment and related training. . . However, the Task Force also notes that the loss of life, human suffering, social instability, and financial repercussions that would result from a successful terrorist attack mandates that State, county, municipal and tribal governments take aggressive, objectively measurable, and well planned steps to prevent such an attack from occurring. . . Accordingly, the Task Force strongly recommends that State and local governments consider allocating these and future resources to enhance the ability of State, county, municipal and tribal governments to detect and prevent future acts of terrorism.

The Fraternal Order of Police strongly agrees with the findings of the Task Force and believes that the best way to ensure that these resources are used for prevention is the authorization of the current Law Enforcement Terrorism Prevention Program (LETPP), which is designed to assist law enforcement agencies in developing the capabilities to detect, deter, disrupt, and prevent acts of terrorism. The LETPP allows Federal funds to be used by State and local governments to improve information sharing to preempt terrorist attacks, harden targets to reduce their vulnerability to attack, enhance interoperable communication systems, and to support overtime expenses related to the homeland security plan.

Your legislation is the only bill which formally authorizes this important program. The reported version of S. 21 would allow up to 25 percent of the authorized level of all grant funds to be used for the LETPP, a level which we strongly urge you to consider making the minimum, rather than the maximum, authorized level. This would be consistent both with the needs of the law enforcement community that is working every hour of every day to prevent the next terrorist attack from occurring and with the final recommendations of the HSAC's Task Force on State and Local Homeland Security Funding.

Ensuring that all communities achieve and maintain the appropriate response and recover capacity for terrorist incidents is, and always will be, a critical component of any homeland security plan. However, it is the goal of law enforcement to ensure that we never have a terrorist incident to respond to or recovery from—we want to stop the attack before it ever occurs. For this reason, we need a greater focus on prevention than is currently the case when allocating Federal homeland security funds. We believe that the authorization of the LETPP is the best way to achieve this goal and the F.O.P. strongly supports your efforts in this regard.

I look forward to S. 21 being considered on the floor and ultimately reconciled with similar legislation that passed the House of Representatives with our support in early May. On behalf of the more than 321,000 members of the Fraternal Order of Police, I want to thank you for reaching out to the F.O.P. to seek our input on this bill and for recognizing the critical role that law enforcement plays in securing our homeland. We appreciate your leadership on this issue and look forward to working with you to enact meaningful grant reform at the Department of Homeland Security. If I can be of any further help, please do not hesitate to contact me or Executive Director Jim Pasco through our Washington office.

Sincerely,

CHUCK CANTERBURY,
National President.

NATIONAL ASSOCIATION
OF POLICE ORGANIZATIONS, INC.,
Washington, DC, May 31, 2005.

Re: S. 21, the Homeland Security Grant Enhancement Act of 2005

U.S. SENATE,
Washington, DC.

DEAR SENATOR: On behalf of the National Association of Police Organizations (''NAPO'') representing more than 235,000 law enforcement officers throughout the United States, I am writing to ask you to cosponsor S. 21, the Homeland Security Grant Enhancement Act of 2005. This legislation will reform the homeland security grant system to make it more effective, efficient, and accountable. It will also ensure a significant role for state and local law enforcement in preventing the next terrorist attack.

Sponsored by Senators Collins and Lieberman, S. 21 was reported out of the Senate Homeland Security and Governmental Affairs Committee on April 13, 2005 and is expected to be considered by the full Senate in the next few weeks. S. 21 ensures that law enforcement will have a seat at the table when homeland security resource allocation decisions are being made.

Unlike other homeland security grant proposed, S. 21 ensures that the prevention of terrorist attacks—not just response effects—received a significant share of the homeland security funds. Under S. 21, up to 25% of the homeland security grant funding will be used for law enforcement terrorism prevention purposes, including information sharing, target hardening, threat recognition, terrorist

intervention activities, interoperable communication, and overtime expenses occurred in support of federal agencies for increased border security and training.

S. 21 will also foster the development and enforcement of voluntary consensus standards to improve the safety of first respondent equipment and encourage the expansion of the SAVER program, which provide first respondent with ''consumer report'' type information on the performance of various brands of equipment relied on by law enforcement officers every day.

We need to be sure that state and local enforcement are properly supported, trained and equipped to prevent terrorism before it occurs. S. 21 will ensure that state and local law enforcement receive a fair share of federal assistance dedicated for prevention purposes.

NAPO therefore urges you to cosponsor S. 21. The appropriate contacts to do so are Jon Nass with the majority staff of the Senate Committee on Homeland Security and Governmental Affairs, and Beth Grossman with the minority staff.

Sincerely,

WILLIAM J. JOHNSON,
Executive Director.

INTERNATIONAL UNION
OF POLICE ASSOCIATIONS, AFL-CIO,
June 3, 2005.

Senator SUSAN COLLINS,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

Senator JOE LIEBERMAN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATORS COLLINS AND LIEBERMAN: On behalf of the more than 110,000 field level law enforcement personnel that the International Union of Police Associations, AFL-CIO represents throughout the United States, I urge you to do everything in your power to convince your colleagues to support S. 21, the Homeland Security Grant Enhancement Act of 2005.

The men and women we represent form the very first line that protects us against terrorist attacks and are the very first to respond to any actions taken against our citizens. Local and state law enforcement officers both need and deserve the support that S. 21 will provide them.

When critical resources are allocated, these brave men and women who willingly rush in to harm's way deserve the guarantees that S. 21 provides—that ensures they will have these resources. Resources that to date have too often been denied them.

We in law enforcement are constantly held accountable for our decisions and actions. It is time that federal decision makers are held to the same standard of accountability. S. 21 will end the old practices that too often resulted in state and local law enforcement receiving little or no support. It ensures that once allocation decisions are made, we will be given an explanation for those grant allocation decisions.

We know from long experience that prevention must come before response. Swift and effective response should only be necessary when those who would do us harm circumvent prevention. By requiring that up to twenty-five percent of the homeland security grant funding will be used for law enforcement terrorism prevention purposes, we will be able to place prevention in its proper place, in front of response. We will have better information sharing, target hardening, threat recognition, terrorist intervention activities, interoperable communication, and overtime expenses to carry out our mission of protecting the American public. Only in this way will we be able to build our nation's prevention capabilities from the ground up.

Please take this message from those on the front line and use it to your best advantage in convincing your colleagues to rally full support for S. 21.

Thank you for your commitment and your consideration.

Sincerely yours,

SAM A. CABRAL,
International President.

INTERNATIONAL ASSOCIATION OF
CHIEFS OF POLICE,
Alexandria, VA, June 21, 2005.

Hon. SUSAN M. COLLINS,
Dirksen Senate Office Building, U.S. Senate, Washington, DC.

DEAR SENATOR COLLINS: On behalf of the International Association of Chiefs of Police (IACP), I am writing to encourage you to cosponsor S. 21, the Homeland Security Grant Enhancement Act of 2005. The bill, sponsored by Senators Susan Collins and Joseph Lieberman, is designed to reform homeland security grant system in order to make it both more accountable and more effective, thereby increasing the ability of our nation's law enforcement agencies to prevent terrorist attacks before they occur.

As you will see in the attached report, ''From Hometown Security to Homeland Security,'' it is the IACP's belief that in our national efforts to develop the capacity to respond and recover from a terrorists' attack, we have failed to focus on the importance of building our capacity to prevent a terrorist attack from occurring in the first place. While planning their attacks, terrorists often live in our communities, travel on our highways, and shop in our stores. As we have discovered in the aftermath of the September 11th attacks, several of the terrorists involved had routine encounters with state and local law enforcement officials in the weeks and months prior to the attack. If state, tribal, and local law enforcement officers are adequately equipped and trained, they can be invaluable assets in efforts to identify and apprehend suspected terrorists before they strike.

By authorizing for the first time the Law Enforcement Terrorism Prevention Program (LETPP), S. 21 makes prevention a priority, and partners the federal government with state and local law enforcement. Under the bill, up to twenty-five percent of all authorized homeland security grant funding will be used for law enforcement terrorism prevention purposes, including information sharing, target hardening, threat recognition, terrorist intervention activities, interoperable communication, and overtime expenses occurred in support of federal agencies for increased border security and training.

In addition, recognizing how important prevention is, Senators Collins and Lieberman have agreed that they will work to amend S. 21 when it gets to the Senate floor to ensure that a set percentage of homeland security grant dollars are fenced off for LETPP, thus establishing a predictable, significant funding homeland security funding source for this critically-important program. Successful terrorism prevention requires that state, tribal, and local law enforcement across the country continue to receive LETPP funds.

To date, the vast majority of federal homeland security efforts have focused on increasing our national capabilities to respond to and recover from a terrorist attack. These efforts are important and must continue. But we must not ignore the need to build the capacity to prevent attacks. S. 21 strikes a proper balance, and it has the IACP's support.

We therefore urge you to cosponsor S. 21. If you wish to co-sponsor the bill, your staff should contact Jon Nass with the majority staff of the Senate Committee on Homeland Security and Governmental Affairs, and Beth Grossman with the minority staff.

Thank you for your consideration.

Sincerely,

JOSEPH ESTEY,
President.

UNITED FEDERATION
OF POLICE OFFICERS, INC.,
Briarcliff Manor, NY, June 25, 2005.

Re: S. 21, The Homeland Security Grant Enhancement Act of 2005

U.S. SENATE,
Washington, DC.

DEAR SENATOR: On behalf of the members of the United Federation of Police Officers, Inc. and the United Federation of Security Officers, Inc., I am writing to ask you to cosponsor S. 21, the Homeland Security Grant Enhancement Act of 2005. This legislation will reform the homeland security grant system to make it more effective, efficient, and accountable. It will also ensure a significant role for state and local law enforcement and Security Officers in preventing the next terrorist attack.

Sponsored by Senators Collins and Lieberman, S. 21 was reported out of the Senate Homeland Security and Governmental Affairs committee on April 13, 2005 and is expected to be considered by the full Senate within the next several days. S. 21 ensures that law enforcement will have a seat at the table when homeland security resource allocation decisions are being made.

Unlike other homeland security grant proposals, S. 21 ensures that the prevention of terrorist attacks, not just response efforts, receive a significant share of the homeland security funds. Under S. 21, up to 25 percent of the homeland security grant funding will be used for law enforcement terrorism prevention purposes including information sharing, target hardening, threat recognition, terrorist intervention activities, interoperable communication, and overtime expenses occurred in support of federal agencies for increased border security and training.

S. 21 will also foster the development and enforcement of voluntary consensus standards to improve the safety of first responder equipment and encourage the expansion of the SAVER program, which provides first responders with ''consumer report'' type information on the performance of various brands of equipment relied on by law enforcement and security officers every day.

We need to be sure that state and local law enforcement and security officers are properly supported, trained and equipped to prevent terrorism before it occurs. S. 21 will ensure that these agencies will receive a fair share of federal assistance dedicated for prevention purposes.

Thank you for your support and attention to this matter.

Sincerely,

RALPH M. PURDY,
President.

INTERNATIONAL BROTHERHOOD
OF POLICE OFFICERS,
Alexandria, VA, July 7, 2005.

Hon. SUSAN COLLINS,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR COLLINS: On behalf of the International Brotherhood of Police Officers (IBPO), representing 25,000 rank-and-file officers from across the nation as the largest police union voice in the AFL-CIO, I would like to thank you for your introducing S. 21, the ''Homeland Security Grant Enhancement Act of 2005'' and inform you of IBPO's wholehearted endorsement of this legislation. S. 21

aims to make Homeland Security grants more effective and efficient. It further, rightly ensures significant support for state and local law enforcement in their work of terrorism prevention.

As the devastating loss of innocent life from this morning's terrorist attacks in London England become fully understood, America is again tragically reminded that those who wish to derail our way of life and trumpet subjection over the goals of freedom will be unrelenting in their efforts of tyranny. The vigilant struggle against such aims in alleviated by proper response and prevention, which this legislation rightly works to guarantee.

Under S. 21, up to 25 percent of the Homeland Security grant funding will be used for law enforcement terrorism prevention purposes. This will include information sharing, target hardening, threat recognition, terrorist intervention activities, interoperable communication, and overtime expenses occurred in support of federal agencies for increased border security and training.

S. 21 will foster the development and enforcement of voluntary consensus standards to improve the safety of first responder equipment. It will also encourage the expansion of the SAVER program, which provides first responders with ''consumer report'' type information on the performance of various brands of equipment relied upon by the law enforcement community.

IBPO will work to ensure passage of this important legislation and we thank you for your continued support of our nation's law enforcement officers.

Sincerely,

STEVE LENKART,
Special Assistant to the President, Director of Legislative Affairs.

NATIONAL ORGANIZATION OF BLACK LAW ENFORCEMENT EXECUTIVES,
Alexandria, VA, July 11, 2005.

Hon. SUSAN COLLINS,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

Hon. JOSEPH LIEBERMAN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATORS COLLINS AND LIEBERMAN: The National Organization of Black Law Enforcement Executives (NOBLE), an organization of nearly 3,500 primarily African-American law enforcement CEOs and command level officials writes to express its support and appreciation for S.21 the Homeland Security Grant Enhancement Act of 2005.

S. 21 allocates up to 25 percent of homeland security grant funding to address the critical training, equipment and human resource needs of state and local law enforcement agencies in a proactive manner that will allow for greatly needed prevention efforts.

Our members are on the front lines in the war on terror, and when terror strikes our communities we want them prepared. We want our citizens working in partnership with law enforcement. We want our communities to know that their law enforcement agencies have the necessary resources to minimize death and injury. We need the funding that S. 21 provides, for: planning, training, inter-operable communications, proper protective equipment, information exchange and community based terrorism prevention programs.

We believe that S. 21 will provide state and local officials with not only resources, but also a voice in what is needed to best protect their community. We trust that your colleagues will make a positive commitment to those who are sworn to keep the homeland secure.

Thank you for your leadership on this issue.

Sincerley,

CLARENCE EDWARDS,
National President.

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, April 22, 2005.

Hon. SUSAN COLLINS,
Chair, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

Hon. JOSEPH I. LIEBERMAN,
Ranking Minority Member, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR MADAM CHAIR AND SENATOR LIEBERMAN: We would like to thank you and the Committee for your attention to state concerns in S. 21, the Homeland Security Grant Enhancement Act of 2005. The bill appropriately acknowledges the need to assure that each state and territory is prepared to prevent, respond to and recover from a terrorist attack. Similarly, we appreciate your recognition that homeland security funding and planning should be coordinated through each Governor's office for maximize the efficiency and effectiveness of homeland security spending and, by extension, the safety of our citizens.

After each state and territory receives a base amount, we believe that additional funding be distributed based on an assessment of risks and threats, the calculation of which should be as transparent as possible given the classified nature of the threat information. Risk and threat assessments should be based on all threats, including, but not limited to, ports, borders, agricultural food production and supply, water supply, fuel, and computer systems.

The Governors appreciate your recognition and inclusion of state and local officials in determining the essential capabilities for first responders. Our homeland security personnel must be included in determining the levels and competences needed in planning and equipping to prevent, prepare for, and respond to acts of terrorism and other catastrophic events; and must be given the flexibility to set priorities based on local or regional needs, while reaching nationally determined preparedness levels.

In addition, Governors support the continuation of separate funding sources for pre-9/11 programs for law enforcement, public health and emergency management; the establishment of a ''one-stop shop'' to assist state and local officials with information regarding homeland security; the flexibility to use homeland security funds among programs for equipment, training, exercises, and planning; and the ability to pay overtime expenses regarding training activities consistent with the goals outlined in the state plan.

To effectively protect our states and territories from potential terrorist events, all sectors of government must be part of an integrated plan to prevent, deter, respond to and recover from a terrorist act. For the plan to work, it is essential that it be funded through a predictable and sustainable mechanism both during its development, and in its implementation. A minimum allocation to each state and multiyear authorization levels of funding will provide the predictability necessary to implement statewide plans that will assist Governors in securing our nation.

We appreciate the time and attention you have given to some concerns in drafting this measure and look forward to working with you as the bill moves through Senate.

Sincerely,

GOVERNOR RUTH ANN MINNER,
Delaware, Lead Governor on Homeland Security.

GOVERNOR MITT ROMNEY,
Massachusetts, Lead Governor on Homeland Security.

NATIONAL EMERGENCY MANAGEMENT ASSOCIATION,
Washington, DC, July 7, 2005.

Hon. SUSAN M. COLLINS,
Chair, Senate Homeland Security and Governmental Affairs Committee, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

Hon. JOSEPH LIEBERMAN,
Ranking Member, Senate Homeland Security and Governmental Affairs Committee, U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATORS: On behalf of the National Emergency Management Association (NEMA), I would like to thank you for your efforts to enhance the state homeland security grants program in order to build a stronger national emergency response system. NEMA is particularly encouraged by provisions in S. 21 that would continue coordinating federal homeland security funds through the nation's Governors to ensure coordination of funding with priorities identified by the state domestic preparedness plan.

We strongly support the inclusion of a state minimum level of funding for capacity building included in S. 21. State and local capacity building will be increasingly important as we deal with the requirements of Homeland Security Presidential Directive 8 on Preparedness. Additionally, we support efforts to increase state and local flexibility on the use of federal homeland security funds. States and localities have unique needs for addressing homeland security preparedness, as identified in their individual state plans. Further, we also support provisions in S. 21 that would eliminate duplicative planning requirements for state and local governments.

We are also appreciative of your recognition that a match requirement would be too burdensome for state governments to address, especially as we address matters of national security. Additionally, the provision in your bill that creates a Task Force on Essential Capabilities is critical to ensuring that state and local governments, as well as emergency responders are involved in identifying national guidelines from early in the process of development.

Thank you for your contributions to emergency management and homeland security. We truly appreciate the strides that you are making in building upon national capacity to prevent, prepare for, and respond to acts of terrorism, as well as all disasters.

We look forward to continuing to work with you in continuing to develop your legislation.

Sincerely,

DAVE LIEBERSBACH,
NEMA President, Director, Alaska Division of Homeland Security and Emergency Management.

Ms. COLLINS. Mr. President, there are other issues as well that are very important to comment on. Another one is that the Feinstein-Cornyn amendment does not include adequate accountability measures. We know that we need tough accountability measures, such as what is included in the Collins-Lieberman amendment. Such

measures, for example, include a requirement for a GAO audit. We would also require in our amendment—in contrast to the Feinstein-Cornyn amendment—that all spending be tied to achieving essential prevention and preparedness goals.

This is an important point. We cannot afford to have scarce homeland security dollars wasted on leather jackets in the District of Columbia or be used to buy air-conditioned garbage trucks for a New Jersey city. We need to make sure the expenditures are wise and appropriate, and the tough accountability measures included in the Collins-Lieberman amendment will do that.

I note that the Feinstein-Cornyn amendment is silent on an authorization level, and it doesn't attempt to restore the $900 million in cuts since fiscal year 2004. Only our amendment seeks to stop the reduction of funding for first responders by authorizing a significant level of funding. We didn't go overboard. It is a level of funding that was provided in fiscal year 2004; it is $2.9 billion.

While we are making progress every year on becoming better prepared to prevent or respond to attacks, we are a long way from completing the task. I note that the Feinstein-Cornyn amendment excludes from risk-based funding substantially all the cities that have not received funds in the past. This is an important point. While the Feinstein-Cornyn amendment purports to authorize the Secretary of Homeland Security to distribute funds as he sees fit based on risk, in reality it effectively restricts the universe of cities that could apply for risk-based funding to those that have received risk-based funding in the past. In this sense, it perpetuates the status quo.

If a city or region has not received risk-based funding in the past and then is faced with a potential threat, for example, due to the construction of a new chemical facility or another piece of critical infrastructure or because it is hosting a large event, it is out of luck; it is ineligible to apply for risk-based funding under the Feinstein-Cornyn amendment.

Finally, let me show you the impact—on this chart in green and white—of the Feinstein-Cornyn amendment. The States in green are better off under the Collins-Lieberman approach—the approach supported by the occupant of the chair. It is virtually every State. I also point out that those seven states in white don't do badly. They do very well because we are doubling the amount of money that is risk-based, and we are also providing for a reasonable minimum allocation.

There it is. I hope my colleagues will consider this. A lot of work went into crafting this amendment. It is a comprehensive approach for a grant program for which we have appropriated billions of dollars, but never authorized. Let's do this right. Let's adopt the bipartisan Collins-Lieberman amendment.

I yield the remainder of my time to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I am glad to summarize on our side. The last opportunity I had to speak, I said that there is a very significant difference, which Senator COLLINS compellingly demonstrated, between the Collins-Lieberman approach to contributing these funds and the Cornyn-Feinstein approach. Of course, I think ours is much more fair.

The amendment Senator COLLINS and I are introducing is an amendment to the underlying appropriations bill. I want to stress the differences between our amendment and the underlying bill. The first goes to funding.

Here is a sad story in the midst of an increasing concern about terrorism. In 2004, the Federal Government appropriated $2.9 billion to the States and localities in homeland security grants. In 2005, that number was reduced to $2.3 billion. The President's budget for 2006 recommended slightly over $2 billion. The appropriations bill that is before us now has slightly over $1.9 billion.

Senator COLLINS and I do what we think is the minimum we should be doing to protect our people from the threat of terrorism here at home. We went back to the 2004 level of $2.9 billion. So we increase by $1 billion the amount of money authorized in the underlying bill.

Secondly, we have a predictable formula. It is not ad hoc every year. It will tell local law enforcement what they can expect to get.

Third, it is a balanced formula. Most of it is based on risk. The rest gives a minimum to each State. Why a minimum to each State? Because who knows where the terrorists will strike next? A lot of emphasis has been put on risk analysis here, Mr. President. I repeat that risk analysis is an educated guess about what these insane, inhumane, hateful terrorists will do next to strike at America.

All of America is vulnerable and all of America needs help. That is why the National Governors Association supports our amendment and most law enforcement agencies do as well.

I thank the Chair and urge support of the amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes 54 seconds remaining.

Mrs. FEINSTEIN. Mr. President, I thank both Senator COLLINS and Senator LIEBERMAN, and particularly Senators CORNYN, SCHUMER, LAUTENBERG, and MARTINEZ, who spoke on behalf of our amendment.

Let me make clear, our amendment does not in any way, shape, or form, we believe, interfere with the authorizing committee. The authorizing committee has the absolute right to set whatever standards it might want to in operations. What we are trying to do is see that this huge new bureaucracy, which has been set up under the Department of Homeland Security, with all of its robust new intelligence capabilities, is able to put forward a plan and have that plan be funded, and that plan will be based on risk and threat and vulnerability. And, in fact, that is what Secretary Chertoff says in his letter to us, that he and the President want at least 90 percent of the funds devoted on a risk, threat, and vulnerability basis.

He also says they have come up with 36 essential capabilities they believe are critical in preventing another terrorist attack.

I don't think we should go to 60–40. I truly don't believe places should get money just to increase whatever it is they can increase with their own funds. I really believe that because the money is limited, it has to go to places where there are risks, where we know there are targets, where these targets have figured actionable intelligence that has reached us. So that is what we try to do.

Let me summarize once again. Under the underlying bill, the Homeland Security appropriations bill, there is $1.339 billion based on risk. The Collins-Lieberman amendment has $1.155 billion based on risk, 60 percent of the dollars. It is, in essence, less than the underlying bill. What we have tried to do is increase the amount on risk. So under the Feinstein-Cornyn amendment, there is $1.667 billion based on risk. That 87 percent of the available dollars is based on risk.

This does not take anybody out of applying. This does not say this city cannot apply or this town cannot apply. What it says is, if you apply, you are going to be judged on risk, threat, and vulnerability. I actually think that when you have limited numbers of dollars, that is what you have to do.

My friend and colleague, the Senator from Connecticut, mentioned the Bali bombing. And, yes, one might say that is not the capital of Indonesia. But, on the other hand, if we look at Baghdad, if we look at Beirut, if we look at most of the places where these attacks take place, they are in highly symbolic places where the economic and individual damage is large.

When it comes to the United States, many of us fear a large attack, a major attack. So we have to figure, based on intelligence, where that attack is going to come down. Yes, someone might come in through a port, or they might come over the southwest border from Mexico. This is why we are trying to tighten our borders. All of that is true, but we have to figure, if that big attack takes place, where is it going to take place? What is the first response going to be? How fast is it going to be?

The fact is that the British people have done this. They put an emphasis on London. Therefore, when those bombs blew up, the response was fast, and the speed of the response was able

to save lives. So it is a kind of prototype, if you will, of what we are trying to achieve here.

For once, I am on the same note as the administration. We would like to see as much money as possible go to cities based on risk.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. FEINSTEIN. That is what our amendment does. I hope this body will vote yes.

Have I used all my time?

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. FEINSTEIN. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 1200

Mr. BYRD. Mr. President, I ask unanimous consent that the pending amendment be set aside and that amendment No. 1200 be stated by the clerk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. KENNEDY, Mr. DEWINE, Mr. CORZINE, and Mr. DODD, proposes an amendment numbered 1200.

At the appropriate place, insert the following:

For necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $100,000,000 shall be available to carry out section 33 (15 U.S.C. 2229) for the fiscal year ending September 30, 2005, to be available immediately upon enactment, and to remain available until September 30, 2007.

Mr. BYRD. Mr. President, I thank the clerk.

I ask unanimous consent that the following Senators be added as cosponsors: Messrs. KENNEDY, DEWINE, CORZINE, and DODD. That is it. That completes the list.

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

Mr. BYRD. Mr. President, I rise today to talk about a very important group of men and women and to offer an amendment on their behalf.

All across this land, there are men and women who put their lives on the line every day fighting fires, over a million firefighters, and over three-fourths of them are volunteers. So when one reads a list of the responsibilities firefighters bear each day, it reads like a litany of good public service: fire suppression, wild land firefighting, hazardous materials response, code enforcement, fire prevention, education, explosives response, investigation, industrial fire prevention and safety, and counterterrorism.

So in this high-technology, post-9/11 world, it is not our father's fire service. Firefighters require the latest equipment and training to cope with changing threats. When our Nation fell under attack on September 11, 2001, firefighters raced into buildings, buildings engulfed in flames, to save people.

Today, over 8,000 firefighters are battling wildfires in eight States that threaten our environment and property. When a house is on fire, firefighters arrive quickly on the scene to rescue people and their pets. They rush into burning buildings to pull people from the mayhem. When vehicles spill hazardous, even toxic materials, firefighters clean up the spill, thereby protecting nearby populations.

They do all of this often without proper equipment, often without enough training, often without sufficient staffing but—but, but—they do it anyway. Yes, they do it anyway, and we are all better off for their bravery.

One could go on and on about these heroes, but words are meaningless without action. That is why I am offering an amendment that will restore funding for the Assistance to Firefighters Grant Program, a program that provides equipment and training for these courageous public servants.

So I say, restore funding for the Assistance to Firefighters Grant Program because the bill that is before the Senate reduces funding for firefighter grants by $100 million in comparison with last year. There is no justification for this cut. Applications for fiscal year 2005 totaled $2.7 billion. With the funding that Congress approved, the Department of Homeland Security funded less than one-quarter of the eligible applications.

Instead of responding to this significant demand for firefighter equipment and training, the administration proposed to cut firefighting grants for fiscal year 2006 from $715 million to $500 million, a reduction of 30 percent.

Our leader, Homeland Security Subcommittee Chairman GREGG, has done all that he can to address the greatest needs in this Homeland Security appropriations bill for fiscal year 2006. But our bank account—ah, now, there is where the problem is—our bank account was pilfered by a budget proposal from the White House. The White House proposed that the Appropriations Committee raise $1.68 billion in fees by raising airline passenger fees. The problem is, the Appropriations Committee does not have authority to increase such fees. So what happened? This left the committee with a deep hole to fill, and as a result, our firefighters are $100 million short.

I received a letter on June 10 of this year from Chief Robert DiPoli, retired, president of the International Association of Fire Chiefs. I shall make this letter a part of the RECORD shortly but not at this moment.

In the letter, Chief DiPoli tells me that the Assistance to Firefighters Grant Program and the Staffing for Adequate Fire and Emergency Response Firefighters, or SAFER, Program are the highest priorities of the members of the association. He goes on to state that although the fire departments are locally funded and operated, they do provide a national service in times of crisis, whether natural or man made.

Chief DiPoli has said that the Assistance to Firefighters Grant Program is the greatest program ever to hit the streets because fire departments cannot fund all of their needs through bean suppers and bingo games. I have to agree. I agree.

According to a recent study by the U.S. Fire Administration entitled ''A Needs Assessment of the U.S. Fire Service,'' only 13 percent of the fire departments have the equipment and training to handle an incident involving chemical or biological agents, and half of all fire engines are at least 15 years old. Ten percent of fire departments in cities with at least one building over four stories high or higher do not have adequate ladders or aerial apparatus. Overall, fire departments in the United States do not have enough portable radios to equip half of the responders on a shift, and the percentage is even higher in small communities.

So who would want to be a firefighter? I would not want to be, with all of that shortage of equipment.

One-third of firefighters per shift are not equipped with self-contained breathing apparatus.

How about that? This equipment is not cheap. A portable radio costs $950. A chemical agent detector costs $8,585. An air pack costs $4,424. A defibrillator costs $1,695. Night vision goggles cost $3,210. Uniforms and other basic gear cost $1,000. So it is no surprise to me that the demand for this program has grown from $2.1 billion for fiscal year 2003 to $2.3 billion in fiscal year 2004 to $2.7 billion for this year.

What does surprise me, what disappoints me, is that in the face of documented needs—now these are not just ''suspicion'' needs or ''maybe'' needs or ''perhaps'' needs. What does surprise me, what disappoints me, is that in the face of documented needs for better equipment and growing demand for this program, the bill cuts the funding for equipping and training our firefighters.

I am pleased that the bill provides an increase for the SAFER firefighter hiring program. I commend my chairman, Senator GREGG, for his support for the program. Overall, firefighter grants are cut by $100 million. Firefighters in both big cities and small towns across this land face new challenges every day, while maintaining their traditional missions. They should not rely on bean suppers and bingo games to raise the funds to pay for their needs on the job. Individually and collectively, we are safer with properly equipped and trained firefighters. As a Nation, we rely on their capabilities. Therefore, Federal dollars are wisely invested in the effort.

That brings me to the present moment. I offer this amendment to provide $100 million to the Assistance to

Firefighters Grant Program. By approving this amendment, the Senate will be answering the call, will be saying, We hear you, we hear what you are saying, will be answering the call from our firefighters.

This is a modest amendment. It simply restores firefighter grants funding to the fiscal year 2005 level of $715 million. Even if this amendment is adopted, the firefighting program will be almost $300 million below the level authorized by Congress. I wish we could do more, but this is the least we can do.

I urge my colleagues on both sides of the aisle to adopt the amendment. I ask unanimous consent that the letter to which I earlier referred from Chief Robert A. DiPoli be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INTERNATIONAL
ASSOCIATION OF FIRE CHIEFS,
Fairfax, VA, June 10, 2005.

Hon. ROBERT C. BYRD,
Ranking Member, Subcommittee on Homeland Security, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR BYRD: As you craft appropriations legislation for Fiscal Year 2006 (FY 2006), I would like to draw your attention to two critical federal grant programs for first responders: the Assistance to Firefighters Grant Program (commonly known as the ''FIRE Act'') and the Staffing for Adequate Fire and Emergency Response Firefighters Act of 2003 (commonly known as ''SAFER''). The FIRE Act and SAFER are two of our members' highest priorities, and we ask that you provide full funding for both programs in your bill.

Establisbed in 1873, the International Association of Fire Chiefs (IAFC) is a powerful network of more than 12,000 chief fire and emergency officers. Our members are the world's leading experts in firefighting, emergency medical services, terrorism response, hazardous materials spills, natural disasters, search and rescue, and public safety legislation.

Though fire departments are locally funded and operated, they provide a national service in times of crisis, whether natural or manmade. That means preparing for everything from hurricanes and wildfires to potential acts of terrorism. America's fire service is ready, willing and able to answer the public call.

To do so, however, America's fire service must be adequately staffed, trained and equipped. In December 2002, the U.S. Fire Administration (USFA) and the National Fire Protection Association (NFPA) issued a joint study entitled A Needs Assessment of the U.S. Fire Service. While the federal government has since begun funding state and local homeland security programs, the NFPA believes that the following statistics still reflect the problems that America's fire service faces in meeting basic mission needs. For example:

Half of all fire engines are at least 15 years old.

On the whole, fire departments do not have enough portable radios to equip more than about half of the emergency responders on a shift.

About one-third of firefighters per shift are not equipped with self-contained breathing apparatus (SCBA), and nearly half of SCBA units are at least 10 years old.

An estimated 57,000 firefighters lack personal protective clothing.

This report also documented a significant deficiency in firefighter staffing. NFPA Standard 1710 requires that a minimum of four firefighters respond to an event. An alarming number of both volunteer and career fire departments are unable to meet this safety standard:

The USFA/NFPA report found that at least 10% of volunteer firefighters serve in fire departments that cannot achieve a standard minimum response to a mid-day house fire.

A 2003 report by the NFPA entitled Preparing for Terrorism: Estimated Costs to U.S. Local Fire Departments estimated that more than 50,000 new career firefighters are needed to provide an adequate baseline level of response. To adequately respond to a terrorist attack, the nation would need 75,000 to 85,000 new career firefighters.

To help address some of the glaring deficiencies in equipment and training, Congress passed the FIRE Act in 2000. Congressional, administration, and fire service officials alike have called the FIRE Act one of the very best federal grant programs. The U.S. Department of Agriculture (USDA) issued a program analysis in 2003, proclaiming that the FIRE Act works. In USDA's own words, the FIRE Act ''has been highly effective in increasing the safety and effectiveness of grant recipients . . . 99 percent of program participants are satisfied with the program's ability to meet the needs of their department . . . [and] 97 percent of program participants reported positive impact on their ability to handle fire and fire-related incidents.''

There are good reasons for the FIRE Act's success, and they are the five pillars of the program. First, funds go directly to local fire departments for the purposes intended. There is no opportunity for the money to get bottlenecked at intermediate levels as with so much other first responder funding. Second, grants are awarded on a competitive basis, and not on a predetermined formula. Third, grant applications are peer-reviewed. Fourth, grants are supplemental only; they may not supplant local funds. The fifth and final pillar of the FIRE Act's success is that it requires a co-payment by the community, and thus ensures community ''buy-in'' to the idea of improving the fire service and, therefore, advancing public safety.

As with the FIRE Act, SAFER would use a competitive and peer-reviewed application process, and grants would be supplemental only. Grants would be for a four-year period, during which time the federal contribution would phase down from 90 percent to 30 percent. Grantees must commit to retaining new hires for an additional year. At least 20 percent of funds would be reserved for volunteer firefighters.

In FY 2005, Congress funded the FIRE Act at $650 million and SAFER at $65 million. We ask that you include funding at the full authorized levels for these two critical programs in your budget plan for the coming year.

Thank you for your consideration.

Sincerely.

Chief ROBERT A. DIPOLI (Ret.),
President.

Mr. BYRD. I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I appreciate the proposal of the Senator from West Virginia. It is sincere and well intentioned. Obviously, if we had the extra money, I would do it. Unfortunately, we are working within budget restraints, and the decision was made within this bill to move dollars from accounts that we felt had either robust funding or a fair amount of money still in the pipeline toward accounts where we knew we had great needs such as weapons of mass destruction and border security.

I simply note that in the area of firefighter assistance, since 2003 we have put $2.5 billion into this initiative. In an earlier amendment, we moved money from the equipment funds over to the staffing funds so that we now have $115 million in this budget for staffing initiatives, which I think is very important because of that $2.5 billion, a very small percentage has been spent on staffing. As the Senator from West Virginia noted, we need to get people up to speed as to training and staffing capabilities.

We retain still $500 million for equipment in this bill, which is a fair number of dollars. We have approximately $715 million in the pipeline which has not gone out yet from 2005. Hopefully it will go out quickly and soon, but it has not gone out yet. So we know there is a fair amount of money in the pipeline.

Overall, the funding for firefighters, since 2003, is now over $3 billion, which is a very strong commitment to our firefighter community and one which is very appropriate considering, as the Senator from West Virginia has so effectively outlined, the risks which these people undertake every day for our safety. So we believe that this is a strong commitment to the firefighter community. We would like to do more if we could do it within this budget context, but we cannot. Unfortunately, this amendment would put us outside of the budget guidelines we are presently pursuing or subject to.

In addition, of course, many of these firefighting departments can obtain money from their State plans on top of the earmarked funds which go to the fire departments, the earmarked firefighting funds of $3 billion. There is the rather significant and robust commitment of over $14 billion which has been made toward first responder activity generally, and all of these dollars would theoretically be available to fund firefighters.

Obviously that is not going to happen, but clearly, if the State plan decides they need more money in their firefighter community, a State plan can allocate that money for those firefighter initiatives beyond the money which comes through this $3 billion initiative over the last 3 years. So this is a strong commitment to the firefighter community, and it is an attempt to reorient that commitment so that we focus more on staffing than on equipment, which we feel has received a disproportionate amount of the funding over the last few years at the expense of the staffing and training activities.

That is where we stand in this bill. I believe the bill is reasonable on this point. At the proper time, obviously a point of order will lie against this amendment, and I would presume that we would have to make it.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Would the able chairman yield for a comment?

I urge the chairman not to raise the budget point of order at this time. I wonder if perhaps I might implore the chairman to work with Chairman COCHRAN to approve using a portion of the fiscal year 2005 allocation for our firefighters so that this amendment would not be subject to a point of order. Would the very able chairman be willing to give some consideration to my request in this light?

Mr. GREGG. Mr. President, I know the Senator from West Virginia, the senior Senator in the Senate and the ranking member of the full committee, has discussed this matter with Senator COCHRAN. I am perfectly willing to pursue that course. I am willing to talk with the chairman of the full committee on that point, but I think probably from the chairman's position—I cannot make his case because I have not talked to him about it but suspect his concern is that opens the door that could lead to a large amount of authorization from 2005 being used, which would then generate outlays in 2006 which would absorb money that I suspect the chairman of the full committee feels he is going to need in order to meet what is a fairly tight budgetary restriction already subjected to the 2006 bill.

So I can understand if the chairman of the full committee might be reticent to accept such a request, but I will certainly be happy to—well, I will not need to pass it on because I know the Senator from West Virginia has, but I would be happy to sit on the sidelines and allow these titans to settle this issue.

Mr. BYRD. Mr. President, if the distinguished Senator would allow me further just to say that I thank the chairman for his consideration that he is giving to my request. I might add, firefighters and the communities they protect ought not to be penalized by inside-the-beltway procedures. We are in this tough position because the White House proposed that the Appropriations Committee raise $1.68 billion by increasing airline passenger fees.

I have gone over this already, but I have to say again, as I said earlier, that the Appropriations Committee does not have authority to increase these fees. Therefore, we have been left with a gaping hole in resources, and this means that our firefighters are going to suffer a funding cut of $100 million below the fiscal year 2005 level.

Some Senators might be surprised to know that the United States has one of the highest fire death rates in the industrialized world at 13.5 deaths per million population. Fires kill more Americans than all natural disasters combined. In 2003, 3,925 civilians lost their lives as a result of fire, and 111 firefighters were killed in duty-related incidents. In that same year, 18,125 civilians suffered injuries that occurred as a result of fire. So there is a real need for this funding. Communities need the money to buy essential equipment. This is not a case of throwing dollars at fire departments so they can buy extravagant items.

This is a very modest amendment. Even with adoption of the amendment, the program will still be $300 million below the level authorized by Congress. Last year, the Department of Homeland Security was unable to approve over $2 billion in eligible applications for equipping and training our firefighters because of lack of funding. We ought to do everything we can to meet this demand for equipment and training for our firefighters.

The Appropriations Committee currently has $1.058 billion in budget authority available under the 302(b) allocation for fiscal year 2005. So the reason I have asked my beloved chairman, Senator GREGG, to consider discussing this with Chairman COCHRAN is that if Chairman COCHRAN made just $100 million of this unused allocation available to homeland security, this amendment would not be subject to a Budget Act point of order.

I again thank my friend, the chairman, for at least saying that he will withhold the point of order, and that he will give this matter some further consideration.

Before I yield the floor, I ask unanimous consent to add Senators LIEBERMAN and MIKULSKI as cosponsors to my amendment.

I yield the floor.

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

The Senator from New Hampshire.

Mr. GREGG. Obviously I am perfectly happy and do not intend to make this point of order until the Senator from West Virginia feels he has had adequate time to discuss this matter with the chairman of the full committee, and hopefully it can be resolved.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. GREGG. Mr. President, I ask that prior to the votes which are to occur at 5 o'clock on the Feinstein and Collins amendments—I guess the Collins amendment will be first—that 4 minutes be equally divided between the two sides with 2 minutes under the control of Senator COLLINS and 2 minutes under the control of Senator FEINSTEIN.

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

Mr. GREGG. I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 1162

Mr. KERRY. Mr. President, I call up an amendment numbered 1162.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

Mr. KERRY. I thank the Chair. I offer this amendment together with Senator LAUTENBERG and Senator CORZINE.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], for himself, Mr. LAUTENBERG, and Mr. CORZINE, proposes an amendment numbered 1162.

Mr. KERRY. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require the Inspector General to report to the Congress on the port)

On page 100, between lines 11 and 12, insert the following:

SEC. 519. Within 90 days after the date of enactment of this Act, the Department of Homeland Security's Office of Inspector General shall issue a report to the House and Senate Committees on Appropriations, the House and Senate Committees on Homeland Security, and the Senate Committee on Commerce, Science, and Transportation regarding the steps the Department has taken to comply with the recommendations of the Inspector General's Report on the Port Security Grant Program (OIG–05–10).

Mr. KERRY. Mr. President, this is a rather straightforward amendment, not very complicated in its scope but important in its scope. I offer it together with Senator LAUTENBERG and Senator CORZINE.

This is an amendment to require the Department of Homeland Security inspector general to issue a report to the Congress within 90 days detailing the steps which that agency is taking to correct what many people feel is amounting now to a dangerous situation of either oversight or mismanagement.

Let me explain that record and why I am concerned about it. Earlier this year, the Department of Homeland Security inspector general issued an alarming report. We all ought to be very grateful to the IG for the issuance of that report. The IG concluded that 4 years after September 11, the administration, and I quote the IG, ''has no assurance that our ports program is protecting the Nation's most critical and vulnerable infrastructure and assets.''

The IG concluded that the program's design hinders its ability to direct enough funding to the most vulnerable ports, that available critical infrastructure information was not used during the application vetting process, that of the $564 million awarded for port security grants since September 11—that is over almost a 4-year period—only $106 million has actually been spent, that 82 out of 86 projects

funds for the Office of Domestic Preparedness in 2003 lacked merit, and perhaps the most damaging revelation was in 2003 the Transportation Security Administration, which funded 811 projects, had only one staff member overseeing the entire program.

That is a situation, according to the inspector general, that leaves America more vulnerable to attack. I know my colleagues and, I am confident, the President do not want to allow this situation to continue.

What is the best thing we can do to avoid that? Obviously, our priorities are reflected in how we choose to spend money and what we do with that. When we passed the Maritime Transportation Security Act in 2002, the Coast Guard estimated then it would cost port authorities, the private sector, and the Government $7.3 billion to implement its requirements. In other words, after the Maritime Transportation Security Act of 2002, which was in direct response to what we learned needed to be done as a result of September 11, we had a private sector and Government estimate of $7.3 billion that needed to be expended in order to put America in the place we ought to be for security.

To date, only $564 million has been awarded for port security grants to help port authorities improve security and comply with the law. And of that, the IG report states very clearly only $106 million has actually been spent as of last year.

If we put that in perspective, according to the GAO, more funding has been spent on the Capitol Visitor Center than was awarded during the first four rounds of the port security grant program. If we consider that only $106 million out of $7.3 billion that needed to be spent has actually been spent, the reality is we have almost five times the funding going into the Capitol Visitor Center as is going to protect the ports and providing security of our ports in the security program. I think that comparison would surprise a lot of Americans.

A lot of Members have supported spending a little bit more in the security for the ports because we believe it is basic to the national defense of our country. We know al-Qaida and other terrorists target transportation systems. We have seen that since September 11 in Madrid and now London. We saw it in 1998 when they bombed the USS *Cole* as it sat docked at a port in Yemen.

We also know millions of containers enter our country each year uninspected. And we are told by the Department of Homeland Security that all of the radiation screening equipment purchased after September 11 will have to be replaced because it is ineffective.

If a major U.S. port were to be the victim of some kind of container attack, that attack could take any number of different forms. There was a threat in New York City not long after September 11 which was taken very seriously about the potential of a dirty nuclear bomb. There is obviously the threat of an actual primitive nuclear weapon of some kind being used which, primitive as it might be, could still pack the force of a bomb that was used at Hiroshima. That would threaten anywhere between 50,000 and 1 million American lives. It could blow a $300 million to $1.2 trillion hole in our economy in very short order, not to mention what it would do with respect to the energy crisis or to the larger longer term issue of the overall port security and flow of goods we rely on in our international trade. We would have a global economic disaster.

No one can predict in any way that we can set up a fail-safe system. I am not suggesting that. But I do know from the information we have gleaned from any number of people working on this technology that there is a significant advance in the state of the art of technology for large-scale container screening. There are a number of different tracking systems that are available to secure containers at the place of embarkation and guarantee very inexpensively that they have not been jimmied or monkeyed with in the course of transit so that we know we have a secure container that is going from point of embarkation to debarkation. There are any number of things we can do and they are very important to the longer term security of the country and not that expensive in the end.

In the Senate, Members have debated previously whether we ought to be dedicating more funding. I understand the votes are not there at this moment to actually do the funding, but I hope the votes would be there to take the IG of Homeland Security seriously. The IG has already suggested the deficiencies that exist now. We ought to be looking to the IG to further help the Senate make a choice about the future.

Nearly 4 years after September 11, the administration has yet to complete a national maritime security plan that was due to Congress last year and they have offered no contingency plans to redirect the flow of commerce and keep the economy running in the event there were a terrorist attack at a port. All of this is required by Congress now. Port authorities, shippers, importers, vessel owners, truckers, and other commercial maritime entities have no idea what would be expected of them, what the procedures would be if an attack were to occur. We do not even know which Federal agency would be in charge. The Coast Guard says it will be in charge. The FBI says it is in charge.

In short, we are unprepared to do all we can do to detect and prevent and we are unprepared to deal with the reality if it were to occur. Therefore, we understand why the IG was critical of the way this program has been thus far administered.

I ask my colleagues this: If we cannot agree that protecting our ports at this point deserves more funding—which many Members believe on its face is obvious it ought to get more than the $106 million that has been spent or the $560 million allocated—but if we cannot agree on that, if we cannot agree it ought to get more funding than the Capitol Visitor Center, at least we ought to be able to agree we ought to be able to find out from the IG how the money could be spent in a way that is not mismanaged and that accomplishes our goals to the best of our ability with the funds we have.

Thus far, the Department of Homeland Security has concurred with 11 of the 12 recommendations from the IG, and they have promised reforms. But what we need to know is whether they have been implemented, they are going to be implemented, whether there are further steps we ought to be taking. We would be remiss in our responsibilities of oversight if we did not follow up on the report of the IG detailing what the Department has done to fix the problems.

That IG report was released in January. Since then there have been no congressional hearings on the issue, and no formal report has been delivered to Congress. We ought to ask for one. It is important to get this information since the Office of State and Local Government Coordination and Preparedness, which inherited the program, is going to conduct a fifth round of grants beginning in September. So we go into a fifth round of grants without understanding what the urgency and priorities are according to the goals set out by the Congress itself.

My amendment is very simple: It requires the inspector general to issue another report so that Congress knows the exact state of the program now and performs the appropriate level of congressional oversight and helps us to improve our port security. I hope this would be an amendment we could accept. It should not be that controversial and does not provide for the expenditure of money, but provides for congressional oversight and accountability that is so important to doing our job to improve the security of our country.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Let me join with the Senator from Massachusetts on his concern. It is a very important and correctly stated concern about the way these funds are being distributed and the slowness with which these funds are coming out.

In this bill we have put forward additional funding for port security. We consider that a priority, an area of significant threat. We bumped up the amount of money for port security over what the President requested. We put in the report language which specifically says on page 11 that we believe the Department can expedite awards for Homeland Security grants—including a series of them, port security—and the committee directs the Department to submit a report to the committee on

February 18, 2006, that lays out a schedule for the award of grant funds made available by this act as well as any prior year funds that remain obligated. If any grant funds are awarded after March 30, 2006, the Department should provide a detailed explanation for the delay.

It is a legitimate concern and something the committee has focused on. The Senator's proposal is constructive to the effort. We would be happy to accept it by unanimous consent. I ask unanimous consent the amendment of the Senator from Massachusetts be accepted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1162) was agreed to.

Mr. KERRY. I move to reconsider the vote.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KERRY. I appreciate the chairman accepting that and I appreciate the efforts of the committee. I know the committee put in additional money, about $200 million, and that is important funding.

Again, I restate, we are looking at a $7.3 billion problem. That is a step forward. I am very grateful to the chairman for being willing to try to find this report. I hope the Department itself will respond accordingly to the language which the committee has appropriately put in here to try to get this in scope. We have been talking about this for 4 years now and most people would agree, in the major ports—California, New Jersey, New York, Miami, various places—this is a major concern. The communities are increasingly feeling ill-equipped to respond appropriately.

I thank the Chair for his response.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. AKAKA. Mr. President, I ask that the pending amendment be set aside.

Mr. President, I call up amendments Nos. 1112 and 1113 and ask for their consideration.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. AKAKA] proposes amendments numbered 1112 and 1113.

Mr. AKAKA. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 1112

(Purpose: To increase funding for State and local grant programs)

On page 77, line 18, strike ''$2,694,300,000'' and insert ''$3,281,300,000''.

On page 77, line 20, strike ''$1,518,000,000'' and insert ''$1,985,000,000''.

On page 79, line 21, strike ''$321,300,000'' and insert ''$341,300,000''.

AMENDMENT NO. 1113

(Purpose: To increase funding for State and local grant programs and firefighter assistance grants)

On page 77, line 18, strike ''$2,694,300,000'' and insert ''$3,281,300,000''.

On page 77, line 20, strike ''$1,518,000,000'' and insert ''$1,985,000,000''.

On page 79, line 21, strike ''$321,300,000'' and insert ''$341,300,000''.

On page 81, line 24, strike ''$615,000,000'' and insert ''$715,000,000''.

On page 81, line 24, strike ''$550,000,000'' and insert ''$650,000,000''.

Mr. AKAKA. Mr. President, I rise today to offer an amendment to the fiscal year 2006 Department of Homeland Security Appropriations Act to ensure that the men and women on the frontlines of a terrorist attack on the United States are not unduly jeopardized by budget cuts. I am joined by my colleagues, Senators LIEBERMAN, HARKIN, OBAMA, MURRAY, CORZINE, LAUTENBERG, BINGAMAN, DURBIN, and SCHUMER.

Our amendment is simple. It would restore first responder funding to fiscal year 2005 levels.

Last week, the world witnessed a horrific attack on the United Kingdom. My heartfelt sympathy goes out to the people who have been affected by this atrocity. As we reflect on this tragedy, we should remember the images of police, firefighters, and emergency medical personnel who ran into the underground tunnels and streets as others were evacuated. These images are a reminder that we should not abandon America's first responders by cutting their funding.

The Homeland Security Appropriations Subcommittee had a difficult job this year, and I would like to thank the chairman and ranking member for their hard work. However, I disagree with their choice to reduce first responder funding below fiscal year 2005 appropriated levels and in one case even below the President's fiscal year 2006 budget request.

Our amendment would restore funding by adding a total of $587 million to the Homeland Security First Responder Grant Program. The majority, $467 million, would go to State and local grants which include the State Homeland Security Grant Program and the Urban Area Security Initiative. It would also direct $20 million to the Metropolitan Medical Response System and $10 million to the Assistance to Firefighters Grant Program, commonly known as the FIRE Act grants.

Our amendment does not address the other first responder grant programs that are funded at or above last year's level.

Let me be clear, Mr. President. This amendment does not seek to increase funding over what has already been spent in fiscal year 2005. We simply are seeking to prevent a reduction in appropriations for first responder grants.

This country cannot afford to take resources away from its first responders at a time when we rely on them now more than ever. In 2003, an independent task force sponsored by the Council on Foreign Relations estimated that Federal funding for first responders would fall $98.4 billion short of actual needs between 2004 and 2008. And that figure was based on fiscal year 2004 funding levels remaining constant. If Congress approves the level of funding proposed in the Senate version of H.R. 2360, Federal funding will have decreased by over $592 million from the fiscal year 2004 numbers the CFR task force used for their calculations.

The First Response Coalition, a nonprofit organization, reworked CFR calculations using the President's fiscal year 2006 budget proposal and found the gap would grow to $100.2 billion. The President's budget proposal allocates more funding to first responders than the bill we are considering today.

In my home State of Hawaii, this discrepancy between needs and funding will be acutely felt as State emergency responders must be self-sufficient because there are no neighboring States to rely upon for assistance. Hawaii State civil defense must assume that aid from the mainland will not arrive for at least 72 hours and, in some cases, such as during a hurricane, for 7 days. In addition, the State is responsible for not only protecting its own citizens but also the approximately 1.4 million tourists and U.S. servicemembers who are in Hawaii on any given day.

The Federal Government is increasingly asking States and localities to bear more of the brunt of the war on terror. We ask our first responders to run into a burning building not knowing whether they will find a small fire or a lethal chemical agent. We ask them to understand and execute on a moment's notice the different response protocols for a radiological, biological or chemical attack. We ask this of our first responders, in addition to carrying out their traditional responsibilities. With all we ask of our first responders, it is not too much for them to ask us for a constant level of support and funding.

Last month, I joined with Senators COLLINS, LIEBERMAN, and LEVIN to introduce the Interoperable Communications for First Responders Act which would create a grant program dedicated to interoperability funding. We were forced to do this because there has not been enough funding in the existing first responder programs to meet the country's considerable interoperable communication needs. How can we justify cutting the funding even more?

This is not a fiscally irresponsible amendment. I am not proposing an increase in spending, simply a restoration of last year's funding.

Much progress has been made since the tragic attacks of September 11. We

should not undo this progress. We must build upon it. I ask my colleagues to consider carefully the needs of the first responders in their communities, and I urge support for this important amendment.

Mr. President, I ask unanimous consent that Senators DAYTON and SALAZAR be added as cosponsors to my amendment.

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

Mr. AKAKA. I yield back my time.

Mr. GREGG. Mr. President, I understand the Senator from North Dakota wants to ask for 2 or 3 minutes to offer an amendment. I understand we are going to have 4 minutes, equally divided, before we begin the vote on the Collins and Feinstein amendments. So I would ask unanimous consent that I be allowed to speak for about a minute and a half, in response to the Senator from Hawaii, that we then go to the Senator from North Dakota for the purpose of calling up an amendment, speaking for 2 or 3 minutes, and then that we go into the 4-minute presentation prior to the vote and the votes occur after that. After the first vote, which will be the Collins vote, I would ask there be, by unanimous consent, 2 minutes equally divided, with 1 minute controlled by the Senator from California and 1 minute by the Senator from Maine.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. GREGG. Mr. President, the amendment from the Senator from Hawaii I know is well-intentioned, but we are working within a budget, and the purpose of our bill was to focus our energies on areas where we saw highest threat, and, yes, we did reduce the amount of first responder funds and take those monies and move them onto the effort to try to fight weapons of mass destruction and to put more people and more emphasis on protecting our borders. That is where the money is moved, but we kept $1.9 billion in the first responder funds, and that means that since 2003 there will have been $13 billion put into first responder funds.

To try to put this into perspective, this money has been flowing so fast into these accounts that there remains, from 2004 and 2005 appropriations, almost—or over—$7 billion of unspent money, I mean money that is in the pipeline that simply cannot be handled efficiently yet. So we are putting another $1.9 billion under this bill on top of that $7 billion. And we believe that that is reasonable, in light of the needs on the borders, to put more people on the borders. That is why we made this decision. The amendments of the Senator from Hawaii, although well-intentioned, are subject to a point of order, and we will make a point of order at the proper time.

At this point, I yield to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 1111

Mr. DORGAN. I ask unanimous consent that the pending amendment be set aside.

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

Mr. DORGAN. Mr. President, I call up amendment No. 1111 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 1111.

Mr. DORGAN. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit the use of funds appropriated under this Act to promulgate the regulations to implement the plan developed pursuant to section 7209(b) of the Intelligence Reform Act of 2004)

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated under this Act may be used to promulgate regulations to implement the plan developed pursuant to section 7209(b) of the 9/11 Commission Implementation Act of 2004 (8 U.S.C. 1185 note) to require United States citizens to present a passport or other documents upon entry into the United States from Canada.

Mr. DORGAN. Mr. President, I know the manager of the bill and the ranking member are asking for amendments to be offered and considered. I wanted to do that.

Very quickly, this amendment deals with the issue of whether to require passports for everyone entering and leaving this country at our borders.

We have a common border with the country of Canada, over 4,000 miles. In my State of North Dakota, we have people moving back and forth across the border all the time. We have people who farm on both sides of the border, people with families on both sides of the border. At the Pembina port of entry, we have 100,000 people a month crossing the border.

To require a passport for that is, in my judgment, far too burdensome. A passport now costs a $55 fee, a $12 security surcharge, and a $30 execution charge—a total of $97 to obtain a passport.

I believe very strongly we do need border security, no question about that. That is important. But I think, especially with respect to day travel and common tourist and business practices across, for example, the United States-Canadian border, with which I am familiar, to require a passport for moving across that border is enormously burdensome. I hope we will not do that.

The President, when asked about it, spoke to the American Society of Newspaper Editors and said: When I first read that in the newspaper, about the need to have passports particularly for day crossing—he is talking about the border—I said, what's going on here? I thought there was a better way to expedite the whole flow of traffic and people.

I think the President is right, and I know that since the President said that, the folks in Homeland Security have been reconsidering this issue, but I am very worried that they still may proceed with their regulations at some point, and I hope this Congress would weigh in on the question of whether we think everyone who moves back and forth across the Canadian border should have a passport. I don't believe the requirement for a passport is practical. I think it is overly burdensome. I believe that we ought to send that message to the Department of Homeland Security.

I am not suggesting we don't care about security. We do. We care deeply about border security. But there must be other ways in which we can accomplish that task. And so my amendment will address that.

I thank my colleague from New Hampshire for giving me the opportunity, just a few minutes, to at least get the amendment offered, to be talking about it, and have it considered.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 4 minutes evenly divided before votes in respect to the Collins and Feinstein amendments.

The Senator from Maine is recognized.

AMENDMENT NO. 1142

Ms. COLLINS. Mr. President, during the past 3 years, we have appropriated more than $8 billion in homeland security grants, despite the fact that this program has never been properly authorized. The Homeland Security Committee has spent the last 3 years working on an authorization bill. We have produced a carefully crafted, balanced bill that is incorporated in the Collins-Lieberman amendment.

This debate is about establishing a formula that provides a predictable level of funding scaled to reflect the different needs of large and small States that will allow all States to achieve essential preparedness and prevention capabilities. We break the mold that provides a set baseline amount to each State regardless of size and needs. This debate is also about distributing more funds based on risk.

Let's put this important issue in perspective. Compared to last year, our amendment would double the amount of funds distributed based on risk. Last year only 37 percent of funds appropriated for homeland security grants were allocated based on risk. Under our amendment, more than 70 percent of the funds would be distributed based on risk or factors used now by the Department of Homeland Security to determine risk. That is a lot of discretion that we are giving to the Secretary.

I want to address the CRS memo solicited by Senator LAUTENBERG that was discussed this morning. It has been

used by our opponents to suggest that only 60 percent is distributed based on risk. In fact, it is more than 70 percent, as is the underlying bill. Tellingly, in a memorandum issued just today, CRS categorizes the sliding scale allocation as risk based.

This is a balanced approach. I urge my colleagues to vote for the Collins-Lieberman amendment.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired. Who yields time?

Mr. REID. Who has the time?

The ACTING PRESIDENT pro tempore. The Senator from California has time remaining.

Mr. REID. I yield back the time.

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

The question is on agreeing to amendment No. 1142 offered by the Senator from Maine.

Mr. REID. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Mississippi (Mr. LOTT), and the Senator from South Dakota (Mr. THUNE).

Mr. DURBIN. I announce that the Senator from Maryland (Ms. MIKULSKI) is necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 71, nays 26, as follows:

[Rollcall Vote No. 175 Leg.]

YEAS—71

Akaka	DeMint	McCain
Alexander	DeWine	McConnell
Baucus	Dodd	Murkowski
Bayh	Dole	Murray
Bennett	Domenici	Nelson (NE)
Biden	Dorgan	Pryor
Bingaman	Ensign	Reed
Bond	Enzi	Reid
Brownback	Feingold	Roberts
Bunning	Frist	Rockefeller
Burns	Graham	Salazar
Burr	Grassley	Sessions
Cantwell	Hagel	Shelby
Carper	Harkin	Smith
Chafee	Inhofe	Snowe
Chambliss	Inouye	Specter
Coburn	Isakson	Stabenow
Cochran	Jeffords	Stevens
Coleman	Johnson	Sununu
Collins	Kohl	Talent
Conrad	Levin	Thomas
Craig	Lieberman	Voinovich
Crapo	Lincoln	Wyden
Dayton	Lugar	

NAYS—26

Allard	Gregg	Martinez
Allen	Hatch	Nelson (FL)
Boxer	Hutchison	Obama
Byrd	Kennedy	Santorum
Clinton	Kerry	Sarbanes
Cornyn	Kyl	Schumer
Corzine	Landrieu	Vitter
Durbin	Lautenberg	Warner
Feinstein	Leahy	

NOT VOTING—3

Lott	Mikulski	Thune

The amendment (No. 1142) was agreed to.

AMENDMENT NO. 1215, AS MODIFIED

The ACTING PRESIDENT pro tempore. There is now scheduled to be 2 minutes of debate equally divided, to be followed by a vote on the Feinstein amendment.

Mrs. FEINSTEIN. Mr. President, despite this vote, I wish to make a point. The administration has said in a letter dated today from Secretary Chertoff that their position is that 90 percent of homeland security funds should be distributed on the basis of risk. The Secretary goes on to say that they have 36 essential capabilities they need to carry out, and the way to do that is based on risk.

Here are the numbers: In the underlying appropriations bill, 70 percent is based on risk, $1.339 billion. Under Collins-Lieberman, less than 70 percent goes to risk. It is cut back to 60 percent, $1.155 billion. Under the Feinstein-Cornyn amendment, $1.667 billion is based on risk, or 87 percent. It is the closest number to the administration's letter dealing with this issue.

I have a very hard time substituting pork for risk. I just was reading some of the intelligence. Let there be no doubt that not every State is equal in terms of target. We have set up a huge agency of 22 departments. We have given them risk analysis. We have given them intelligence. We have broken down the wall between FBI and CIA. Why? Because there is a real threat, and money should be accorded based on that threat, not based on pork.

The ACTING PRESIDENT pro tempore. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, we all want more funding to be distributed on risk. The Collins-Lieberman amendment which was just adopted more than doubles the amount of money allocated based on risk. Risk is not a science. We are giving unprecedented authority to the Secretary of Homeland Security, that there is no precedent for in any grant program of this size.

The fact is, under the Feinstein-Cornyn amendment, every State would lose at least $8 million in guaranteed funding. Some States would lose tens of millions of dollars. Even taking into account how funds have historically been distributed based on risk, 43 States lose money under the Feinstein-Cornyn amendment verses the Collins-Lieberman amendment. We have to recognize that every State has vulnerabilities and needs to be brought up to a baseline ability to prepare and prevent for terrorist attacks. The Collins-Lieberman amendment was endorsed by many law enforcement groups that do not support this approach.

I urge opposition to the Feinstein-Cornyn amendment.

Mr. STEVENS. I ask for the yeas and yeas.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 1215, as modified. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Mississippi (Mr. LOTT), and the Senator from South Dakota (Mr. THUNE).

Mr. DURBIN. I announce that the Senator from Maryland (Ms. MIKULSKI) is necessarily absent.

The PRESIDING OFFICER (Mr. ISAKSON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 32, nays 65, as follows:

[Rollcall Vote No. 176 Leg.]

YEAS—32

Allard	Hutchison	Nelson (FL)
Allen	Inouye	Obama
Boxer	Kennedy	Santorum
Cantwell	Kerry	Sarbanes
Clinton	Kyl	Schumer
Coburn	Landrieu	Specter
Cornyn	Lautenberg	Stabenow
Corzine	Levin	Vitter
Durbin	Martinez	Warner
Ensign	McCain	Wyden
Feinstein	Murray	

NAYS—65

Akaka	Dayton	Lieberman
Alexander	DeMint	Lincoln
Baucus	DeWine	Lugar
Bayh	Dodd	McConnell
Bennett	Dole	Murkowski
Biden	Domenici	Nelson (NE)
Bingaman	Dorgan	Pryor
Bond	Enzi	Reed
Brownback	Feingold	Reid
Bunning	Frist	Roberts
Burns	Graham	Rockefeller
Burr	Grassley	Salazar
Byrd	Gregg	Sessions
Carper	Hagel	Shelby
Chafee	Harkin	Smith
Chambliss	Hatch	Snowe
Cochran	Inhofe	Stevens
Coleman	Isakson	Sununu
Collins	Jeffords	Talent
Conrad	Johnson	Thomas
Craig	Kohl	Voinovich
Crapo	Leahy	

NOT VOTING—3

Lott	Mikulski	Thune

The amendment (No. 1215), as modified, was rejected.

Mr. DURBIN. Mr. President, it is my understanding that under an agreement, the minority leader, Mr. REID, may offer an amendment on behalf of Democratic Senators. I ask consent, on his behalf, to send two amendments to the desk, one on behalf of Senator BARBARA BOXER and one from Senator DEBBIE STABENOW.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1216

Mr. DURBIN. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for Mrs. BOXER, proposes an amendment numbered 1216.

The Senator from Illinois [Mr. DURBIN], for Ms. STABENOW, proposes an amendment numbered 1217.

The amendments are as follows:

AMENDMENT NO. 1216

SEC. . STRENGTHENING SECURITY AT NUCLEAR POWER PLANTS.

(a) FINDINGS.—The Senate finds that—

(1) A taped interview shown on al-Jazeera television on September 10, 2002, included a statement that al Qaeda initially planned to include a nuclear power plant in its 2001 attacks on the United States.

(2) In 2001, David Kyd of the International Atomic Energy Agency said that if a fully fueled large jetliner hit a nuclear reactor ''then the containment could be breached and the cooling system of the reactor could be impaired to the point where radioactivity might well be set free.''

(3) Dr. Edwin Lyman, a physicist and former scientific director of the Nuclear Control Institute has noted that if a nuclear power plant were hit by a large commercial passenger jet, ''significant release of radiation into the environment is a very real one.''

(4) Operating nuclear reactors contain large amounts of radioactive fission products that, if dispersed, could pose a direct radiation hazard, contaminate soil and vegetation, and be ingested by humans and animals.

(5) According to the organization Three Mile Island Alert, a nuclear power plant houses more than 1,000 times the radiation that would be released in an atomic bomb blast, and the magnitude of a single terrorist attack on a nuclear power plant could cause over 100,000 deaths.

(6) The federal government has offered Governors potassium iodide pills to distribute to people living near nuclear power plants in case of an attack, but no legislation has passed to protect against an attack in the first place.

(7) In the 108th Congress, the Senate Environment and Public Works Committee approved bipartisan legislation to improve nuclear plant security. No action was taken by the full Senate.

(8) Last month, the Senate Environment and Public Works Committee again approved bipartisan legislation to improve nuclear plant security.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Congress should pass legislation to assess terrorist threats at each nuclear power plant and to establish new federal standards to protect against those threats.

AMENDMENT NO. 1217

(Purpose: To provide funding for interoperable communications equipment grants)

On page 77, line 18, strike ''$2,694,300,000'' and insert ''7,694,300,000''.

On page 79, line 22, strike the colon and insert a period.

On page 79, between lines 22 and 23, insert the following:

(7) $5,000,000,000 for interoperable communications equipment grants: *Provided*, That such amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress):

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

VOTE EXPLANATION

Mr. NELSON of Florida. Mr. President, I would like to take this opportunity to explain to the Senate my absence during yesterday's vote on S. Res. 193, expressing sympathy for the people of the United Kingdom.

On Sunday, the Florida panhandle was struck by Hurricane Dennis, a category 3 storm. Last September, Hurricane Ivan also hit the same area causing extensive damage from which many had not yet fully recovered. I went to the area yesterday to survey the damage and meet with constituents affected by the disaster. I was able to visit the emergency operations center in three of the counties affected by Dennis.

Had I been present, I would have voted aye on the resolution. Because I was unable to vote my strong support for the resolution, I would like to express my thoughts at this time. We as Americans have close ties to Great Britain; and, extend to the British people our deepest sympathies as they cope with their losses. In response to these barbaric attacks, the United States and the community of free nations must unite with an even greater resolve to defeat those who seek to destroy liberty by slaughtering innocent civilians.

HONORING LIEUTENANT GENERAL ROGER C. SCHULTZ

Mr. GRASSLEY. Mr. President, I would like to take this opportunity to offer my congratulations and gratitude to an extraordinary Iowan. LTG Roger C. Schultz is stepping down from his distinguished position as Director of the Army National Guard for the National Guard Bureau. He assumed this position in 1998 and has served for 7 years, the longest anyone has held this title. I would like to take this opportunity to show Lieutenant General Schultz the appreciation that the country, the State of Iowa, and myself personally, have for his extensive commitment to the Army National Guard. He joined the Iowa Army National Guard in 1963, and from there he began a career that lasted 42 years.

Lieutenant General Schultz has had an extensive career. In his most recent position as director, he was responsible for the formulation, development, and implementation of all programs and policies affecting the Army National Guard. Previously, he served as Deputy Director for Military Support on the Department of the Army Staff, where he was responsible for coordinating all Department of Defense military support to civilian authorities, which included disaster relief. While stationed with the Iowa Army National Guard, he was in Command of the 2nd Brigade, 34th Division and served as the Army Guard Chief of Staff and Deputy Adjutant General. General Schultz also received several awards and recognitions for his exemplary service. He is honored with the Distinguished Service Medal, Silver Star, Legion of Merit with Oak Leaf Cluster, Bronze Star, Purple Heart with Oak Leaf Cluster, Meritorious Service Medal with Two Oak Leaf Clusters, Department of the Army Staff Badge, Army Superior Unit Award, Humanitarian Service Award, the Combat Infantry Badge for service in the Republic of Vietnam, and many others.

General Schultz was born in LeMars, IA and enlisted when he was 18 years old. He was a student at officer candidate school at the Iowa Military Academy. Following these studies, he was commissioned in 1967 as an infantry officer. Shortly thereafter, he was sent to serve his country in the Republic of Vietnam with the 25th Infantry Division. During his several assignments, he also earned a bachelor's degree in management from Upper Iowa University and a Masters degree in public administration from Shippensburg State University in Pennsylvania. He also attended Army War College.

I share my appreciation for the general with not only his neighbors in the State of Iowa but the entire country. He has proven himself to be versatile and fully capable of accepting and mastering the tasks placed before him. His enduring commitment to the safety of Americans is cause for admiration.

Again, I offer my congratulations and sincere appreciation to LTG Roger Schultz for his remarkable achievements in the Army National Guard. He has continually provided an invaluable service to his country and I thank him for his dedication and devotion to Iowa and to America.

ADDITIONAL STATEMENTS

COMMENDING JOE KELLY McCUTCHEN

• Mr. ISAKSON. Mr. President, I am very pleased to rise and commend Mr. Joe Kelly McCutchen of Ellijay GA for his selection as outstanding alumni for the living history program of Georgia Tech.

Georgia Tech could not have made a better decision. Joe McCutchen is a living role model for community involvement, excellence in action, and sharing the American dream. His selection places him in the company of great Georgians like medal of honor winner General Raymond Davis, former President Jimmy Carter, astronaut Jan Davis, former Lockheed president Robert Ormsby, and Federal judge Marvin Shoob.

No one in northwest Georgia has had a greater positive effect on the young people than Joe. He constantly engages with young people to inspire them to excellence. He teaches the promise of free enterprise, and power of the American dream.

Joe McCutchen is also Georgia's leading advocate for lower taxes and sound fiscal policy in government. He and his friend Oscar Poole travel to Washington often to present their Taxpayer Champion Award, and there is not a credible radio or television public policy call in show in the United States on which Joe has not participated.

Joe McCutchen has lived the American dream and commits his life to