to the victims and their families after last Thursday's depraved and savage terrorist attacks in London. I also rise to pledge my, and I am sure the entire U.S. Senate's, steadfast support for the people of London and the United Kingdom as they stand resolute—as they always have—in the face of terror.

On July 7 of last week, bombs exploded in three subway trains of the London Underground. A fourth ripped open a city bus. At least 52 are dead, and hundreds are wounded.

Just as a personal note, I have a daughter living in the London area. Just a month ago, I put her on the subway right near where one of the bombs went off. So I was among the many Americans who were frantically interested in getting word on our own relatives after the attacks, which is another indication of just how closely tied the United States and the United Kingdom are.

These killers, whoever they are, have an utter disregard for human life. They indiscriminately kill innocent people. The explosions were timed to go off during the morning rush hour, to kill the maximum number of people.

But we should not be surprised by the barbarity of July 7. We have seen it before. On September 11, 2001, the same impulse of evil that touched London stretched over the ocean to the United States and murdered 3,000 of our own.

Ever since the terrorist attacks of September 11, America has waged a global war on terror. We resolved that day to pursue the terrorists and bring them to justice before they could strike American soil again. This latest attack has changed nothing. We are still defiant in the face of terror. We are still committed to following terror wherever it may hide, wresting it out from the swamps and shadows where it takes harbor, and destroying it.

The United Kingdom has been a strong and steadfast ally throughout the war on terror. Her resolve is only strengthened by this latest attack. Our British cousins will fight the terrorists with the same heroic mettle their forefathers used to face down Hitler during World War II. Sixty years ago, Americans tuned their radios to hear of British courage during the German bombing of London. Today, we see that same British courage on television. Many Londoners returned to ride the Underground and buses the very next day, unbowed by the terrorists.

Prime Minister Tony Blair has led his country magnificently in the war on terror. He follows in the footsteps of previous Prime Ministers who have steeled their nation's spine in times of challenge: Margaret Thatcher and Winston Churchill. I have no doubt Prime Minister Blair will respond to these attacks with the same courage and resolve as his predecessors, and he obviously has all of our full and unqualified support.

America and Great Britain united will never yield to the terrorists. We will defeat them, and at the same time, we will spread justice and liberty to combat their call to oppression and death. Our cause, which speaks to the noblest parts of the human soul, will win, just as it has throughout our shared and glorious history.

May God bless America and the United Kingdom.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. The Senator from Iowa is recognized.

TRIBUTE TO ALLY MILDER

Mr. GRASSLEY. Mr. President, just 2 weeks ago a former staffer and longtime friend, Ally Milder, and a business associate of hers came to spend the weekend at the Grassley farm in New Hartford, IA. I tried to get Ally to step out of her fancy shoes for a couple of days and learn a little about farming. I never did persuade her to feed pigs, but we had a lot of laughs.

Today I stand before the Senate with great sadness because Ally Milder—my former chief counsel and a good friend to Barbara and me—died suddenly last Thursday at the age of 50. Ally is gone suddenly and too young. I extend my deep sympathy to her mother Frances and sisters Julie and Kelly, and pay tribute to Ally Milder with much regard.

I met Ally in 1981. She was one of my first counsels on the Senate Judiciary Committee. I was a freshman Senator. She was fresh out of law school and stayed on my staff until 1987, becoming chief counsel during that time. Ally and I shared a great interest in religious freedom. Her leadership helped me to be very active in Soviet Jewry issues as a Senator, including a 1983 trip to the Soviet Union where we met with Russian Jews, the refuseniks, in Moscow. Ally was instrumental in forming the InterParliamentary Group for Human Rights in the Soviet Union, an important weapon in the fight against abuses and for freedom for Soviet Jews. Her tremendous enthusiasm and commitment to this important cause was also proved when she staffed passage of legislation to change the address of the Soviet Embassy in Washington to One Sakharov Plaza. We had to fight the State Department and all kinds of other powerful interests to prevail and provide a daily reminder that America would not overlook the plight of dissidents. Ally personally made a difference in the course of history with her work in this area of human rights.

Ally worked on many issues during those years, including the nomination of Justice Sandra Day O'Connor to the Supreme Court and extension of the Voting Rights Act. Under her leadership of my Judiciary staff, the False Claims Act was passed and signed into law. This landmark legislation updated a Civil War-era law to empower individual citizen-whistleblowers to fight fraud against the taxpayers. In the nearly two decades this law has been on the books, it has returned more than $12 billion to the U.S. Treasury that would otherwise have been lost to fraud. In addition, Ally oversaw renewal of Chapter 12 of the Federal Bankruptcy Code, which was a lifeline for family farmers needing to reorganize debt and stay in farming during the terrible farm crisis of the 1980s.

Whatever she was working on, Ally brought energy, a let's-make-it-happen attitude, and characteristic good nature to the task. Her skill and style made her a respected and well-liked colleague on the staff.

Ally left Washington to return home and run for Congress herself, making two good attempts for the Second District seat in Nebraska. I campaigned with her several times. She was tireless about reaching the voters, and we spent one of those days going to all the small towns and rural areas in the district. From what I know about Ally Milder, both before and after she ran for the House of Representatives, I am convinced she would have made a very good Congresswoman. Ally went on to serve on the State board of education starting in 1992, and launched a successful consulting and lobbying practice.

Ally always kept in close touch, and she loved politics. I appreciate the support she gave me. She was generous and shared her commitment to making things better in a lot of ways, including mentoring economically disadvantaged young people.

It is hard to believe that Ally won't be walking around the corner somewhere, sometime next week, with her big smile and warm embrace. Knowing Ally, she might want us to take comfort today in an old Jewish saying that ''the only truly dead are those who have been forgotten.'' There is no doubt that Ally Milder will be remembered. She was full of life, bright, hardworking, and someone focused on the good things in life and making life good for those around her. She will be greatly missed.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2006

The PRESIDING OFFICER. Under the previous order, the hour of 2 p.m. having arrived, the Senate will proceed

to the consideration of H.R. 2360, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2360) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

H.R. 2360

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes, namely:

[TITLE I—DEPARTMENTAL MANAGEMENT AND OPERATIONS

[OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

[For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, $133,239,000 (reduced by $100,000): *Provided,* That not to exceed $40,000 shall be for official reception and representation expenses: *Provided further,* That of the amounts appropriated under this heading, $20,000,000 shall not be available for obligation until the Secretary of Homeland Security submits to the Committee on Appropriations of the House of Representatives an immigration enforcement strategy to reduce the number of undocumented aliens, based upon the latest United States Census Bureau data, by 10 percent per year: *Provided further*, That of the amounts appropriated under this heading, $10,000,000 shall not be available for obligation until section 525 of this Act is implemented: *Provided further*, That the Secretary shall submit all reports requested by the Committee on Appropriations of the House of Representatives for all agencies and components of the Department of Homeland Security, as identified in this Act and the House report accompanying this Act, by the dates specified: *Provided further,* That the content of all reports shall be in compliance with the direction and instructions included in this Act and the House report accompanying this Act by the dates specified: *Provided further,* That, of the amounts appropriated under this heading, $20,000,000 may not be obligated until the Committee on Appropriations of the House of Representatives has received all final reports in compliance with such direction and instructions.

[OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

[For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701–705 of the Homeland Security Act of 2002 (6 U.S.C. 341–345), $146,084,000 (reduced by $26,100,000) (reduced by $50,000,000): *Provided,* That not to exceed $3,000 shall be for official reception and representation expenses: *Provided further,* That of the total amount provided, $26,070,000 shall remain available until expended solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations.

[OFFICE OF THE CHIEF FINANCIAL OFFICER

[For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), $18,505,000.

[OFFICE OF THE CHIEF INFORMATION OFFICER

[For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, $303,700,000; of which $75,756,000 shall be available for salaries and expenses; and of which $227,944,000 shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security, and for the costs of conversion to narrowband communications, including the cost for operation of the land mobile radio legacy systems, to remain available until expended: *Provided,* That none of the funds appropriated shall be used to support or supplement the appropriations provided for the United States Visitor and Immigrant Status Indicator Technology project or the Automated Commercial Environment: *Provided further,* That the Department shall report within 180 days of enactment of this Act on its enterprise architecture and other strategic planning activities in accordance with the terms and conditions specified in the House report accompanying this Act.

[OFFICE OF INSPECTOR GENERAL

[For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $83,017,000, of which not to exceed $100,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

[TITLE II—SECURITY, ENFORCEMENT, AND INVESTIGATIONS

[BORDER AND TRANSPORTATION SECURITY

[OFFICE OF THE UNDER SECRETARY FOR BORDER AND TRANSPORTATION SECURITY

[SALARIES AND EXPENSES

[For necessary expenses of the Office of the Under Secretary for Border and Transportation Security, as authorized by subtitle A of title IV of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.), $10,617,000: *Provided,* That not to exceed $3,000 shall be for official reception and representation expenses.

[AUTOMATION MODERNIZATION

[For necessary expenses of the United State Visitor and Immigrant Status Indicator Technology project, as authorized by section 110 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (8 U.S.C. 1221 note) and for the development, deployment, and use of Free and Secure Trade (FAST), NEXUS, and Secure Electronic Network for Traveler's Rapid Inspection (SENTRI), $411,232,000, to remain available until expended, which shall be allocated as follows:

[(1) $7,000,000 for FAST.

[(2) $14,000,000 for NEXUS/SENTRI.

[(3) $390,232,000 for the United States Visitor and Immigrant Status Indicator Technology project: *Provided,* That of the funds provided for this project, $254,000,000 may not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security that—

[(A) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 7;

[(B) complies with the Department of Homeland Security enterprise information systems architecture;

[(C) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government;

[(D) is reviewed and approved by the Department of Homeland Security Investment Review Board, the Secretary of Homeland Security, and the Office of Management and Budget; and

[(E) is reviewed by the Government Accountability Office.

[CUSTOMS AND BORDER PROTECTION

[SALARIES AND EXPENSES

[For necessary expenses for enforcement of laws relating to border security, immigration, customs, and agricultural inspections and regulatory activities related to plant and animal imports; acquisition, lease, maintenance and operation of aircraft; purchase and lease of up to 4,500 (3,935 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; $4,885,544,000; of which $3,000,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed $35,000 shall be for official reception and representation expenses; of which not less than $141,060,000 shall be for Air and Marine Operations; of which not to exceed $174,800,000 shall remain available until September 30, 2007, for inspection and surveillance technology, unmanned aerial vehicles, and replacement aircraft; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Under Secretary for Border and Transportation Security; and of which not to exceed $5,000,000 shall be available for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration: *Provided*, That for fiscal year 2006, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be $35,000; and notwithstanding any other provision of law, none of the funds appropriated in this Act may be available to compensate any employee of the Bureau of Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Under Secretary for Border and Transportation Security, or a designee, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies: *Provided further,* That of the total amount provided, $10,000,000 may not be obligated until the Secretary submits to the Committee on Appropriations of the House of Representatives all required reports related to air and marine operations: *Provided further,* That of the total amount provided, $2,000,000 may not be obligated until the Secretary submits to the Committee on Appropriations of the House of Representatives a report on the performance of the Immigration Advisory Program as directed in House

Report No. 108–541: *Provided further*, That of the total amount provided, $70,000,000 may not be obligated until the Secretary submits to the Committee on Appropriations of the House of Representatives part two of the report on the performance of the Container Security Initiative progam, as directed in House Report 180–541: *Provided further*, That no funds shall be available for the site acquisition, design, or construction of any Border Patrol checkpoint in the Tucson sector: *Provided further*, That the Border Patrol shall relocate its checkpoints in the Tucson sector at least once every seven days in a manner designed to prevent persons subject to inspection from predicting the location of any such checkpoint.

[AUTOMATION MODERNIZATION

[For expenses for customs and border protection automated systems, $458,009,000, to remain available until expended, of which not less than $321,690,000 shall be for the development of the Automated Commercial Environment: *Provided*, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Under Secretary for Border and Transportation Security that—

[(1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 7;

[(2) complies with the Department of Homeland Security's enterprise information systems architecture;

[(3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government;

[(4) is reviewed and approved by the Department of Homeland Security Investment Review Board, the Secretary of Homeland Security, and the Office of Management and Budget; and

[(5) is reviewed by the Government Accountability Office.

[AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

[For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, and other related equipment of the air and marine program, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and at the discretion of the Under Secretary for Border and Transportation Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $347,780,000, to remain available until expended: *Provided*, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to Bureau of Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2006 without the prior approval of the Committees on Appropriations of the Senate and the House of Representatives.

[CONSTRUCTION

[For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $93,418,000, to remain available until expended.

[IMMIGRATION AND CUSTOMS ENFORCEMENT

[SALARIES AND EXPENSES

[For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations; and purchase and lease of up to 2,300 (2,000 for replacement only) police-type vehicles, $3,064,081,000 (reduced by $5,000,000) (increased by $5,000,000), of which not to exceed $10,000,000 shall be available until expended for conducting special operations pursuant to section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed $15,000 shall be for official reception and representation expenses; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Under Secretary for Border and Transportation Security; of which not less than $102,000 shall be for promotion of public awareness of the child pornography tipline; of which not less than $203,000 shall be for Project Alert; of which not less than $5,000,000 shall be for costs to implement section 287(g) of the Immigration and Nationality Act, as amended; and of which not to exceed $11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: *Provided*, That none of the funds appropriated shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Under Secretary for Border and Transportation Security may waive that amount as necessary for national security purposes and in cases of immigration emergencies: *Provided further*, That of the total amount provided, $3,045,000 shall be for activities to enforce laws against forced child labor in fiscal year 2006, of which not to exceed $2,000,000 shall remain available until expended: *Provided further*, That of the amounts appropriated, $50,000,000 shall not be available for obligation until the Assistant Secretary of Immigration and Customs Enforcement submits to the Committee on Appropriations of the House of Representatives a national detention management plan including the use of regional detention contracts and alternatives to detention: *Provided further*, That the Assistant Secretary of Immigration and Customs Enforcement, with concurrence of the Secretary of Homeland Security, shall submit, by December 1, 2005, to the Committee on Appropriations of the House of Representatives a plan for the expanded use of Immigration Enforcement Agents to enforce administrative violations of United States immigration laws.

[FEDERAL AIR MARSHALS

[For necessary expenses of the Federal Air Marshals, $698,860,000, of which not to exceed $5,000,000 shall remain available until expended.

[FEDERAL PROTECTIVE SERVICE

[The revenues and collections of security fees credited to this account, not to exceed $487,000,000, shall be available until expended for necessary expenses related to the protection of federally-owned and leased buildings and for the operations of the Federal Protective Service.

[AUTOMATION MODERNIZATION

[For expenses of immigration and customs enforcement automated systems, $40,150,000, to remain available until expended: *Provided*, That none of the funds appropriated under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Under Secretary for Border and Transportation Security that—

[(1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 7;

[(2) complies with the Department of Homeland Security enterprise information systems architecture;

[(3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government;

[(4) is reviewed and approved by the Department of Homeland Security Investment Review Board, the Secretary of Homeland Security, and the Office of Management and Budget; and

[(5) is reviewed by the Government Accountability Office.

[CONSTRUCTION

[For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $26,546,000, to remain available until expended.

[TRANSPORTATION SECURITY ADMINISTRATION

[AVIATION SECURITY

[For necessary expenses of the Transportation Security Administration related to providing aviation security, $4,591,612,000, to remain available until September 30, 2007, of which not to exceed $3,000 shall be available for official reception and representation expenses: *Provided*, That of the total amount provided under this heading, not to exceed $3,608,599,000 shall be for screening operations, of which $170,000,000 shall be available only for procurement of checked baggage explosive detection systems and $75,000,000 shall be available only for installation of checked baggage explosive detection systems; and not to exceed $983,013,000 shall be for aviation security direction and enforcement presence: *Provided further*, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2006, so as to result in a final fiscal year appropriation from the General Fund estimated at not more than $2,601,612,000: *Provided further*, That any security service fees collected in excess of the amount appropriated under this heading shall become available during fiscal year 2007: *Provided further*, That none of the funds in this Act shall be used to recruit or hire personnel into the Transportation Security Administration which would cause the agency to exceed a staffing level of 45,000 full-time equivalent screeners.

[SURFACE TRANSPORTATION SECURITY

[For necessary expenses of the Transportation Security Administration related to providing surface transportation security activities, $36,000,000, to remain available until September 30, 2007.

[TRANSPORTATION VETTING AND CREDENTIALING

[For necessary expenses for the development and implementation of screening programs by the Office of Transportation Vetting and Credentialing, $84,294,000.

[TRANSPORTATION SECURITY SUPPORT

[For necessary expenses of the Transportation Security Administration related to providing transportation security support and intelligence activities, $541,008,000, to remain available until September 30, 2007: *Provided*, That of the funds appropriated under

this heading, $50,000,000 may not be obligated until the Secretary submits to the Committee on Appropriations of the House of Representatives: (1) a plan for optimally deploying explosive detection equipment, either in-line or to replace explosive trace detection machines, at the Nation's airports on a priority basis to enhance security, reduce Transportation Security Administration staffing requirements, and long-term costs; and (2) a detailed spend plan for explosive detection systems procurement and installations on an airport-by-airport basis for fiscal year 2006: *Provided further*, That these plans shall be submitted no later than 60 days after enactment of this Act.

[UNITED STATES COAST GUARD

[OPERATING EXPENSES

[For necessary expenses for the operation and maintenance of the Coast Guard not otherwise provided for, purchase or lease of not to exceed 25 passenger motor vehicles for replacement only, payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note), and recreation and welfare, $5,500,000,000, of which $1,200,000,000 shall be for defense-related activities; of which $24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and of which not to exceed $3,000 shall be for official reception and representation expenses: *Provided*, That none of the funds appropriated by this or any other Act shall be available for administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds provided by this Act shall be available for expenses incurred for yacht documentation under section 12109 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation.

[ENVIRONMENTAL COMPLIANCE AND RESTORATION

[For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $12,000,000, to remain available until expended.

[RESERVE TRAINING

[For necessary expenses of the Coast Guard Reserve, as authorized by law; operations and maintenance of the reserve program; personnel and training costs; and equipment and services; $119,000,000.

[ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

[For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $798,152,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which $22,000,000 shall be available until September 30, 2010, to acquire, repair, renovate, or improve vessels, small boats, and related equipment; of which $29,902,000 shall be available until September 30, 2010, to increase aviation capability; of which $130,100,000 shall be available until September 30, 2008, for other equipment; of which $39,700,000 shall be available until September 30, 2008, for shore facilities and aids to navigation facilities; of which $76,450,000 shall be available for personnel compensation and benefits and related costs; and of which $500,000,000 shall be available until September 30, 2010, for the Integrated Deepwater Systems program: *Provided*, That the Commandant of the Coast Guard is authorized to dispose of surplus real property, by sale or lease, and the proceeds shall be credited to this appropriation as offsetting collections and shall be available until September 30, 2008, only for Rescue 21: *Provided further*, That of the funds appropriated under this heading for the Integrated Deepwater System, $50,000,000 may not be obligated until the Committee on Appropriations of the House of Representatives receives from the Secretary of Homeland Security a new Deepwater program baseline that reflects revised, post September 11th operational priorities that includes—

[(1) a detailed justification for each new Deepwater asset that is determined to be necessary to fulfill homeland and national security functions or multi-agency procurements as identified by the Joint Requirements Council;

[(2) a comprehensive timeline for the entire Deepwater program, including an asset-by-asset breakdown, aligned with the comprehensive acquisition timeline and revised mission needs statement, that also details the phase-out of legacy assets and the phase-in of new, replacement assets on an annual basis;

[(3) a comparison of the revised acquisition timeline against the original Deepwater timeline;

[(4) an aggregate total cost of the program that aligns with the revised mission needs statement, acquisition timeline and asset-by-asset breakdown;

[(5) a detailed projection of the remaining operational lifespan of every type of legacy cutter and aircraft; and

[(6) a detailed progress report on command, control, communications, computers, intelligence, surveillance, and reconnaissance equipment upgrades that includes what has been installed currently on operational assets and when such equipment will be installed on all remaining Deepwater legacy assets: *Provided further*, That the Secretary shall annually submit to the Committee on Appropriations of the House of Representatives, at the time that the President's budget is submitted under section 1105(a) of title 31, a future-years capital investment plan for the Coast Guard that identifies for each capital budget line item—

[(1) the proposed appropriation included in that budget;

[(2) the total estimated cost of completion;

[(3) projected funding levels for each fiscal year for the next 5 fiscal years or until project completion, whichever is earlier;

[(4) an estimated completion date at the projected funding levels; and

[(5) changes, if any, in the total estimated cost of completion or estimated completion date from previous future-years capital investment plans submitted to the Committee on Appropriations of the House of Representatives:

[*Provided further*, That the Secretary shall ensure that amounts specified in the future-years capital investment plan are consistent to the maximum extent practicable with proposed appropriations necessary to support the programs, projects, and activities of the Coast Guard in the President's budget as submitted under section 1105(a) of title 31 for that fiscal year: *Provided further*, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified.

[ALTERATION OF BRIDGES

[For necessary expenses for alteration or removal of obstructive bridges, $15,000,000, to remain available until expended.

[RETIRED PAY

[For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, concurrent receipts and combat-related special compensation under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,014,080,000.

[UNITED STATES SECRET SERVICE

[SALARIES AND EXPENSES

[For necessary expenses of the United States Secret Service, including purchase of not to exceed 614 vehicles for police-type use, which shall be for replacement only, and hire of passenger motor vehicles; purchase of American-made motorcycles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at his or her post of duty; conduct of and participation in firearms matches; presentation of awards; travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; $1,228,981,000, of which not to exceed $25,000 shall be for official reception and representation expenses; of which not to exceed $100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which $2,678,000 shall be for forensic and related support of investigations of missing and exploited children; and of which $5,000,000 shall be a grant for activities related to the investigations of exploited children and shall remain available until expended: *Provided*, That up to $18,000,000 provided for protective travel shall remain available until September 30, 2007: *Provided further*, That of the total amount appropriated, not less than $10,000,000 shall be available solely for the unanticipated costs related to security operations for National Special Security Events, to remain available until September 30, 2007: *Provided further*, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from agencies and entities, as defined in section 105 of title 5, United States Code, receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year.

[ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

[For necessary expenses for acquisition, construction, repair, alteration, and improvement of facilities, $3,699,000, to remain available until expended.

[TITLE III—PREPAREDNESS AND RECOVERY

[OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS

[MANAGEMENT AND ADMINISTRATION

[For necessary expenses for the Office of State and Local Government Coordination and Preparedness, $3,546,000: *Provided,* That not to exceed $2,000 shall be for official reception and representation expenses.

[STATE AND LOCAL PROGRAMS

[For grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, notwithstanding any other provision of law, $2,781,300,000 (increased by $100,000) (increased by $50,000,000), which shall be allocated as follows:

[(1) $750,000,000 for formula-based grants and $400,000,000 for law enforcement terrorism prevention grants pursuant to section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714): *Provided,* That the application for grants shall be made available to States within 45 days after enactment of this Act; that States shall submit applications within 90 days after the grant announcement; and that the Office of State and Local Government Coordination and Preparedness shall act within 90 days after receipt of an application: *Provided further,* That no less than 80 percent of any grant under this paragraph to a State shall be made available by the State to local governments within 60 days after the receipt of the funds.

[(2) $1,215,000,000 for discretionary grants, as determined by the Secretary of Homeland Security, of which—

[(A) $850,000,000 shall be for use in high-threat, high-density urban areas;

[(B) $150,000,000 shall be for port security grants, which shall be distributed based on risks and vulnerabilities: *Provided,* That the Office of State and Local Government Coordination and Preparedness shall work with the Information Analysis and Infrastructure Protection Directorate to assess the risk associated with each port and with the Coast Guard to evaluate the vulnerability of each port: *Provided further,* That funding may only be made available to those projects recommended by the Coast Guard Captain of the Port;

[(C) $5,000,000 shall be for trucking industry security grants;

[(D) $10,000,000 shall be for intercity bus security grants;

[(E) $150,000,000 shall be for intercity passenger rail transportation (as defined in section 24102 of title 49, United States Code), freight rail, and transit security grants; and

[(F) $50,000,000 shall be for buffer zone protection grants:

[*Provided,* That for grants under subparagraph (A), the application for grants shall be made available to States within 45 days after enactment of this Act; that States shall submit applications within 90 days after the grant announcement; and that the Office of State and Local Government Coordination and Preparedness shall act within 90 days after receipt of an application: *Provided further,* That no less than 80 percent of any grant under this paragraph to a State shall be made available by the State to local governments within 60 days after the receipt of the funds.

[(3) $50,000,000 shall be available for the Commercial Equipment Direct Assistance Program.

[(4) $366,300,000 for training, exercises, technical assistance, and other programs:

[*Provided,* That none of the grants provided under this heading shall be used for the construction or renovation of facilities; for minor perimeter security projects, not to exceed $1,000,000, as determined necessary by the Secretary of Homeland Security: *Provided further,* That the proceeding proviso shall not apply to grants under subparagraphs (B) and (E) of paragraph (2) of this heading: *Provided further,* That grantees shall provide additional reports on their use of funds, as determined necessary by the Secretary of Homeland Security: *Provided further,* That funds appropriated for law enforcement terrorism prevention grants under paragraph (1) and discretionary grants under paragraph (2)(A) of this heading shall be available for operational costs, to include personnel overtime and overtime associated with Office of State and Local Government Coordination and Preparedness certified training, as needed: *Provided further,* That in accordance with the Department's implementation plan for Homeland Security Presidential Directive 8, the Office of State and Local Government Coordination and Preparedness shall issue the final National Preparedness Goal no later than October 1, 2005; and no funds provided under paragraphs (1) and (2)(A) shall be awarded to States that have not submitted to the Office of State and Local Government Coordination and Preparedness an updated State homeland strategy based on the interim National Preparedness Goal, dated March 31, 2005.

[FIREFIGHTER ASSISTANCE GRANTS

[For necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $600,000,000 (increased by $50,000,000), of which $550,000,000 (increased by $25,000,000) shall be available to carry out section 33 (15 U.S.C. 2229) and $50,000,000 (increased by $25,000,000) shall be available to carry out section 34 (15 U.S.C. 2229a) of the Act, to remain available until September 30, 2007: *Provided,* That not to exceed 5 percent of this amount shall be available for program administration.

[EMERGENCY MANAGEMENT PERFORMANCE GRANTS

[For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reductions Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), $180,000,000: *Provided,* That total administrative costs shall not exceed 3 percent of the total appropriation.

[COUNTERTERRORISM FUND

[For necessary expenses, as determined by the Secretary of Homeland Security, to reimburse any Federal agency for the costs of providing support to counter, investigate, or respond to unexpected threats or acts of terrorism, including payment of rewards in connection with these activities, $10,000,000, to remain available until expended: *Provided,* That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives 15 days prior to the obligation of any amount of these funds in accordance with section 503 of this Act.

[EMERGENCY PREPAREDNESS AND RESPONSE

[OFFICE OF THE UNDER SECRETARY FOR EMERGENCY PREPAREDNESS AND RESPONSE

[For necessary expenses for the Office of the Under Secretary for Emergency Preparedness and Response, as authorized by section 502 of the Homeland Security Act of 2002 (6 U.S.C. 312), $2,306,000.

[PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY

[For necessary expenses for preparedness, mitigation, response, and recovery activities of the Directorate of Emergency Preparedness and Response, $249,499,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.).

[ADMINISTRATIVE AND REGIONAL OPERATIONS

[For necessary expenses for administrative and regional operations of the Directorate of Emergency Preparedness and Response, $225,441,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.): *Provided,* That not to exceed $3,000 shall be for official reception and representation expenses.

[PUBLIC HEALTH PROGRAMS

[For necessary expenses for countering potential biological, disease, and chemical threats to civilian populations, $34,000,000.

[RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

[The aggregate charges assessed during fiscal year 2006, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: *Provided,* That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: *Provided further,* That fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2006, and remain available until expended.

[DISASTER RELIEF

[For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $2,023,900,000 (reduced by $23,900,000), to remain available until expended.

[DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

[For administrative expenses to carry out the direct loan program, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162), $567,000: *Provided,* That gross obligations for the principal amount of direct loans shall not exceed $25,000,000: *Provided further,* That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

[FLOOD MAP MODERNIZATION FUND

[For necessary expenses pursuant to section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), $200,000,000, and such additional sums as may be provided by State

and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act, to remain available until expended: *Provided,* That total administrative costs shall not exceed 3 percent of the total appropriation.

[NATIONAL FLOOD INSURANCE FUND

[(INCLUDING TRANSFER OF FUNDS)

[For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), not to exceed $36,496,000 for salaries and expenses associated with flood mitigation and flood insurance operations; not to exceed $40,000,000 for financial assistance under section 1361A of such Act to States and communities for taking actions under such section with respect to severe repetitive loss properties, to remain available until expended; not to exceed $10,000,000 for mitigation actions under section 1323 of such Act; and not to exceed $99,358,000 for flood hazard mitigation, to remain available until September 30, 2007, including up to $40,000,000 for expenses under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2007, and which amount shall be derived from offsetting collections assessed and collected pursuant to section 1307 of that Act (42 U.S.C. 4014), and shall be retained and used for necessary expenses under this heading: *Provided,* That in fiscal year 2006, no funds in excess of: (1) $55,000,000 for operating expenses; (2) $660,148,000 for agents' commissions and taxes; and (3) $30,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund.

[NATIONAL FLOOD MITIGATION FUND

[Notwithstanding subparagraphs (B) and (C) of subsection (b)(3), and subsection (f), of section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), $40,000,000, to remain available until September 30, 2007, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which $40,000,000 shall be derived from the National Flood Insurance Fund.

[NATIONAL PRE-DISASTER MITIGATION FUND

[For a pre-disaster mitigation grant program pursuant to title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.), $150,000,000, to remain available until expended: *Provided,* That grants made for pre-disaster mitigation shall be awarded on a competitive basis subject to the criteria in section 203(g) of such Act (42 U.S.C. 5133(g)): *Provided further,* That total administrative costs shall not exceed 3 percent of the total appropriation.

[EMERGENCY FOOD AND SHELTER

[To carry out an emergency food and shelter program pursuant to title III of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11331 et seq.), $153,000,000, to remain available until expended: *Provided,* That total administrative costs shall not exceed 3.5 percent of the total appropriation.

[TITLE IV—RESEARCH AND DEVELOPMENT, TRAINING, ASSESSMENTS, AND SERVICES

[CITIZENSHIP AND IMMIGRATION SERVICES

[For necessary expenses for citizenship and immigration services, $120,000,000: *Provided,* That the Director of United States Citizenship and Immigration Services shall submit to the Committee on Appropriations of the House of Representatives a report on its information technology transformation efforts and how these efforts align with the enterprise architecture standards of the Department of Homeland Security within 90 days of enactment of this Act.

[FEDERAL LAW ENFORCEMENT TRAINING CENTER

[SALARIES AND EXPENSES

[For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal mobile phones for official duties; and services as authorized by section 3109 of title 5, United States Code; $194,000,000, of which up to $36,174,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2007; and of which not to exceed $12,000 shall be for official reception and representation expenses: *Provided,* That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further,* That in fiscal year 2006 and thereafter, the Center is authorized to assess pecuniary liability against Center employees and students for losses or destruction of government property due to gross negligence or willful misconduct and to set off any resulting debts due the United States by Center employees and students, without their consent, against current payments due the employees and students for their services.

[ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

[For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, $64,743,000, to remain available until expended: *Provided,* That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.

[INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

[MANAGEMENT AND ADMINISTRATION

[For salaries and expenses of the immediate Office of the Under Secretary for Information Analysis and Infrastructure Protection and for management and administration of programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $198,200,000: *Provided,* That not to exceed $5,000 shall be for official reception and representation expenses.

[ASSESSMENTS AND EVALUATIONS

[For necessary expenses for information analysis and infrastructure protection as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $663,240,000, to remain available until September 30, 2007.

[SCIENCE AND TECHNOLOGY

[MANAGEMENT AND ADMINISTRATION

[For salaries and expenses of the immediate Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), $81,399,000: *Provided,* That not to exceed $3,000 shall be for official reception and representation expenses.

[RESEARCH, DEVELOPMENT, ACQUISITION AND OPERATIONS

[For necessary expenses for science and technology research, including advanced research projects; development; test and evaluation; acquisition; and operations; as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), $1,258,597,000, to remain available until expended: *Provided,* That of the total amount provided under this heading, $23,000,000 is available to find an alternative site for the National Bio and Agrodefense Laboratory and other pre-construction activities to establish research labs to protect animal and public health from high consequence animal and zoonotic diseases, in support of the requirements of Homeland Security Presidential Directives 9 and 10: *Provided further,* That of the total amount provided under this heading, $10,000,000 shall be used to enhance activities toward implementation of section 313 of the Homeland Security Act of 2002 (6 U.S.C. 193).

[TITLE V—GENERAL PROVISIONS

[(INCLUDING RESCISSION OF FUNDS)

[SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

[SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act: *Provided,* That balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

[SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; or (5) contracts out any functions or activities for which funds have been appropriated for Federal full-time equivalent positions; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

[(b) None of the funds provided by this Act, provided by previous appropriation Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by the Congress; or (3) results from

any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

[(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriations, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: *Provided*, That any transfer under this subsection shall be treated as a reprogramming of funds under subsection (b) of this section and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

[(d) The Department shall submit all notifications pursuant to subsections (a), (b), and (c) of this section no later than June 30, except in extraordinary circumstances which imminently threaten the safety of human life or the protection of property.

[SEC. 504. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2006 from appropriations for salaries and expenses for fiscal year 2006 in this Act shall remain available through September 30, 2007, in the account and for the purposes for which the appropriations were provided: *Provided*, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.

[SEC. 505. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2006 until the enactment of an Act authorizing intelligence activities for fiscal year 2006.

[SEC. 506. The Federal Law Enforcement Training Center shall establish an accrediting body, to include representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, to establish standards for measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

[SEC. 507. None of the funds in this Act may be used to make a grant allocation, discretionary grant award, discretionary contract award, or to issue a letter of intent totaling in excess of $1,000,000 unless the Secretary of Homeland Security notifies the Committees on Appropriations of the Senate and House of Representatives at least 3 full business days in advance: *Provided*, That no notification shall involve funds that are not available for obligation.

[SEC. 508. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

[SEC. 509. The Director of the Federal Law Enforcement Training Center (FLETC) shall schedule basic and/or advanced law enforcement training at all four training facilities under FLETC's control to ensure that these training centers are operated at the highest capacity throughout the fiscal year.

[SEC. 510. None of the funds appropriated or otherwise made available by this Act may be used for expenses of any construction, repair, alteration, or acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

[SEC. 511. None of the funds in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a et seq.).

[SEC. 512. Funding for the Transportation Security Administration's Office of Transportation Security Support, Office of the Administrator, shall be reduced by $100,000 per day for each day after enactment of this Act that the second proviso of section 513 of Public Law 108–334 has not been implemented.

[SEC. 513. The Commandant of the Coast Guard shall provide to the Committee on Appropriations of the House of Representatives each year, at the time that the President's budget is submitted under section 1105(a) of title 31, United States Code, a list of approved but unfunded Coast Guard priorities and the funds needed for each such priority in the same manner and with the same contents as the unfunded priorities lists submitted by the chiefs of other Armed Services.

[SEC. 514. Notwithstanding section 3302 of title 31, United States Code, beginning in fiscal year 2006 and thereafter, the Administrator of the Transportation Security Administration may impose a reasonable charge for the lease of real and personal property to Transportation Security Administration employees and for use by Transportation Security Administration employees and may credit amounts received to the appropriation or fund initially charged for operating and maintaining the property, which amounts shall be available, without fiscal year limitation, for expenditure for property management, operation, protection, construction, repair, alteration, and related activities.

[SEC. 515. Beginning in fiscal year 2006 and thereafter, the acquisition management system of the Transportation Security Administration shall apply to the acquisition of services, as well as equipment, supplies, and materials.

[SEC. 516. Notwithstanding any other provision of law, the authority of the Office of Personnel Management to conduct personnel security and suitability background investigations, update investigations, and periodic reinvestigations of applicants for, or appointees in, positions in the Office of the Secretary and Executive Management, the Office of the Under Secretary for Management, the Bureau of Immigration and Customs Enforcement, the Directorate of Science and Technology, and the Directorate of Information Analysis and Infrastructure Protection of the Department of Homeland Security is transferred to the Department of Homeland Security: *Provided*, That on request of the Department of Homeland Security, the Office of Personnel Management shall cooperate with and assist the Department in any investigation or reinvestigation under this section: *Provided further*, That this section shall cease to be effective at such time as the President has selected a single agency to conduct security clearance investigations pursuant to section 3001(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 50 U.S.C. 435b) and the entity selected under section 3001(b) of such Act has reported to Congress that the agency selected pursuant to such section 3001(c) is capable of conducting all necessary investigations in a timely manner or has authorized the entities within the Department of Homeland Security covered by this section to conduct their own investigations pursuant to section 3001 of such Act.

[SEC. 517. Notwithstanding any other provision of law, funds appropriated under paragraphs (1) and (2) of the State and Local Programs heading under title III of this Act are exempt from section 6503(a) of title 31, United States Code.

[SEC. 518. (a) None of the funds provided by this or previous appropriations Acts may be obligated for deployment or implementation, on other than a test basis, of the Secure Flight program or any other follow on or successor passenger prescreening programs, until the Secretary of Homeland Security certifies, and the Government Accountability Office (GAO) reports, to the Committees on Appropriations of the Senate and the House of Representatives, that all ten of the elements contained in paragraphs (1) through (10) of section 522(a) of Public Law 108–334 have been successfully met.

[(b) The report required by subsection (a) shall be submitted within 90 days after the certification required by such subsection is provided, and periodically thereafter, if necessary, until the Government Accountability Office confirms that all ten elements have been successfully met.

[(c) During the testing phase permitted by subsection (a), no information gathered from passengers, foreign or domestic air carriers, or reservation systems may be used to screen aviation passengers, or delay or deny boarding to such passengers, except in instances where passenger names are matched to a government watch list.

[(d) None of the funds provided in this or any previous appropriations Act may be utilized to develop or test algorithms assigning risk to passengers whose names are not on government watch lists.

[(e) None of the funds provided in this appropriations Act may be utilized for a database that is obtained from or remains under the control of a non-Federal entity.

[SEC. 519. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

[SEC. 520. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

[SEC. 521. None of the funds available in this Act or provided hereafter shall be available to maintain the United States Secret Service as anything but a distinct entity within the Department of Homeland Security and shall not be used to merge the United States Secret Service with any other department function, cause any personnel and operational elements of the United States Secret Service to report to an individual other than the Director of the United States Secret Service, or cause the Director to report directly to any individual other than the Secretary of Homeland Security.

[SEC. 522. The Secretary of Homeland Security shall develop screening standards and protocols to more thoroughly screen all types of air cargo on passenger and cargo aircraft by March 1, 2006: *Provided*, That

these screening standards and protocols shall be developed in consultation with the industry stakeholders: *Provided further*, That these screening standards and protocols shall be developed in conjunction with the research and development of technologies that will permit screening of all high-risk air cargo: *Provided further*, That of the amounts appropriated in this Act for the ''Office of the Secretary and Executive Management'', $10,000,000 shall not be available for obligation until new air cargo screening standards and protocols are implemented.

[SEC. 523. The Transportation Security Administration (TSA) shall utilize existing checked baggage explosive detection equipment and screeners to screen cargo carried on passenger aircraft to the greatest extent practicable at each airport: *Provided*, That beginning with November 2005, TSA shall provide a monthly report to the Committee on Appropriations of the House of Representatives detailing, by airport, the amount of cargo carried on passenger aircraft that was screened by TSA in August 2005 and each month thereafter.

[SEC. 524. The Secretary of Homeland Security shall implement a security plan to permit general aviation aircraft to land and take off at Ronald Reagan Washington National Airport 90 days after enactment of this Act.

[SEC. 525. None of the funds available for obligation for the transportation worker identification credential program shall be used to develop a personalization system that is decentralized or a card production capability that does not utilize an existing government card production facility: *Provided*, That no funding can be obligated for the next phase of production until the Committee on Appropriations of the House of Representatives has been fully briefed on the results of the prototype phase and agrees that the program should move forward.

[SEC. 526. (a) From the unexpended balances of the United States Coast Guard ''Acquisition, Construction and Improvements'' account specifically identified in statement of managers language for Integrated Deepwater System patrol boats 110- to 123-foot conversion in fiscal years 2004 and 2005, $83,999,942 are rescinded.

[(b) For the necessary expenses of the United States Coast Guard for ''Acquisition, Construction and Improvements'', $83,999,942 is made available to procure new 110-foot patrol boats or for major maintenance availability for the current 110-foot patrol boat fleet: *Provided*, That such funds shall remain available until expended.

[SEC. 527. The Secretary of Homeland Security shall utilize the Transportation Security Clearinghouse as the central identity management system for the deployment and operation of the registered traveler program, the transportation worker identification credential program, and other applicable programs for the purposes of collecting and aggregating biometric data necessary for background vetting; providing all associated record-keeping, customer service, and related functions; ensuring interoperability between different airports and vendors; and acting as a central activation, revocation, and transaction hub for participating airports, ports, and other points of presence.

[SEC. 528. None of the funds made available in this Act may be used by any person other than the privacy officer appointed pursuant to section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142) to alter, direct that changes be made to, delay or prohibit the transmission to Congress of, any report prepared pursuant to paragraph (5) of such section.

[SEC. 529. No funding provided in this or previous appropriations Acts shall be available to pay the salary of any employee serving as a contracting officer's technical representative (COTR) who has not received COTR training.

[SEC. 530. Except as provided in section 44945 of title 49, United States Code, funds appropriated or transferred to the Transportation Security Administration in fiscal years 2002 and 2003, and to the Transportation Security Administration, ''Aviation Security'' and ''Administration'' in fiscal years 2004 and 2005, that are recovered or deobligated shall be available only for procurement and installation of explosive detection systems.

[SEC. 531. From the unobligated balances available in the ''Department of Homeland Security Working Capital Fund'' established by section 506 of Public Law 108–90, $7,000,000 are hereby rescinded.

[SEC. 532. Notwithstanding any other provision of law, the Committee withholds from obligation $25,000,000 from the Directorate of Emergency Preparedness and Response, Administrative and Regional Operations, until the direction in the statement of managers accompanying Public Law 108–324 and House Report 108–541 is completed.

[SEC. 533. None of the funds appropriated under this Act or any other Act shall be available for processing petitions under section 214(c) of the Immigration and Nationality Act relating to nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act until the authority provided in section 214(g)(5)(C) of such Act is being implemented such that, in any fiscal year in which the total number of aliens who are issued visas or otherwise provided nonimmigrant status subject to the numerical limitation under section 101(a)(15)(H)(i)(b) of such Act reaches the numerical limitation contained in section 214(g)(1)(A) of such Act,, up to 20,000 additional aliens who have earned a master's or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act.

[SEC. 534. None of the funds provided in this Act shall be used to pay the salaries of more than sixty Transportation Security Administration employees who have the authority to designate documents as Sensitive Security Information (SSI). In addition, $10,000,000 is not available for the Department-wide Office of Security until the Secretary submits to the Committee on Appropriations of the House of Representatives: (1) the titles of all documents currently designated as SSI; (2) Department-wide policies on SSI designation; (3) Department-wide SSI designation auditing policies and procedures; and (4) the total number of staff and offices authorized to designate SSI documents within the Department.

[SEC. 535. None of the funds appropriated by this Act may be used to change the name of the Coast Guard Station ''Group St. Petersburg''.

[SEC. 536. None of the funds appropriated or otherwise made available by this Act may be used to patrol the border of the United States except as authorized by law.

[SEC. 537. For the Secretary of Homeland Security to make grants pursuant to section 204 of the REAL ID Act of 2005 (Public Law 109–13, division B) to assist States in conforming with minimum drivers' license standards there is hereby appropriated; and the amounts otherwise provided by this Act for ''Office of the Secretary and Executive Management'', ''Office of the Under Secretary for Management'', ''Office of the Under Secretary for Border and Transportation Security—Salaries and Expenses'', ''Information Analysis and Infrastructure Protection—Management and Administration'', and ''Science and Technology—Research, Development, Acquisition and Operations'', are hereby reduced by: $100,000,000, $20,000,000, $20,000,000, $2,000,000, $8,000,000, and $50,000,000, respectively.

[This Act may be cited as the ''Department of Homeland Security Appropriations Act, 2006''.]

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I—DEPARTMENTAL MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, $124,620,000: Provided, That not to exceed $40,000 shall be for official reception and representation expenses.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701–705 of the Homeland Security Act of 2002 (6 U.S.C. 341–345), $146,322,000: Provided, That not to exceed $3,000 shall be for official reception and representation expenses: Provided further, That of the total amount provided, $26,070,000 shall remain available until expended solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations.

DEPARTMENT OF HOMELAND SECURITY WORKING CAPITAL FUND

(RESCISSION OF FUNDS)

Of the unobligated balances available in the ''Department of Homeland Security Working Capital Fund'', $12,000,000 are rescinded.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), $18,325,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, $286,540,000; of which $75,756,000 shall be available for salaries and expenses; and of which $210,784,000 shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security, and for the costs of conversion to narrowband communications, including the cost for operation of the land mobile radio legacy systems, to remain available until expended: Provided, That of the funds made available until expended under this heading, no more than $33,029,000 shall be for the Homeland Secure Data Network: Provided further, That none of the funds appropriated shall be used to support or supplement the appropriations provided for the United States Visitor and Immigrant Status Indicator Technology project or the Automated Commercial Environment: Provided further, That the Chief Information Officer shall submit to the Committees on Appropriations of the Senate and the House of Representatives, not more than 60 days after enactment of the Act, an expenditure plan for all information technology projects that: (1) are funded by the ''Office of the Chief Information Officer'', or (2) are funded by multiple components of the Department of Homeland Security

through reimbursable agreements: Provided further, That such expenditure plan shall include each specific project funded, key milestones, all funding sources for each project, details of annual and lifecycle costs, and projected cost savings or cost avoidance to be achieved by the project: Provided further, That the expenditure plan shall include a complete list of all legacy systems operational as of March 1, 2003; the current operational status of each system; and the plan for continued operation or termination of each system.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $83,017,000, of which not to exceed $100,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

TITLE II—SECURITY, ENFORCEMENT, AND INVESTIGATIONS

BORDER AND TRANSPORTATION SECURITY

OFFICE OF THE UNDER SECRETARY FOR BORDER AND TRANSPORTATION SECURITY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Under Secretary for Border and Transportation Security, as authorized by subtitle A of title IV of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.), $9,617,000: Provided, That not to exceed $3,000 shall be for official reception and representation expenses.

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

For necessary expenses for the development of the United States Visitor and Immigrant Status Indicator Technology project, as authorized by section 110 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (8 U.S.C. 1221 note), $340,000,000, to remain available until expended: Provided, That of the total amount made available under this heading, $159,658,000 may not be obligated for the United States Visitor and Immigrant Status Indicator Technology project until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security that:

(1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 7;

(2) complies with the Department of Homeland Security enterprise information systems architecture;

(3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government;

(4) includes a certification by the Chief Information Officer of the Department of Homeland Security that an independent verification and validation agent is currently under contract for the project;

(5) is reviewed and approved by the Department of Homeland Security Investment Review Board, the Secretary of Homeland Security, and the Office of Management and Budget; and

(6) is reviewed by the Government Accountability Office.

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses for enforcement of laws relating to border security, immigration, customs, and agricultural inspections and regulatory activities related to plant and animal imports; acquisition, lease, maintenance and operation of aircraft; purchase and lease of up to 4,500 (3,935 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; $4,922,600,000; of which $3,000,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed $35,000 shall be for official reception and representation expenses; of which not less than $146,560,000 shall be for Air and Marine Operations; of which not to exceed $49,980,000 shall remain available until September 30, 2007, for inspection and surveillance technology, unmanned aerial vehicles, and replacement aircraft; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; and of which not to exceed $5,000,000 shall be available for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration: Provided, That for fiscal year 2006, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be $35,000; and notwithstanding any other provision of law, none of the funds appropriated in this Act may be available to compensate any employee of United States Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Secretary of Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies.

In addition, of the funds appropriated under the heading ''Customs and Border Protection'' in chapter 6 of title I of Public Law 108–11 (117 Stat. 581), $14,400,000 are rescinded.

AUTOMATION MODERNIZATION

For expenses for customs and border protection automated systems, $458,009,000, to remain available until expended, of which not less than $321,690,000 shall be for the development of the Automated Commercial Environment: Provided, That none of the funds made available under this heading may be obligated for the Automated Commercial Environment until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security that:

(1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 7;

(2) complies with the Department of Homeland Security's enterprise information systems architecture;

(3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government;

(4) includes a certification by the Chief Information Officer of the Department of Homeland Security that an independent verification and validation agent is currently under contract for the project;

(5) is reviewed and approved by the Department of Homeland Security Investment Review Board, the Secretary of Homeland Security, and the Office of Management and Budget; and

(6) is reviewed by the Government Accountability Office.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, and other related equipment of the air and marine program, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and at the discretion of the Secretary of Homeland Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $320,580,000, to remain available until expended: Provided, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to United States Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2006 without the prior approval of the Committees on Appropriations of the Senate and the House of Representatives.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $311,381,000, to remain available until expended: Provided, That of the total amount provided under this heading, $55,000,000 shall be available solely for the completion of the San Diego Sector fence and $55,000,000 shall be available solely for Tuscon sector tactical infrastructure.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations; and purchase and lease of up to 2,300 (2,000 for replacement only) police-type vehicles, $3,050,416,000, of which not to exceed $5,000,000 shall be available until expended for conducting special operations pursuant to section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed $15,000 shall be for official reception and representation expenses; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; of which not less than $102,000 shall be for promotion of public awareness of the child pornography tipline; of which not less than $203,000 shall be for Project Alert; and of which not to exceed $11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: Provided, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of immigration emergencies: Provided further, That of the total amount provided, $15,770,000 shall be for activities to enforce laws against forced child labor in fiscal year 2006, of which not to exceed $6,000,000 shall remain available until expended.

FEDERAL AIR MARSHALS

For necessary expenses of the Federal Air Marshals, $678,994,000.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account, not to exceed

$487,000,000, shall be available until expended for necessary expenses related to the protection of federally-owned and leased buildings and for the operations of the Federal Protective Service.

AUTOMATION MODERNIZATION

For expenses of immigration and customs enforcement automated systems, $50,150,000, to remain available until expended: Provided, That none of the funds made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security that:

(1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 7;

(2) complies with the Department of Homeland Security enterprise information systems architecture;

(3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government;

(4) includes a certification by the Chief Information Officer of the Department of Homeland Security that an independent verification and validation agent is currently under contract for the project;

(5) is reviewed and approved by the Department of Homeland Security Investment Review Board, the Secretary of Homeland Security, and the Office of Management and Budget; and

(6) is reviewed by the Government Accountability Office.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $26,546,000, to remain available until expended.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $4,452,318,000, to remain available until September 30, 2007, of which not to exceed $3,000 shall be for official reception and representation expenses: Provided, That of the total amount made available under this heading, not to exceed $3,391,948,000 shall be for screening operations, of which $180,000,000 shall be available only for procurement of checked baggage explosive detection systems and $14,000,000 shall be available only for installation of checked baggage explosive detection systems; and not to exceed $1,060,370,000 shall be for aviation security direction and enforcement presence: Provided further, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections: Provided further, That the sum herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2006, so as to result in a final fiscal year appropriation from the General Fund estimated at not more than $2,462,318,000: Provided further, That any security service fees collected in excess of the amount made available under this heading shall become available during fiscal year 2007: Provided further, That if the Secretary of Homeland Security exercises discretion to set the fee under 44940(a)(2) of title 49 United States Code, such determination shall not be subject to judicial review: Provided further, That notwithstanding section 503 of this Act, the Transportation Security Administration may reallocate funding provided under this heading from passenger and baggage screener pay, compensation, and benefits to procurement and installation of screening technology with fifteen days advance notification to the Committees on Appropriations of the Senate and House of Representatives: Provided further, That notwithstanding section 44923 of title 49, United States Code, the share of the cost of the Federal Government for a project under any letter of intent shall be 75 percent for any medium or large hub airport: Provided further, That heads of Federal agencies and commissions shall not be exempt from Federal passenger and baggage screening: Provided further, That reimbursement for security services and related equipment and supplies provided in support of general aviation access to the Ronald Reagan Washington National Airport shall be credited to this appropriation and shall be available until expended solely for these purposes.

SURFACE TRANSPORTATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing surface transportation activities, $36,000,000.

TRANSPORTATION VETTING AND CREDENTIALING

For necessary expenses for the development and implementation of screening programs by the Office of Transportation Vetting and Credentialing, $74,996,000.

TRANSPORTATION SECURITY SUPPORT

For necessary expenses of the Transportation Security Administration related to providing security support and intelligence pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $491,873,000.

UNITED STATES COAST GUARD

OPERATING EXPENSES

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses for the operation and maintenance of the United States Coast Guard not otherwise provided for, purchase or lease of not to exceed 25 passenger motor vehicles for replacement only, payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note) and recreation and welfare, $5,476,046,000, of which $1,200,000,000 shall be for defense-related activities; of which $24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and of which not to exceed $3,000 shall be for official reception and representation expenses: Provided, That none of the funds made available by this or any other Act shall be available for administrative expenses in connection with shipping commissioners in the United States: Provided further, That none of the funds made available by this Act shall be for expenses incurred for yacht documentation under section 12109 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation.

In addition, of the funds appropriated under this heading in Public Law 108–11 (117 Stat. 583), $16,800,000 are rescinded.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the environmental compliance and restoration functions of the United States Coast Guard under chapter 19 of title 14, United States Code, $12,000,000, to remain available until expended.

RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve, as authorized by law; operations and maintenance of the reserve program; personnel and training costs; and equipment and services; $119,000,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(INCLUDING RESCISSIONS OF FUNDS)

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $1,224,800,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which $18,500,000 shall be available until September 30, 2010, to acquire, repair, renovate, or improve vessels, small boats, and related equipment; of which $105,000,000 shall be available until September 30, 2008, for other equipment; of which $39,700,000 shall be available until September 30, 2008, for shore facilities and aids to navigation facilities; of which $73,000,000 shall be available for personnel compensation and benefits and related costs; and of which $988,600,000 shall be available until September 30, 2010, for the Integrated Deepwater Systems program: Provided, That the Commandant of the Coast Guard is authorized to dispose of surplus real property, by sale or lease, and the proceeds shall be credited to this appropriation as offsetting collections and shall be available until September 30, 2008.

In addition, of the funds made available under this heading in Public Law 108–334 (118 Stat. 1306) for covert aircraft, $13,999,000 are rescinded; and of the funds appropriated under this heading in Public Laws 108–334 (118 Stat. 1306) and 108–90 (117 Stat. 1143) for patrol boat (110 foot to 123 foot conversion) and Fast Response Cutter/110–123 foot patrol boat conversion, $68,999,000 are rescinded.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges as authorized by section 6 of the Truman-Hobbs Act (33 U.S.C. 516), $15,000,000, to remain available until expended.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses for applied scientific research, development, test, and evaluation, and for maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $18,500,000, to remain available until expended, of which $2,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): Provided, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, concurrent receipts and combat-related special compensation under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,014,080,000.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 614 vehicles for police-type use, which shall be for replacement only, and hire of passenger motor vehicles; purchase of American-made motorcycles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director of the Secret Service; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at a post of duty; conduct of and participation in firearms matches; presentation of awards; travel of Secret Service employees on protective missions without regard to

the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; $1,188,638,000, of which not to exceed $25,000 shall be for official reception and representation expenses; of which not to exceed $100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which $2,100,000 shall be for forensic and related support of investigations of missing and exploited children; and of which $5,000,000 shall be a grant for activities related to the investigations of missing and exploited children and shall remain available until expended: Provided, That up to $18,000,000 provided for protective travel shall remain available until September 30, 2007: Provided further, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from Federal agencies and entities, as defined in section 105 of title 5, United States Code, receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses for acquisition, construction, repair, alteration, and improvement of facilities, $3,699,000, to remain available until expended.

TITLE III—PREPAREDNESS AND RECOVERY

OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS

MANAGEMENT AND ADMINISTRATION

For necessary expenses for the Office of State and Local Government Coordination and Preparedness, $3,546,000: Provided, That not to exceed $2,000 shall be for official reception and representation expenses.

STATE AND LOCAL PROGRAMS

For grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, notwithstanding any other provision of law, $2,694,300,000, which shall be allocated as follows:

(1) $1,518,000,000 for State and local grants, of which $425,000,000 shall be allocated such that each State and territory shall receive the same dollar amount for the State minimum as was distributed in fiscal year 2005 for formula-based grants: Provided, That the balance shall be allocated by the Secretary of Homeland Security to States, urban areas, or regions based on risks; threats; vulnerabilities; and unmet essential capabilities pursuant to Homeland Security Presidential Directive 8 (HSPD–8).

(2) $400,000,000 for law enforcement terrorism prevention grants, of which $155,000,000 shall be allocated such that each State and territory shall receive the same dollar amount for the State minimum as was distributed in fiscal year 2005 for law enforcement terrorism prevention grants: Provided, That the balance shall be allocated by the Secretary to States based on risks; threats; vulnerabilities; and unmet essential capabilities pursuant to HSPD–8.

(3) $365,000,000 for discretionary transportation and infrastructure grants, as determined by the Secretary, of which—

(A) $200,000,000 shall be for port security grants pursuant to the purposes of 46 United States Code 70107(a) through (h), which shall be awarded based on threat notwithstanding subsection (a), for eligible costs as defined in subsections (b)(2)–(4);

(B) $5,000,000 shall be for trucking industry security grants;

(C) $10,000,000 shall be for intercity bus security grants;

(D) $100,000,000 shall be for intercity passenger rail transportation (as defined in section 24102 of title 49, United States Code), freight rail, and transit security grants; and

(E) $50,000,000 shall be for buffer zone protection plan grants.

(4) $50,000,000 for the technology transfer program.

(5) $40,000,000 for State grants pursuant to section 204(a) of the REAL ID Act of 2005 (Division B of Public Law 109–13), to remain available until expended, as determined by the Secretary: Provided, That none of the funds made available under this paragraph may be obligated or allocated for grants until the Committees on Appropriations of the Senate and the House of Representatives receive and approve an implementation plan for the responsibilities of the Department of Homeland Security under the REAL ID Act of 2005 (Division B of Public Law 109–13), including the proposed uses of the grant monies.

(6) $321,300,000 for training, exercises, technical assistance, and other programs:

Provided, That not to exceed 3 percent of the amounts provided for grants under this heading shall be available for program administration: Provided further, That the Government Accountability Office shall review the validity of the threat and risk factors used by the Secretary for the purposes of allocating discretionary grants funded under this heading, and the application of those factors in the allocation of funds prior to the Department making final grant determinations: Provided further, That the Government Accountability Office shall have 20 days to complete its review after it is notified by the Secretary that preliminary determinations have been made, and the Government Accountability Office shall report to the Committees on Appropriations of the Senate and the House of Representatives on the findings of its review prior to the Department making final grant determinations: Provided further, That none of the grants provided under this heading shall be used for construction or renovation of facilities, except for a minor perimeter security project, not to exceed $1,000,000, as determined necessary by the Secretary: Provided further, That the preceding proviso shall not apply to grants under subparagraphs (A), (D), and (E) of paragraph (3) under this heading: Provided further, That grantees shall provide additional reports on their use of funds, as determined necessary by the Secretary: Provided further, That funds appropriated for discretionary grants under paragraph (1) and law enforcement terrorism prevention grants under paragraph (2) of this heading shall be available for operational costs, to include personnel overtime and overtime associated with Office of State and Local Government Coordination and Preparedness certified training, as needed: Provided further, That notwithstanding any other provision of law, funds appropriated under paragraphs (1), (2), and (3) of this heading are exempt from section 6503(a) of title 31, United States Code: Provided further, That of the funds provided under paragraph (1) of this heading, $25,000,000 shall be available until expended for assistance to organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax section 501(a) of such Code) determined by the Secretary to be at high-risk of international terrorist attack, and that these determinations shall not be delegated to any Federal, State, or local government official: Provided further, That the Secretary shall certify to the Committees on Appropriations of the Senate and the House of Representatives the threat to each designated tax exempt grantee at least 3 full business days in advance of the announcement of any grant award.

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $615,000,000, of which $550,000,000 shall be available to carry out section 33 (15 U.S.C. 2229) and $65,000,000 shall be available to carry out section 34 (15 U.S.C. 2229a) of such Act, to remain available until September 30, 2007: Provided, That not to exceed 5 percent of this amount shall be available for program administration.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), $180,000,000: Provided, That total administrative costs shall not exceed 3 percent of the total appropriation.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Secretary of Homeland Security, to reimburse any Federal agency for the costs of providing support to counter, investigate, or respond to unexpected threats or acts of terrorism, including payment of rewards in connection with these activities, $5,000,000, to remain available until expended: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives 15 days prior to the obligation of any amount of these funds in accordance with section 503 of this Act.

EMERGENCY PREPAREDNESS AND RESPONSE

OFFICE OF THE UNDER SECRETARY FOR EMERGENCY PREPAREDNESS AND RESPONSE

For necessary expenses for the Office of the Under Secretary for Emergency Preparedness and Response, as authorized by section 502 of the Homeland Security Act of 2002 (6 U.S.C. 312), $4,306,000.

PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses for preparedness, mitigation, response, and recovery activities of Emergency Preparedness and Response, $203,499,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.): Provided, That of the total amount made available under this heading, $30,000,000 shall be for Urban Search and Rescue Teams, of which not to exceed $1,600,000 may be made available for administrative costs.

In addition, of the funds appropriated under this heading in Public Law 108–334 (118 Stat. 1311), $9,600,000 are rescinded.

ADMINISTRATIVE AND REGIONAL OPERATIONS

For necessary expenses for administrative and regional operations of Emergency Preparedness and Response, $216,441,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et

seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.): Provided, That not to exceed $3,000 shall be for official reception and representation expenses.

PUBLIC HEALTH PROGRAMS

For necessary expenses for countering potential biological, disease, and chemical threats to civilian populations, $34,000,000.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2006, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: Provided, That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: Provided further, That fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2006, and remain available until expended.

DISASTER RELIEF

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $2,000,000,000, to remain available until expended.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162), $567,000: Provided, That gross obligations for the principal amount of direct loans shall not exceed $25,000,000: Provided further, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

FLOOD MAP MODERNIZATION FUND

For necessary expenses pursuant to section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), $200,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act, to remain available until expended: Provided, That total administrative costs shall not exceed 3 percent of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), not to exceed $36,496,000 for salaries and expenses associated with flood mitigation and flood insurance operations; and not to exceed $87,358,000 for flood hazard mitigation, to remain available until September 30, 2007, including up to $28,000,000 for expenses under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2007, and which amount shall be derived from offsetting collections assessed and collected pursuant to section 1307 of that Act (42 U.S.C. 4014), and shall be retained and used for necessary expenses under this heading: Provided, That in fiscal year 2006, no funds in excess of: (1) $55,000,000 for operating expenses; (2) $660,148,000 for commissions and taxes of agents; and (3) $30,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund.

NATIONAL FLOOD MITIGATION FUND

Notwithstanding subparagraphs (B) and (C) of subsection (b)(3), and subsection (f), of section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), $28,000,000, to remain available until September 30, 2007, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which $28,000,000 shall be derived from the National Flood Insurance Fund.

NATIONAL PREDISASTER MITIGATION FUND

For a predisaster mitigation grant program under title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.), $37,000,000, to remain available until expended: Provided, That grants made for predisaster mitigation shall be awarded on a competitive basis subject to the criteria in section 203(g) of such Act (42 U.S.C. 5133(g)), and notwithstanding section 203(f) of such Act, shall be made without reference to State allocations, quotas, or other formula-based allocation of funds: Provided further, That total administrative costs shall not exceed 3 percent of the total appropriation.

EMERGENCY FOOD AND SHELTER

To carry out an emergency food and shelter program pursuant to title III of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11331 et seq.), $153,000,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3.5 percent of the total appropriation.

TITLE IV—RESEARCH AND DEVELOPMENT, TRAINING, ASSESSMENTS, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, $80,000,000.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal mobile phones for official duties; and services as authorized by section 3109 of title 5, United States Code; $194,000,000, of which up to $36,174,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2007; and of which not to exceed $12,000 shall be for official reception and representation expenses: Provided, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: Provided further, That in fiscal year 2006 and thereafter, the Director of the Federal Law Enforcement Training Center is authorized to assess pecuniary liability against Center employees and students for losses or destruction of Government property due to gross negligence or willful misconduct and to set off any resulting debts due the United States by Center employees and students, without their consent, against current payments due the employees and students for their services.

ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, $88,358,000, to remain available until expended: Provided, That the Center is authorized to accept reimbursement to this appropriation from Government agencies requesting the construction of special use facilities.

INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the immediate Office of the Under Secretary for Information Analysis and Infrastructure Protection and for management and administration of programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $168,769,000: Provided, That not to exceed $5,000 shall be for official reception and representation expenses.

ASSESSMENTS AND EVALUATIONS

For necessary expenses for information analysis and infrastructure protection as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $701,793,000, to remain available until September 30, 2007.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the immediate Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), $81,099,000: Provided, That not to exceed $3,000 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For necessary expenses for science and technology research, including advanced research projects; development; test and evaluation; acquisition; and operations; as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), $1,372,399,000, to remain available until expended: Provided, That of the total amount made available under this heading, $127,314,000 shall be for the Domestic Nuclear Detection Office, of which $112,314,000 shall not be available for obligation until the Secretary of Homeland Security submits a staffing and management plan and an expenditure plan for the office and the global systems architecture, to include multi-year costs, that has been reviewed by the Government Accountability Office and approved by the Committees on Appropriations of the Senate and the House of Representatives: Provided further, That of the total funds made available under this heading, $125,000,000 is solely for the purchase and deployment of radiation portal monitors for United States ports-of-entry and may not be transferred or reprogrammed.

TITLE V—GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. None of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to make payments to the ''Department of Homeland Security Working Capital Fund'', except for the activities and amounts allowed in section 6024 of Public Law 109–13, excluding the Homeland Secure Data Network: Provided, That any additional activities and amounts must be approved by the Committees on Appropriations of the Senate and the House of Representatives 30 days in advance of obligation.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use

funds directed for a specific activity by either of the Committees on Appropriations of the Senate or House of Representatives for a different purpose; or (5) contracts out any functions or activities for which funds have been appropriated for Federal full-time equivalent positions; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by the Congress; or (3) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriations, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: Provided, That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) of this section and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

(d) Notwithstanding subsections (a), (b), and (c) of this section, no funds shall be reprogrammed within or transferred between appropriations after June 30, except in extraordinary circumstances which imminently threaten the safety of human life or the protection of property.

(e) Notwithstanding any other provision of law, notifications pursuant to this section or any other authority for reprogramming or transfer of funds shall be made solely to the Committees on Appropriations of the Senate and the House of Representatives.

SEC. 504. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2006 from appropriations for salaries and expenses for fiscal year 2006 in this Act shall remain available through September 30, 2007, in the account and for the purposes for which the appropriations were provided: Provided, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.

SEC. 505. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2006 until the enactment of an Act authorizing intelligence activities for fiscal year 2006.

SEC. 506. None of the funds in this Act may be used to make a grant allocation, discretionary grant award, discretionary contract award, or to issue a letter of intent totaling in excess of $1,000,000, or to announce publicly the intention to make such an award, unless the Secretary of Homeland Security notifies the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance: Provided, That no notification shall involve funds that are not available for obligation.

SEC. 507. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 508. The Director of the Federal Law Enforcement Training Center shall schedule basic and/or advanced law enforcement training at all four training facilities under the control of the Federal Law Enforcement Training Center to ensure that these training centers are operated at the highest capacity throughout the fiscal year.

SEC. 509. None of the funds appropriated or otherwise made available by this Act may be used for expenses of any construction, repair, alteration, or acquisition project for which a prospectus, if required by the Public Buildings Act of 1959 (40 U.S.C. 3301), has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 510. None of the funds in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a et seq.).

SEC. 511. The Secretary of Homeland Security is directed to research, develop, and procure certified systems to inspect and screen air cargo on passenger aircraft at the earliest date possible: Provided, That until such technology is procured and installed, the Secretary shall take all possible actions to enhance the known shipper program to prohibit high-risk cargo from being transported on passenger aircraft and continue to increase the level of air cargo that is inspected beyond the level mandated in section 513 of Public Law 108–334.

SEC. 512. Notwithstanding section 3302 of title 31, United States Code, for fiscal year 2006 and thereafter, the Administrator of the Transportation Security Administration may impose a reasonable charge for the lease of real and personal property to Transportation Security Administration employees and for use by Transportation Security Administration employees and may credit amounts received to the appropriation or fund initially charged for operating and maintaining the property, which amounts shall be available, without fiscal year limitation, for expenditure for property management, operation, protection, construction, repair, alteration, and related activities.

SEC. 513. For fiscal year 2006 and thereafter, the acquisition management system of the Transportation Security Administration shall apply to the acquisition of services, as well as equipment, supplies, and materials.

SEC. 514. (a) None of the funds provided by this or previous appropriations Acts may be obligated for deployment or implementation, on other than a test basis, of the Secure Flight program or any other follow on or successor passenger prescreening programs, until the Secretary of Homeland Security certifies, and the Government Accountability Office reports, to the Committees on Appropriations of the Senate and the House of Representatives, that all ten of the elements contained in paragraphs (1) through (10) of section 522(a) of Public Law 108–334 (118 Stat. 1319) have been successfully met.

(b) The report required by subsection (a) shall be submitted within 90 days after the certification required by such subsection is provided, and periodically thereafter, if necessary, until the Government Accountability Office confirms that all ten elements have been successfully met.

(c) During the testing phase permitted by subsection (a), no information gathered from passengers, foreign or domestic air carriers, or reservation systems may be used to screen aviation passengers, or delay or deny boarding to such passengers, except in instances where passenger names are matched to a Government watch list.

(d) None of the funds provided in this or previous appropriations Acts may be utilized to develop or test algorithms assigning risk to passengers whose names are not on Government watch lists.

(e) None of the funds provided in this or previous appropriations Acts may be utilized for a database that is obtained from or remains under the control of a non-Federal entity.

SEC. 515. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SEC. 516. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of United States Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

SEC. 517. None of the funds appropriated to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: Provided, That the Director of the United States Secret Service may enter into an agreement to perform such service on a fully reimbursable basis.

SEC. 518. The Department of Homeland Security processing and data storage facilities at the John C. Stennis Space Center shall hereafter be known as the ''National Center for Critical Information Processing and Storage''.

This Act may be cited as the ''Department of Homeland Security Appropriations Act, 2006''.

Mr. GREGG. Mr. President, I ask unanimous consent that the following Appropriations Committee staff members and interns be granted the privilege of the floor during the consideration of the fiscal year 2006 Homeland Security appropriations bill and any votes that may occur in relation thereto: Shannon O'Keefe, Carol Cribbs, Kimberly Nelson, James Hayes, Avery Forbes, Carolina Poarch, Pete Flynn, Jonathan Cahoon, and Will Post.

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

Under the previous order, the committee substitute is agreed to and considered as original text for the purpose of amendment.

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

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, we turn now to the Homeland Security bill. This is obviously a timely period for taking up this legislation in light of what has happened in London. We recognize, once again, as a result of the heinous crimes that were committed in London that there are people out there who totally disregard innocent life and who are willing to kill innocent individuals simply for the purpose of making a political statement as to what

their cause is or what their presumed cause may be.

Of course, we were, unfortunately, focused on this fact by 9/11, but maybe over the last 2 or 3 years the success of our Nation in resisting attacks has caused a touch of complacency in this area. However, London has to clearly remind us that complacency cannot be tolerated when it comes to fighting these people who call themselves Islamic fundamentalists and who are essentially killers, terrorists, murderers without any moral creed or cause, and whose actions are totally unjustified in any form of civilized society.

The Department of Homeland Security was set up in the post-9/11 world in order to try as a nation to get our arms around the issue of how we can best protect us in the United States of America. It was set up in the context of other agencies that have responsibility for other areas of protecting us relative to this war on terrorism.

Of course, we have our Defense Department which is, through its extraordinary men and women, pursuing the fight against terrorism in Afghanistan and in Iraq. We also have agencies, such as the Central Intelligence Agency, the FBI, and the Justice Department, that are committed to making sure they obtain the intelligence necessary to protect us. But within this umbrella of agencies which are trying to pursue this war on terrorism, there is included, of course, the Department of Homeland Security.

The Department of Homeland Security was put together as an amalgamation of different agencies. I think there were 22 initially that were thrown together. Some of those agencies, when they were put into the Department of Homeland Security, were already functioning extraordinarily well and had a track record of success. Some of the other agencies had a spotty track record. Regrettably, some of the agencies did not have a very good track record at all. But they were brought together for the purposes of trying to involve a coordinated effort in the area of fighting terrorism.

I believe we have to recognize, as we pursue this fight on terrorism, that the people we are fighting are driven by a philosophy which we as a rational society, especially as a Western society, find hard to fathom. The concept that you would kill innocent civilians simply for the purpose of making a point is something which we find repugnant and almost incomprehensible. But that is the nature of the people we fight. We have to understand their purpose is not necessarily to win a global war in the sense it has historically been perceived, such as World War I or World War II, or even the Cold War. Their purpose essentially is to assert their culture in a way that destroys any culture which they perceive as alien to it, to assert their religion in a way in which they perceive destroys any religion which they see as alien to it, or any group of states which they see as alien to it. They are willing to pursue this with fanaticism which allows them to develop individuals and attitudes where people will strap bombs to themselves and attack us or where they attack innocent individuals, as they did in London. And thus, the threat is a threat of immense proportion, and it is a threat which we have to pursue in a different way than we have pursued other threats that have confronted our Nation.

We all understand this, but executing it has become difficult. I believe we have not yet grasped as a nation how we execute in defending ourselves from this type of threat. What we know is this, and our approach must be tempered by it: We know we can order the priority of the threats as they reflect relative to us. We know, for example, if these individuals get their hands on a weapon of mass destruction—chemical, biological or, God forbid, a nuclear-capable weapon—that they will use that weapon. They will use it in a way which kills tens of thousands, essentially hundreds of thousands of innocent individuals. So we know that is the No. 1 threat we must confront.

We know also that as a nation, because we are a democracy and because we are an open nation and because we seek to participate in the world in an open and vibrant way, our borders are porous and that access into this country is easy, and that represents, regrettably now, a threat to us.

We know also that because we are such an open society and because we are a society which is built around the concept of individual responsibility and people being able to go out in the world and participate in activities, that we have innumerable areas of infrastructure, areas of individual participation and activity which are open to attack, such as occurred in London. And that is an issue of threat.

What we have attempted to do in this bill is take the resources we have and focus them on a threat-based approach so that we basically focus the most resources on the area where we see the greatest threat. The way we structured this bill is that we are focusing most of the energy of this bill, most of dollars in this bill, in two primary areas, as far as new dollars are concerned. We are still spending a lot of dollars in a lot of different places, but the new initiatives in this bill are focused on trying to better get a handle on defending ourselves from an attack by a weapon of mass destruction and, secondly, making our borders, which are inordinately porous, less porous and having better accountability as to who is coming into this country and what their purposes are.

We moved a fair amount of money in this bill to try to accomplish those two basic philosophical goals of addressing those two items of threat. That does not mean we underfunded anything in this bill that was already on the board. But it does mean we tried to focus this bill a little bit better.

Within this legislation there are a lot of different agencies. As I mentioned earlier, some of them are functioning extraordinarily well, some are functioning in between, and some simply are not doing as good a job as we hoped they could do. Regrettably, this agency, even though it has only been around for 2 years, has had over 486 reports written about it by either the inspector general, the CRS, or the GAO. I brought them with me because I think they are so staggering in their proportions it is worth looking at in physical proportions the number of reports. There are three piles. If we take one pile, which I probably cannot pick up, and put it on top of another pile—it will all fall over, unfortunately—we end up with almost 3 feet 9 inches of reports about things not going that well at the Homeland Security Department. Each one of these reports is substantive. Each one of these reports is worth review and requires action. They reflect the fact that almost 3 years after this Department was put together, the Department has some very serious problems, and they need to be addressed.

I congratulate the new Secretary, Mr. Chertoff, for his approach to trying to get a handle on some of these problems. He is going to report to us Wednesday or Thursday on what his second stage review is. He put a lot of time into this, but I think his approach will probably be based on the concept that we have to have, first, a policy-driven approach and, second, it has to be systemwide. Today, there is too much anecdotal reaction in the Department, there is too much haphazard reaction, there is too much reaction to the crisis of the day. I think his approach is going to be to put in place a much more systematized approach. But that is not going to immediately resolve the problem. Hopefully, it will begin the process of resolving the problems of this Department, which are many and acute.

This bill does put in place a large number of what, for lack of a better word, we in the Congress call fences, where we essentially say to the Department: Before you get this money, you have to show us you are going to do this effectively. It is not something I like to do. I am a legislator; I am not a manager. I used to be a manager. I used to be a Governor of a State. That is a management position. But when we see a department which has as many functions as this Department and it is not functioning correctly, regrettably, I do think it is the responsibility of the Congress and especially the Appropriations Committee, which has a unique oversight role, to step in and say before we give you more money to do this, we want to make sure that money is not going to be wasted, mismanaged, misplaced, or misappropriated, so we are going to require you to do something else. So this bill has in it a lot of what I would call fences.

The purpose of the bill, as I mentioned, is to fund more aggressively those areas which we see as threats.

Obviously, after London, many people are going to feel that a threat which needs to receive more attention is the question of how we handle mass transit. I could not agree more. There is no question but in light of the London attack—and we knew long before this with the Madrid attack and before that with the Israeli situation—this is a clear area where terrorists, who have no regard for human life, tend to focus their heinous activity. We know mass transit is an issue, but the question becomes how do we best protect mass transit.

We have put in this bill over the last few years literally tens of millions, now hundreds of millions of dollars which is available for upgrading security, for upgrading electronic surveillance, for upgrading bomb dog activity, for upgrading the number of police officers on mass transit. There is pending, in fact, within the Federal Treasury about $115 million to $150 million that has not been spent. There has been so much money put into this so quickly, it simply has not been spent, and it is still available.

On top of that, there is the $7 billion which we have put into first responder money which, if States want to reallocate some of that toward mass transit protection, they can. That has not been spent. So there is a lot of money sitting there for the purpose of helping mass transit.

If you talk with people who run mass transit, they say it is not enough. But as a practical matter, it has not been spent yet. So whether it is enough is clearly irrelevant because until it gets spent, it is clearly enough.

Independent of that, however—the fact that there is still significant dollars in the stream of things—we have the issue of how to effectively defend mass transit. We all know mass transit is such a huge enterprise where millions of people, on a daily basis—tens of millions if you take all the transit systems in this country—are moving in and out of different transit modes, whether it is trains, buses, or ferries, and are moving in and out of these on a constantly churning basis. The opportunities to attack this type of a system are almost endless.

A professional terrorist—and clearly these people are professional. They train for the purpose of killing people, using terrorist weapons. The professional terrorist is always—almost always going to be able to find, in a nation our size, with a transportation system of this size, going to be able to find a point of attack that is not secure unless—I doubt that we could spend anywhere near enough money. We have enough money to spend to fully secure mass transit, and if we did we would probably make mass transit nonfunctional.

Yes, we can raise the visibility by putting more officers on trains, more bomb dogs and surveillance agents, and we should do that, but as a practical matter the way you protect your mass transit system is the same way you protect your other infrastructure systems. It is through aggressive and robust intelligence. You have to know who these people are before they attack you. That is the key to this exercise—robust intelligence capability. And there is some irony because to accomplish robust intelligence capability you have to go where the people come from. Where do they come from? They come from the Middle East. We are fighting them in the Middle East. Yet people who have concerns about that want to put dramatically new dollars into the mass transit system.

Well, the best place to get intelligence, quite honestly, is the breeding ground of these terrorists: Iraq, Afghanistan. And so that war in Iraq and Afghanistan is, as the President has pointed out a number of times, taking the war to them to find them before they can find us. Then, once you capture the people, you have to get the intelligence from them. That is why Guantanamo Bay is such an important part of intelligence of our country and why people come down to the floor and compare it to a Nazi concentration camp is such a gross misstatement of our purpose there and the actual action there. It is totally irresponsible to make statements such as that. No one has ever lost their life at Guantanamo Bay, and the interrogations which occur there occur under strict regimes. They are constantly monitored and meet all the necessary responsibilities of legal and humane rights.

But we get vast amounts of information as a result of moving very bad people from the Iraq and Afghanistan arena over to Guantanamo Bay. We get a vast amount of information from those individuals which gives us the intelligence we need.

Then, of course, you have the issue of profiling. Clearly, if you are going to stop these people, you are going to have to profile. That is being resisted. And then, of course, you have the issue of the PATRIOT Act. Clearly, if you are going to stop these people, you have to know what they are doing, and the way to do it is through electronic interdiction of their activities to a large degree. Yet you have people resisting.

Intelligence is the key to defending mass transit. Yet within this body, regrettably, there is a lot of resistance to those elements of our efforts which are necessary in order to effectively pursue strong intelligence. But that is not an issue for this bill. The homeland security intelligence role is not at the margin, but it is certainly not at the center of the effort to gather intelligence. That is done by other agencies—the Defense Department, CIA, and FBI. However, I certainly am willing to entertain moving more money into mass transit. We could probably do another $100 million in mass transit and not affect this bill substantially. But once you get beyond that, you are going to have to take it out of the deficit or someplace like that. But will you buy more security with those dollars? Not a great deal, I don't think, because the people you are dealing with know how to get around those types of security initiatives however well you may create a better sense of security.

This bill will, I suspect, over the next few days come under amendment in the area of how better to protect our borders. Maybe we will get better border security. The other part of the equation is how you let people into this country who legitimately want to come to work and are not seeking to do us harm but seeking to improve their livelihood. The Guest Worker Program, maybe we will get into that program, and certainly how best to address mass transit protection in light of London. I am open to all of that. I am flexible. Our purpose here is to make this agency work better.

In that context, I congratulate the Senator from West Virginia, my ranking member, and who has joined us on the floor. He has been a partner in putting this effort together. He is totally committed to trying to make sure we have a much safer country and a stronger Department of Homeland Security. He has done a great job of putting forward his ideas, many of which I totally agree with, some of which I may not agree with, but most of which I do agree with. I respect immensely his years of service to this Nation, which have been extraordinary, and his counsel, which is exceptional. I thank him and his staff for the generous and extraordinary way they approach everything, but especially this bill. As we move forward, I am sure he will have some additional ideas of how we can improve it on the floor, and I look forward to hearing those thoughts and ideas and I continue to look forward as we move this bill down the road to passage sooner rather than later because the Nation does need a Homeland Security bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I have listened intently to the remarks of the very distinguished Senator as the chairman of this appropriations subcommittee, and I have been very impressed by his remarks. But prior to that, over a long period of time I have been very impressed with his dedication to the service of the people he represents here and his dedication to the Nation. He is an extremely able chairman. He has experience in the executive field, as he has alluded to, and he has experience in the committee system. He is preeminently fair in his work on the subcommittee, very fair, always willing to listen, and most charitable, may I say, toward me.

I am the ranking member on the subcommittee and on the full committee. But I could never wish for anyone to be more fair, more knowledgeable, or anyone whom I would respect more than this man from the mountains of his

great State, and I have a tremendous admiration for him and a great deal of fondness for him. He is a chairman sui generis and a gentleman along with it. I like that part, too, especially.

Now, Mr. President, the distinguished chairman of the subcommittee has outlined the threat, and he has done so very well. I can't tell you how much I have admired the way he has striven to put together this bill and utilized the limited amount of moneys that are available to us and do it in a way that will reach those areas that are in most need of funding. I am immensely pleased with the work he has done. His work is the foremost work, of course. As the ranking member, I try to help. I do have a very able staff that works with the staff of the distinguished chairman, and it is through this staff that I am able to keep abreast of things and also to make my feelings known as well.

Mr. President, the Senate, then, has before it this bill for fiscal year 2006 Homeland Security appropriations. I cannot commend too much the distinguished chairman, as I have already indicated, and his staff, for their work on this legislation. I also commend the thousands of men and women who are on the front lines of America's homeland security. They serve the Nation every hour of every day.

I welcome Chairman GREGG to his new duties as chairman of the Homeland Security Subcommittee. He comes to it, needless to say, very well prepared. He has a wealth of experience, a wealth of expertise. The chairman targets limited resources—and I emphasize the word ''limited''—on future threats, not simply the threats posed by the attacks of September 11. For the most part, the chairman has attempted to allocate resources to those threats that represent the greatest risk to the American people. In doing so he has, with my support, included a number of improvements to the President's budget particularly with regard to border security, air cargo security, funds for States to implement the driver's license provisions of the REAL ID Act, as well as funding to protect the ''all-hazards'' Emergency Management Performance Grant Program.

The committee bill builds on the bipartisan border security initiative that I offered along with Senator CRAIG to the 2005 emergency supplemental. Between the emergency supplemental enacted in May and this bill Congress will have increased the number of Border Patrol agents by 1,500, provided funds to train and house these agents, increased the number of immigration investigators, the number of agents and detention officers by 817, and increased the number of detention beds by 4,190.

The chairman has to be commended for this, and I am profuse in my admiration and my support for what he has done.

In addition, the bill contains an important protection for the privacy rights of Americans. We need always to keep these rights in mind. I thank Chairman GREGG for his support of language that I recommended concerning secure flight, the Department's proposed new airline passenger profiling system. The language would prohibit the use of commercial databases for confirming the identity of airline passengers. Such commercial databases are unreliable and potentially invade people's privacy.

The bill before the Senate provides $30.8 billion for discretionary programs, an increase of 4.6 percent. This is a very lean bill. The committee was put in a difficult position as a result of the administration's proposal to have the Appropriations Committee increase the fees paid by airline passengers, a proposal that would have raised $1.68 billion. The Appropriations Committee does not have jurisdiction over airline fees and therefore could not approve the proposal. As a result, the committee was forced to reduce spending below the President's request by $389 million.

So the low subcommittee allocation and the fee proposal resulted in cuts in firefighter grants, first responder grants, rail and mass transit security grants, Coast Guard operations, and in the number of Transportation Security Administration screeners. These cuts are very unfortunate. It is regrettable that the administration's apparent lack of understanding of the legislative process will have such a direct impact on programs that are so important, that are important elements of our homeland security strategy.

As the Senate considers this bill, I hope the Senators will look favorably on amendments to restore the cuts in firefighter grants, first responder grants, and mass transit and rail security grants. The utterly tragic events in London last week remind all of us of the imminent threat—the imminent threat, may I say—to the American people that is posed by terrorist attacks here at home—here at home.

We have heard it said it is better to fight these terrorists in Iraq than it is to fight them in New York City or in Washington. Of course that is true. Nobody doubts that. But don't let anybody be fooled. Don't let anybody be fooled. Fighting them in Iraq is not going to make us secure from having to fight them here at home in Washington, New York, Tampa, FL—wherever. Don't fall for that malarkey. That is pure bunk. Of course we know what that is all about. But it has happened in London. It happened before that in Madrid, and before that in Japan, and it can happen here. No amount of argument, debate, or plain old malarkey should convince anyone that it can't happen here. In my judgment, it will. It is coming. These people take their time. They are patient. They are not in a big hurry. And it is coming here. It is coming here. The thing about it is these people know when and where and how the attack will be made. We do not. So they have the advantages.

Let's just put that bunk to the side; forget it for now. There is nothing to it. We are in jeopardy. The American people are in jeopardy and we ought to understand that. Last Thursday, when asked if additional funding was needed to secure our mass transit system, Secretary Chertoff said, ''I would not make a policy decision driven by a single event.''

I have a great deal of respect for the Secretary. He was down in my office just this morning, outlining something with respect to the surveys which he has been making and on which he intends to report publicly, and also outlining his plans for the agency. I must say he has a real grasp, a real feel of the full scope of the problems. I have to compliment him for that.

But with all due respect for the Secretary, the alarm bells just didn't start ringing last week. The alarm bells have been ringing for years. There have been 16 bombings worldwide linked to al-Qaida. The Senate should not be reducing our commitment to firefighters and first responders, or to securing our mass transit and rail system. I am pleased that the chairman has included my recommendation to direct the Department to expedite its grantmaking process. All too often—I made mention of this in a meeting with Secretary Chertoff in my office earlier today—all too often, funds that were approved by Congress last October will not be given to Federal, State, and local agencies until this September, nearly a full year later. Americans are not made safer by having funding for border security, port security, rail security, and for hiring firefighters sit—where? In the U.S. Treasury.

On June 13, almost a month ago, I wrote a letter to Secretary Chertoff, calling on him to focus on this problem as part of his review of agency operations. I will not ask now, but I will later, that that letter be made part of the RECORD.

Unfortunately, the Secretary has not seen fit to respond to my letter. That is not worthy of a great deal of comment, but it is worthy of some comment. I hope the Secretary's delay in responding is not indicative of the administration's intent to continue leaving homeland security dollars gathering dust in the Treasury in Washington, DC.

I said this to the Secretary this morning. I am particularly appalled that the $150 million that Congress approved last October for mass transit and rail security is still sitting in the Treasury. What in the world? Why in the world hasn't this money gone out? What is it doing sitting here in the Treasury? What in the world is wrong? I said it in just about that fashion—perhaps not quite that loudly this morning in my office, but I said it, nevertheless. I am appalled by this. What in the world are we waiting on? The Department did not even announce until April how rail and transit systems could apply for the funds, wasting

a full 6 months that the rail and transit systems could have used to prepare for or to prevent a future attack.

Time and time again, the administration has talked a good game on homeland security. Man, I will tell you, you just listen to the game they talk and you feel, ''I can sleep better tonight. I will go home now. I will watch the information about who is ahead in this game or that game—I will just forget about all this other stuff.'' But it has not followed through. The administration has not followed through with a sustained commitment of resources and ideas. So I fear the administration believes that it fulfills its commitment to securing the homeland by creating the Department of Homeland Security.

I voted against that, to start with, because I foresaw this. I don't claim to have great powers along these lines. But with all my experience—and I have had some. I have been around here quite a while, longer than anybody else on this Hill—anybody: Anybody sitting in the gallery, anybody out there in the offices, anybody downtown, or anybody else. I have been around here longer in this Government, yes, indeed. Well, so much for that. But that is some experience. I have had time to see some things and to lament some things. And I have been critical of both parties, both administrations, Democratic and Republican, over the years. So I think I have some basis for saying the things I am saying.

Mr. President, America is not made safer by simply reorganizing boxes on an organizational chart. Repeatedly, the energy, the initiative, the resources, and the leadership for homeland security efforts have come from—where? Guess where. From Congress, the people's branch.

In December of 2004, Congress authorized the hiring of 2,000 new Border Patrol agents per year for 5 years; the hiring of an additional 800 Immigration investigators per year for 5 years to enforce our immigration laws, and the funding of 8,000 new detention beds for the holding of illegal aliens. But despite statements by Secretary of State Rice and statements by former Homeland Security Deputy Secretary Loy that al-Qaida is a threat on our porous borders, there was virtually nothing in the President's budget to provide these additional resources for border security—virtually nothing.

The bill that is before the Senate today commits real resources to securing our border with regard to transit and rail security.

When terrorists blew up trains last year in Madrid, Spain, the administration had no plan for securing transit and rail systems. The horrific bombings last week in London have raised the same questions that we raised last year. Could it happen here? Are we prepared? According to the RAND Corporation, between 1998 and 2003, there were approximately—I don't know why we say approximately 181, but there were 181 terrorist attacks on rail targets worldwide. Get that: According to the Congressional Research Service, rail systems in the United States carry about five times—now, get that. According to the Congressional Research Service, passenger rail systems such as Amtrak in the United States carry about five times as many passengers each day as do airlines.

Since 2001 I have offered seven different amendments to fund rail and transit security and all of them, all seven, were opposed by the administration and defeated: seven times.

Remember Robert Bruce? He was lying up there in the loft of that barn and he had lost six times. He was about to give up until he saw that spider try to swing his web from this corner to that corner. He watched it six times and it failed. On the seventh time, lo and behold, that spider made it. So Robert Bruce decided he would try it one more time; seven times he tried it, he made it.

That number reminds me of that number seven again. Jacob liked Rachel and he spoke to the old man—I refer to her father as the old man—about that beautiful daughter. The old man decided he would drive a bargain. He said, You can have her, but you work 7 years for her. So Jacob worked 7 years. At the end of the seventh year he went to say to the prospective father-in-law, How about it? Now I have worked my 7 years, I have carried out my part of the bargain, how about this nice girl you have? I have come to get her.

The old man said, No, not yet. You work 7 more. I will give you Leah, Rachel's sister. You can't have Rachel. The Bible says that Leah was weak eyed. So all to his disgust, consternation, and sorrow, old Jacob had to work 7 more years for Rachel.

Here we are talking about seven times. Since 2001 I have offered seven different amendments to fund rail and transit security and all seven, all of them, were opposed by the administration and defeated. Despite opposition from the administration, it was the Congress that created the Rail and Transit Security Grant Program that was first funded in fiscal year 2005, and that is funded in this bill today.

I call on the administration to explain to the American people why the $150 million that Congress appropriated last year has not been given to rail and transit agencies to invest in more cameras, more locks, more canine teams, more training. I ask the Senate to approve additional funding for such grants for fiscal year 2006. The $100 million included in the bill is $50 million below last year. It is $1.6 billion below the level authorized for 2006 in bills that passed the Senate last year.

While this administration has been focussing on the last attack carried out by hijackers, not one of whom was from Iraq, very little attention has been given to other vulnerabilities in aviation security. While the Transportation Security Administration examines 100 percent of checked baggage, most of the cargo that is stored in the same passenger aircraft and on cargo planes is not inspected. The threat of a bomb on an aircraft is not new. In 1988, 259 passengers aboard a Pan Am flight over Lockerbie, Scotland, perished when a terrorist-placed bomb exploded while the aircraft was 31,000 feet in the sky. Three and a half years ago, Richard Reid, the so-called shoe bomber, tried to blow up an aircraft in flight over the ocean with explosives he carried onto the aircraft.

Yet, for 3 straight fiscal years, it has been Congress, this body and the other body across the other end of the Capitol, that committed resources to address this problem. Since fiscal year 2004, Congress has added $85 million above the President's request to hire air cargo inspectors and to advance research of innovative technologies to detect explosives in air cargo.

What has the administration done with that funding? It has let $106 million sit in the Treasury. Six months after this fiscal year began, less than 12 percent of the funding appropriated for air cargo has been spent. I said this to the Secretary this morning. He will do better, he says. It is taking him a while to get his arms around this. I believe he will do better. Six months after this fiscal year began, less than 12 percent of the funding appropriated for air cargo has been spent. To make matters worse, the President's budget request for air cargo research and development in fiscal year 2006 was slashed in half.

The bill before the Senate continues the commitment to increasing the inspection of air cargo. I commend Chairman GREGG for that decision. Let me say it again: The bill before the Senate today, in this year of our Lord, this bill continues the commitment to increasing the inspection of air cargo. I commend Chairman GREGG for that decision.

When it comes to securing the Nation's chemical plant's—and I have lots of them down in the Kanawha Valley and Kanawha County, southern West Virginia when it comes to securing the Nation's chemical plants—I imagine we probably have maybe the second largest, if not the largest, concentration of chemical plants in the Northern Hemisphere right in Kanawha County or in West Virginia. When it comes to securing the Nation's chemical plants, the administration has been stuck in quicksand. We know the threat is real. The FBI has warned us about the threat. We know an attack at a chemical plant could cost millions of lives. The Environmental Protection Agency has reported that 123 chemical facilities, if attacked, could threaten the lives of millions of people. My staff person says it would threaten the lives of over 1 million people. That is a lot of people.

For years, the administration has dragged its feet on securing our chemical facilities. For years, many in the Senate have pressed the administration

to do more, to show leadership. In response to my request, the Government Accountability Office, the GAO—I don't much like that second most recent name, the Government Accountability Office—the old GAO recently released a report concluding that of the 15,000 chemical facilities in the country, only 1,100 have complied with voluntary security standards. It has been more than 2 years since the GAO urged the EPA and DHS to develop a comprehensive strategy for the protection of our chemical plants.

Last month, the administration finally changed direction on the need to provide security standards to the chemical industry. However, the administration has not yet proposed a specific plan or identified resources to implement such standards.

This bill before the Senate includes two important directives related to the protection of our chemical facilities. First, it requires the Department to provide the committee the estimates of the resources needed to implement mandatory security requirements for the Nation's chemical sector. Second, it directs the Department to begin vulnerability assessments of the Nation's highest risk chemical facilities. I look forward to the administration following through with a specific plan.

The bill before the Senate today includes $200 million for port security grants, $50 million above the amount provided in fiscal year 2005. Once again, the administration's request was woefully inadequate. It is the Congress that has taken the lead, the people's branch.

With the $200 million included in this bill, Congress will have funded $843 million for port security grants since September 11. How much has the administration requested over that time? Hear me, hear me now. How much money has the administration requested over that time? A measly little $46 million. Can you believe it? With the $200 million included in this bill, Congress will have funded $843 million for port security grants since September 11. How much has the administration requested over that time, I ask again? A measly $46 million.

To make matters worse, the fiscal year 2006 request by the White House included a proposal to have ports compete against other nonaviation modes of transportation by lumping them together in a limited pot of funding.

More than 9 million cargo containers enter U.S. ports annually but only 18 percent are inspected. All it takes is a dirty bomb stuffed into one of those 9 million containers to cripple our economy. The $150 million Congress approved last October is still sitting in the Treasury. Why this administration continues to ignore the threat facing our seaports is mind-boggling. We cannot afford to wait for the next attack.

For each of the threats I have discussed today, the bill that is before the Senate continues congressional initiatives to secure our homeland.

Again and again, and I don't get tired of saying it, I commend Senator COCHRAN, the first chairman of the Subcommittee on Homeland Security, for his leadership in 2003 and 2004. I again commend our new committee chairman, Senator JUDD GREGG, for giving clear direction to the Department in the bill before the Senate. With the resources that have been made available to the committee, Chairman GREGG has produced a good bill. Regrettably, as a result of the President's proposal to increase airline passenger fees which the Appropriations Committee lacks the authority to approve, this bill does not have all of the resources it needs to meet known vulnerabilities. It is essential that the Department of Homeland Security be responsive, not bureaucratic, while the threat we face is massive, and it is clear our response to dealing with it is tepid and unfocused. It will take a commitment of energy, imagination, and, yes, more funding, to better secure our homeland. Again, I thank my chairman and the members of the staff on both sides for their excellent work and long hours, weekends, they have spent.

Mr. President, I referred to a letter which I had written to the Honorable Michael Chertoff, Secretary of the Department of Homeland Security, on June 13 of this year. I ask unanimous consent that letter be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, June 13, 2005.

Hon. MICHAEL CHERTOFF,
Secretary, Department of Homeland Security, Washington, DC.

DEAR MR. SECRETARY: You are to be commended for ordering a review of the Department of Homeland Security's (DHS) organization, processes, and procedures. As you assess how to improve agency operations, I encourage you to focus on a matter that has been a continuing frustration since the Department was established. Letting Federal dollars sit in the Treasury in Washington, DC, does not make America safer. There is no excuse for the appallingly slow pace of making Department of Homeland Security funds available to Federal, State, regional, and local agencies that are responsible for actually making America safer.

Americans are made safer when our State and local police, firefighters, and other security agencies hire, train, and equip first responders, and when funds are made available for border security and other law enforcement personnel. Yet, all too often, the Department is slow to announce how State and local agencies can apply for funds; and, all too often, DHS agencies are slow to spend money. Congress approved funding for Fiscal Year 2005 on October 11, 2004. Yet, most application kits were not released by the Department until April 2005, six months later. By the time applications are prepared and reviewed and the money is awarded, it will be the end of the fiscal year. This is time wasted that could have been spent investing in our security.

Regrettably, there has been a consistent pattern of delay at the Department.

Since October 2004, $65 million has been available under the SAFER Act to hire local firefighters. Seven months later, on May 30, 2005, the Department finally announced how our local fire departments can apply for these funds. Funds are not expected to be given to fire departments to hire firefighters until the end of the fiscal year. Every day, our 1.1 million firefighters are prepared to put their lives on the line. I do not understand why the Department waited so long to issue a grant announcement.

Since October 2004, $150 million has been available to meet the $6 billion estimated cost of securing our mass transit systems. Over 9.6 billion transit trips are taken annually on the various modes of transit service by Americans. Just a little over a year ago, terrorists struck in Madrid, killing 190 and injuring 1,800 after setting off explosives on commuter trains at rush hour. As the Madrid bombing proved, the threat to transit systems is real. It is simply unacceptable that the Department waited until April 5, 2005, to announce how transit agencies could apply for the funds.

In October 2004, Congress approved $150 million for port security to protect not only citizens' lives but also our economy. The U.S. Coast Guard has estimated that a major port closure for one month due to a maritime terrorist act could cost up to $60 billion in economic loss to the United States. I do not understand why the Department waited until May 11, 2005, to announce how our ports could apply for those funds. As a result, it will be the end of the fiscal year before taxpayers' dollars will be used to make our ports safer.

In October 2004, bus security funds were approved by Congress to put preventative measures in place on our buses. It took six months for the Department to put out a notice of how to apply for the funds.

Over the last three years, Congress has approved $400 million for the Pre-disaster Mitigation Program to reduce risks and mitigate damage before disasters occur. According to the most recent DHS expenditure plan, 95.5 percent of those funds have not yet been spent, including $31 million approved by the Congress in Fiscal Year 2003 and $136 million approved in Fiscal Year 2004. Those funds could have been spent to prevent loss of property and life; but, instead, the money sits in the Treasury in Washington, DC., while local communities battle a complicated application form and bureaucratic procedures. Natural disasters do not wait for the government to get it right.

The Flood Map Modernization Program was funded by Congress to provide resources to update maps across the nation. Flood-prone areas, particularly, need the maps to prevent damage to property and to protect citizens' lives. Of the over $215 million available in the current fiscal year, only $3 million has been obligated, slowing down this important process.

In July 2002, Congress approved an emergency supplemental appropriation for PortSTEP, a port security table-top exercise program. It took two-and-a-half years for the Transportation Security Administration to launch the $20 million program.

In April 2003, Congress enacted $38 million through an emergency appropriation for the Coast Guard to complete port security assessments at tier-one strategic ports, our highest priority ports. Two years later $16.8 million of the $38 million is currently unobligated.

Congress included funding in Fiscal Years 2004 and 2005 to hire air cargo inspectors, addressing glaring security vulnerabilities in the shipping of explosives on passenger and cargo aircraft. As of March 31,2005, less than 12 percent of the funding that Congress appropriated for additional air cargo security measures has been obligated.

In 2001, Congress approved $21.6 million for the Customs Service for improving security on the Northern border. In 2003, $14.4 million. was added. Despite the fact that we have 137 fewer border patrol agents than we had just seven months ago, this money continues to sit in the Treasury in Washington, DC.

As you complete your review of agency operations, I encourage you to expedite the expenditure of homeland security dollars. There is no reason for these funds to sit in the Treasury. There is no evidence that the delay will result in the funds being better spent when they are finally made available to Federal, state, regional, and local agencies. The longer we wait to tighten security, the greater the opportunity for terrorists to strike.

Please let me know why it is taking so long to get money out the door, and what specific systems will be put in place to make sure that this irresponsible bureaucratic delay does not continue.

With kind regards, I am

Sincerely yours,

ROBERT C. BYRD,
Ranking Member.

The PRESIDING OFFICER (Mr. VITTER). The Senator from New Hampshire.

Mr. GREGG. Mr. President, I thank the Senator from West Virginia. He always brings a great deal of substance and thought to whatever issue he decides to pursue on the Senate floor. Once again, in the opening statement, he reflected that. He does outline many of the issues which need to be addressed. He outlines them well and makes very strong points. It is a result of a cooperative effort between his staff, my staff, himself, and myself that we have gotten this bill to this point. As he said, the purpose of this bill is to address the threats. That is our goal.

Obviously, there is going to need to be, in light of the London event, some adjustment in the accounts relative to mass transit, and there may be other areas where the Senate wishes to work its will.

The basic goal of this bill, as the Senator from West Virginia has said, and in which he played a major part, is to address the real problems, the real threats that face this Nation. I continue to try to do that, working with the Senator from West Virginia. I appreciate all his cooperation and his effort.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. What is the matter now before the Senate?

The PRESIDING OFFICER. H.R. 2360.

Mr. REID. I first express my admiration for the two managers of this bill. Of course, Senator BYRD is a legend, having held every leadership position, sometimes more than once. I enjoyed very much serving in the House with my friend from New Hampshire, and I recognize his stellar career as a Governor of his State and now as chairman of the Committee on the Budget and also the chairman of his subcommittee.

AMENDMENT NO. 1129

I send to the desk an amendment on behalf of Senator PATTY MURRAY, Senator AKAKA, and Senator BYRD.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mrs. MURRAY, Mr. BYRD, and Mr. AKAKA, proposes an amendment numbered 1129.

Mr. REID. I ask unanimous consent to dispense with the reading of the amendment.

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

The amendment is as follows:

SECTION 1. VETERANS HEALTH ADMINISTRATION.

(a) IN GENERAL.—From any money in the Treasury not otherwise obligated or appropriated, there are appropriated to the Department of Veterans Affairs $1,500,000,000 for the fiscal year ending September 30, 2005, for medical services provided by the Veterans Health Administration, which shall remain available until expended.

(b) EMERGENCY DESIGNATION.—The amount appropriated under subsection (a) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

(c) This section shall take effect on the date of enactment of this Act.

Mr. REID. I appreciate the managers of the bill allowing me to offer this amendment at this time.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, the tragic bombings in London are a sober reminder of how vulnerable America and our allies remain to terrorism. What happened in London last week is likely to be tragically replicated if our country does not act boldly to reduce what ought to be called a terror tax now imposed on the American people.

I call it a terror tax because when we pull up to the corner gas station and pay $2.40 a gallon or so for gas, the reality is a portion of that money is then turned over to foreign governments that ''back door'' it over to Islamist extremists who use that money to perpetuate terrorism and hate.

What I call the terror tax is not posted as a price at our gas pump. We do not see it in our pay stub. It is not calculated in our balance of payments to foreign governments. It is a tax measured not in dollars and cents but in risk and insecurity to the American people. It is as real as everything else the American people put their money toward each week.

Of the 20 million barrels of oil Americans consume each day, almost 12 million barrels of it is imported. That percentage, now nearly 60 percent, is growing. It was only about 33 percent at the time of the Arab oil embargo years ago. Our addiction to foreign oil has nearly doubled in what amounts to just a few years.

In the next few weeks, the House and Senate will be sitting down as part of an effort to write an Energy bill that must take as its priority helping to shake us free of this addiction to foreign oil.

I voted against the Energy bill in the Senate because I felt it did not do enough to reduce our dependence on foreign oil, but I hope, especially at this critical time, on a bipartisan basis during this conference it will be possible to make this legislation better.

I believe it is important to do as much as possible to reduce the terror tax that comes with our dependence on foreign oil. It is not good enough to accept business as usual when our citizens pay record prices at the gas pump, only to see foreign governments wink and nod while terrorist groups make off with substantial amounts of money and use those funds to target the United States. In my view, there is an indisputable link not only between the American dependence on foreign oil and the price our citizens pay at the pump, but between our oil addiction and our vulnerability to attack here at home.

For this reason, as the House and Senate get together to look at a strategy to reduce our dependence on foreign oil, I intend to propose five concrete steps to reduce the terror tax.

First, I want the State Department to publish each year for the next 10 years a report on the flow of money paid by Americans at the gas pump to foreign governments that ends up in the hands of Islamic extremists who target America with acts of terror.

Second, since most foreign oil goes to the transportation sector, I want the American automobile industry to be required to increase auto efficiency by just 1 mile per gallon each year for the next 10 years. Think about what a modest step that is—just 1 mile per gallon. Otherwise, the auto industry ought to explain to the American people why they cannot meet this objective that I am calling for that is so important to the national security of our people.

Third, for each of the next 10 years, the Energy Department should publish a list of the most energy-efficient cars in each of the major types of vehicles so the auto industry would have to compete on the basis of the most fuel-efficient automobiles.

Fourth, to increase the responsible production of oil in America, not overseas, companies that increase oil production at existing wells shall receive a 2-percent annual increase in their tax writeoffs for this production for each of the next 10 years that the company increases production from existing wells in the United States.

Finally, this bill must promote new alternatives to oil. I have proposed a no-risk way to kick-start efforts to get hydrogen fuel cell vehicles on the road within the decade. By creating incentives for selling hydrogen vehicles and fuels, we would pay only for performance. Only actions that put hydrogen vehicles on the road or provide stations to fuel up would qualify for the incentives.

In the nearer term, other alternatives would become readily available. They include cellulosic ethanol made from plant materials grown by American farmers as well as electricity

produced by flexible fuel hybrid electric vehicles that can be plugged in as well as refueled at the pump.

Getting a fair energy bill that reduces our dependence on foreign oil is just about the most red, white, and blue step this Congress could take. It is absolutely critical if we are to do everything possible to ensure our national security. Experts from a range of political stripes agree that the single most important step Congress can take to make America more secure is to reduce our dangerous dependence on foreign oil.

As a member of the conference committee on the energy bill, I look forward to working with my colleagues to secure these commonsense steps to end the terror tax brought about as a result of our addiction to foreign oil. Doing so is simply a matter of life and death for the citizens we respect so much here at home.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, there is now pending on this bill an amendment offered by the Democratic leader, Senator REID, relative to the Veterans' Administration. I am not sure how that is going to be handled, but clearly the bill becomes tied up in that issue for a while. I am not sure whether people are even going to come down and debate that amendment, as it was offered last week to the Interior bill. I am not really involved in that skirmish, but I do want to bring us back to the essence of this bill and the purpose of this bill and return to the fact that from my standpoint the biggest concern we have to address is weapons of mass destruction. The second biggest concern is border security.

I wish to talk a little bit about border security because I do believe this is where the Homeland Security agency can make the largest contribution toward trying to make our Nation more secure.

I know there is a lot of concern out there today about what happened in England. But you have to remember that the people who probably committed that act in England came from outside of England. They came into England with evil intent. In fact, I have seen some early news reports which have implied the detonating mechanisms used were of a type you could not acquire in England; therefore, it is presumed that the people who committed this act came from outside of England. I think one can safely assume that, especially in light of 9/11 where the people who attacked us came from outside our country, although in some instances they came with legal visas.

So it is critical we get control of our borders. Last year, over 3 million people came into this country illegally—3 million people. The estimate is somewhere between 11 and 15 million people are in this country illegally. We know that a large percentage of those people, especially people coming across our border with Mexico, are coming here because they have a legitimate desire to work in America. They are seeking jobs. I guess it is a reflection of the strength of our economy and the strength of our Nation that people seek to come to America in order to get a better livelihood and to give their families a better chance of having a better livelihood.

Those people are not threats. Those people are here to put in a hard day's work and make enough money to have a decent living. In many cases, they are doing jobs Americans are unwilling to do. There ought to be a way to address that concern, and it ought to be some sort of guest worker program. Hopefully, we will address that as a Congress. We should address that. I consider it to be one of the primary needs we have to address.

In the context of homeland security, if we could in some way identify effectively people who are coming across our borders who are coming not with the purpose of ill-intent but with the purpose of having a decent job, that would significantly reduce the number of people we would have to focus on relative to the threat they present. So a decent and intelligent immigration policy in this country, with an effective guest worker program, is critical to our national security.

But that is not the responsibility of the Homeland Security agency. The Homeland Security agency's purpose is to actually have the physical people on the border who check the people who come across the border and stop the people coming across the border illegally. The pile of reports I referred to before—the actual plurality of them if not the majority of them—reflect the failures of our ability to adequately monitor our borders. We have found we are not doing a very good job on our borders.

As I said, 3 million people are coming into the country illegally every year—that is the estimate—and over 10 million people who are probably here illegally already. A fair percentage of those folks are not Mexican. They are coming from another country, but they are coming across the Mexican border. And those people may very well represent legitimate threats to our country. So we need to do something to address this issue.

There are different levels where we need to address this issue. I mentioned the guest worker program would be a major effort in this area, but in the area of just plain security, there are initiatives that need to be pursued. So what we did was we looked at what was happening with our border security effort and concluded there were certain programs on the border that needed really significant increase in resources in order to be effective.

Some of them, unfortunately, could not take as much resources as we would like to have given them because they simply could not handle it effectively. The first was just simply feet on the ground. We need more Border Patrol agents on the ground, especially on the southern border. That is a feet-on-the-ground issue. Unfortunately, because of the training capacity and because of the ability to hire people who want to go into the Border Patrol as a career, we cannot add as many people as we would like to add.

As was mentioned by the Senator from West Virginia, there was, 3 or 4 years ago, a proposal to hire 2,000 a year. What we found was the Border Patrol simply could not find the people. And then they could not train the people when they did find them. However, we decided a significant increase was important. Working with the Senator from West Virginia again, in the supplemental, we added 500 new Border Patrol agents this year. We have now added another 1,000 agents with this bill, for an additional 1,500 agents. So that is actually a little bit outside the envelope of what the Border Patrol can effectively train.

We are also significantly increasing the commitment to the training facilities so we can increase training capacity so that next year, when we have this bill, it is my intention to add more than 1,500. I hope to get up to 2,000 next year. The year after that, I hope to get to 2,500. The goal is to get to 10,000 new Border Patrol agents within 5 years. Whether we can reach it, I do not know. But if we can get the training facilities up, get the infrastructure up that supports these people, and get the Border Patrol agents up, then maybe we can do it effectively. But the first step is to add these additional 1,500 agents.

Now, once you have the Border Patrol physically on the ground, they are going to catch people. That is their job. The problem today is that when they catch people they have to let them go. They send them over to the court, and the court sends them out on their own recognizance. They are supposed to return for a court date, and they never return. About 85 percent of the people who are asked to return do not return. Well, that is not too surprising, really. They came here illegally. Why are they going to return when they are told they can go away and come back on a different date for their court appearance?

We need better and more capacity in the area of detention. So this bill, working with the supplemental, again working with the Senator from West Virginia, adds about 4,000 new detention beds. Again, our goal is, within a limited period of time—hopefully not 5 years in this case, hopefully even less—to be able to detain effectively anybody who is caught who is other than a Mexican citizen coming across our border with Mexico, to be able to detain that person as long as it is necessary to make sure they are not a threat to us. It is something we cannot do today. But this bill moves in that direction by adding 4,000 new beds in this area.

We also have the unmanned vehicle program. This program, which is an important element of the surveillance of our borders, has fallen on hard times. In fact, the vehicles were basically stopped about a year and a half ago. They just stopped running them because they were not working. They started again, and this bill attempts to get the unmanned vehicle program running at a much more aggressive level. This is a tremendous opportunity for us to survey the border using fewer personnel more efficiently.

In addition, we have technology on the borders, the video and the other types of sensor capability. Again, we have run into major technology problems. Contracts were let that should not have been or were let ineffectually. One more time we got a bunch of reports on this one. While the program has been restarted, this bill tries to make sure the program goes forward effectively. This is a fencing issue here. We are saying we were going to give you a lot more funds, but we want to make sure the funds are spent effectively.

Also in the area of people coming into this country legitimately who actually are going through our immigration entrance system, we have very significant issues of being able to track who they are and when they come in and when they leave. In order to address that, we are trying to set something up called US–VISIT which is a major new technology initiative of extreme complexity. Therefore, I recognize it is not going to come on line maybe in a perfect way.

What we are concerned about, speaking for the Senate and for the subcommittee, is that the US–VISIT Program, which is going to purchase massive amounts of software and hardware capability to go into the immigration system, that that program not end up being like the programs we have had in other major Federal agencies which have initiated major complex IT initiatives, such as the Trilogy Program at the FBI, that we not end up being halfway down the road, hundreds of millions of dollars having been spent, and we realize we have a program that doesn't work. This bill attempts to make sure that the US–VISIT Program is being brought on line in a way that we have benchmarks and we know the software is meeting the criteria and the regimes that are appropriate to that type of software and that the hardware can interface with it effectively.

This bill makes a major initiative in the area of basically putting emphasis on the borders, both with the feet-on-the-ground issue, with the technology issue, and with the capital infrastructure issue in the area of border facilities and detention facilities. Therefore, I think it is the right approach. Is it going to get our borders secure unilaterally by this effort? Obviously not. But it is a step in the right direction and part of the formula that should lead us to borders which are more secure.

The simple fact is, as a nation, we are not going to be able to protect ourselves from the significant threat of these individuals who will come here for the purposes of killing Americans, and for no other purpose, until we get effective control over the borders and know who is coming in and why they are coming and make sure we do not allow or are able to stop people who are coming into this country whose purpose is to commit acts which will harm Americans. This bill is an attempt to step down that road in a much more aggressive way.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. 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. 1133

Mr. GREGG. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. Is there objection to setting the pending amendment aside?

Mr. GREGG. Mr. President, I ask unanimous consent that the pending amendment be set aside.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 1133.

Mr. GREGG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To increase funding for Firefighter Staffing)

On page 81, line 22, strike ''For necessary'' down through and including ''tion.'' on line 4, page 82, and 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.), $615,000,000, of which $500,000,000 shall be available to carry out section 33 (15 U.S.C. 2229) and $115,000,000 shall be available to carry out section 34 (15 U.S.C. 2229a) of such Act, to remain available until September 30, 2007: Provided, That not to exceed 5 percent of this amount shall be available for program administration.*''

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, I will not object to the chairman's amendment. We need additional funds for the SAFER Firefighter Hiring Program. But this amendment leaves the program to equip and train firefighters $150 million below fiscal year 2005. Last year the Department received $2.76 billion of eligible applications and could only approve 25 percent of the applications. In response to this incredible demand for firefighting funds, the bill will cut firefighter equipment and training grants from $650 million to $500 million. So while I don't oppose the chairman's amendment, I put the Senate on notice that I will offer an amendment to restore the cuts in equipment and training for our firefighters. I hope the Senate will agree to the pending amendment.

Mr. GREGG. Mr. President, I understand the Senator's point. My purpose here is to recognize the fact that we put over $2 billion into equipment, and we need to start focusing on training. This will move $50 million over to the training side and still leave in the pipeline a dramatic amount of money for equipment. We can address that issue down the road, as the Senator from West Virginia represents he may wish to do, but at this point I think this reallocation of funds is a statement of policy that is appropriate.

I again ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. No objection.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1133) was agreed to.

Mr. GREGG. 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. DORGAN. 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. DORGAN. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

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

Mr. DORGAN. Mr. President, I will speak at a later point about the underlying bill, the Homeland Security appropriations bill. It is an important piece of legislation. I say to the manager that I just checked with the cloakrooms, and there is nobody coming to speak, so I wanted to speak in morning business. I will have an amendment dealing with the proposed passport requirements between the United States and Canada, and I will address that later.

(The remarks of Mr. DORGAN are printed in today's RECORD under ''Morning Business.'')

Mr. DORGAN. I yield the floor. 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. GREGG. 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. GREGG. Mr. President, I ask unanimous consent that at 5:30 this afternoon, the Senate proceed to a vote on the adoption of a resolution which is at the desk and relates to the recent bombings in London; provided further that no amendments be in order to the resolution or preamble. I further ask that there be a moment of silence prior to the vote on the resolution.

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

Mr. GREGG. Mr. President, 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. DORGAN. 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. DORGAN. Mr. President, I understand from my colleague from New Hampshire that we will be voting on a resolution at 5:30 this evening, expressing our condolences to our allies and friends who had to bear the brunt of a terrorist attack, an aggressive terrorist attack, in London. It is heartbreaking to see the results of these horrible attacks against innocent people committed by terrorists who apparently are determined to kill innocent people, as many as is possible, to make their point, whatever their point is.

That attack reminds all of us again of how vulnerable we are and how important homeland security is, and I think it underscores the importance of this appropriations bill. Homeland security is critically important. It means we have to have reasonable border security. It means we have to have port security and a range of other issues. I want to mention two things.

We have spent a lot of money and a lot of time dealing with security of air travel, particularly commercial airlines. Now when you go through the lines at the airports, they are searching for tweezers and all those items that might be used as weapons. Sometimes there are long lines. I know it is frustrating. We have devoted a lot of time and effort in this country dealing with the last terror attack in which 15 of the 19 terrorists were Saudi citizens. Nineteen terrorists drove jet airplanes loaded with fuel into buildings to be used as missiles, and we are dealing with that a lot. We are spending a lot of money dealing with this issue of airport security and aviation security.

My colleagues, and particularly one of my colleagues who departed the Senate, Senator Hollings, have talked a lot about port security. We have about 9 million containers coming in on container ships in this country in a year—9 million containers in a year. A relatively small percentage of those containers are inspected. If, God forbid, terrorists should get a hold of a small nuclear weapon, the size of a grapefruit or a basketball, and detonate a small nuclear weapon at one of our docks in a container on a container ship, it could obliterate an American city. Yet we have not spent nearly as much time dealing with port security or, for that matter, rail security as we have dealing with the issue of security at airports and security in commercial air travel. We must do a much better job with respect to ports.

When we have that many containers coming into our ports with so few being inspected, it leaves our country vulnerable.

I recall visiting a port one day. I come from a State without ports. We do not have a water boundary. I was interested so I toured a port in a major city. I asked: What is in that container on that ship?

That is frozen broccoli, they said.

Is it full of bags of frozen broccoli?

Yes, it is full of 100-pound bags of frozen broccoli.

How do you know that? Do you know what is in the middle of that big old container?

No, we just know that is what it says on the bill of lading, frozen broccoli.

What if, God forbid, somehow terrorists acquire a nuclear weapon and put that in a refrigerated container on a container ship or any container on a container ship destined for one of our country's major port cities and detonate that nuclear weapon at the docks in the middle of one of America's port cities?

We must find ways to address those issues, and we have not spent nearly the resources necessary to give us adequate security at America's ports. We have not spent nearly the resources necessary to provide the security with this country's rail system.

We haul every day, all across this country, toxic material, dangerous material all across America. If terrorists were to find a way to deal with that and manipulate a terrorist attack in our rail system with the kinds of materials that move on our rail system, we would be in a very difficult situation.

As we review this legislation today and tomorrow, we need to continue to rethink how do we improve, how do we make the adjustments necessary to devote more resources for port security, especially port security and rail security.

I did indicate we do need to control our borders. There is no question we need to do that. But I think even the President expressed surprise at the suggestion of the Department of Homeland Security that with regard to the 4,000-plus-mile common border with Canada, we are going to require every person moving back and forth through that common border to have a passport.

In my judgment, that is an impractical way to provide security at America's borders. As the President suggested, I hope the Homeland Security Agency will rethink that. In our part of the country we have a long and common border with Canada. Every day there is a substantial amount of commerce coming back and forth. People farm on both sides. People work on both sides, do business on both sides. To require a passport in both directions would make no sense at all.

When I began talking about this before 9/11/2001, we had ports of entry at the northern border ports that when they closed in the evening security consisted only of an orange rubber cone put in the middle of the road. The polite ones actually stopped and removed the cone before they came across the border. Those who were not so polite would run over it at 60 miles an hour.

So we have made improvements in those areas but much remains to be done. I hope as we construct, talk about, and consider amendments to this bill, we will finally understand that security means security in every area, not just in aviation or commercial airports. The tragic attack in London tells us once again how vulnerable some of these areas are and I mentioned two today: our rail system, No. 1, and especially No. 2, our port system, which renders much of our major and largest port cities in this country very vulnerable to a devastating terrorist attack. We must and we can and we will do better.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURR). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. COLLINS. Mr. President, I ask unanimous consent that the Reid amendment be temporarily set aside for the purpose of offering an amendment.

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

AMENDMENT NO. 1142

(Purpose: To provide for homeland security grant coordination and simplification, and for other purposes)

Ms. COLLINS. Mr. President, I have an amendment at the desk. I call up the amendment No. 1142.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for herself and Mr. LIEBERMAN, Mr. DEWINE, Mr. COBURN, Mr. AKAKA, Mr. CARPER, Mr. SALAZAR, Mr. COLEMAN, and Mr. VOINOVICH, proposes an amendment numbered 1142.

Ms. COLLINS. I ask unanimous consent the reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Ms. COLLINS. Mr. President, I rise today with my good friend, Senator LIEBERMAN, to offer an amendment to the Homeland Security appropriations bill. Let me note at the outset my appreciation for the work that Senator

LIEBERMAN has done on this issue. He and I have worked together with members of the Homeland Security Subcommittee for the past 3 years on this authorization to develop an improved homeland security funding approach based on extensive hearings we have held, much consultation, and hard work by our committee.

We are pleased to be joined by several cosponsors, including Senators CARPER, COLEMAN, AKAKA, VOINOVICH, DEWINE, BINGAMAN, and SALAZAR.

The amendment we offer would for the first time authorize a framework for the billions of dollars the Department of Homeland Security allocates each year to assist first responders and State and local officials in helping to prevent terrorism and to prepare for an attack. That important point bears repeating. The more than $8 billion that Congress has appropriated for grants to States and localities for terrorism prevention and response since 9/11 has never been definitively authorized.

This is not a matter of an authorization having expired, which happens quite frequently around here, but rather of a multibillion-dollar program that has never been authorized. This is highly unusual. In fact, my staff checked with CRS, which went back a decade and could not find a single other grant program over $1 billion that has never been authorized. Sure the appropriators have borrowed a funding formula from the PATRIOT Act, although the bill before us does not use that formula, but in truth the appropriators have had to legislate the details of the Homeland Security Grant Program year after year. So, for example, the House-passed version of this year's Homeland Security appropriations bill determines the minimum allocation that each State is to receive, establishes a strict timeframe for applications to be submitted and for the Department to act on them, requires 80 percent of the grants to be passed on by States to local governments within 60 days, determines for what funds can and cannot be used, and requires grantees to submit reports on their use of funds. That is a lot of legislative language on the House-passed appropriations bills, and indeed the Senate version before us contains similar legislative provisions.

These are the kinds of programmatic decisions that Congress is supposed to determine through authorization bills, not each year anew on an appropriations bill. What Senator LIEBERMAN and I are offering today is the specific, detailed authorization bill that this program has never had. Frankly, we would prefer not to do this, not to offer it to the appropriations bill. We believe our legislation, S. 21, which is the product of numerous legislative hearings, two markups, and input from countless interested parties and many homeland security experts, should be considered by the full Senate on its own. The House recently passed a companion measure. S. 21 is on the Senate calendar, having been reported by the Homeland Security Subcommittee without dissent on April 13. But there are no assurances that it will be brought to the Senate floor. So we are offering our authorization bill as an amendment to this appropriations measure.

Although Senate rule XVI generally prohibits authorizing on an appropriations bill, ironically there is an exception when the House has, in essence, opened the door by legislating on the matter in its own bill. That is what has happened here, so we believe that rule XVI is not implicated.

Mr. President, you may be saying, Why does this really matter? What is important about this bill that it should be brought up rather than allowing the situation to continue with slight tweaks and variations and new legislative language on the appropriations bill, year after year? Let me talk about the amendment, which is the text of S. 21 as reported, with a few changes.

The amendment establishes a new formula for distributing homeland security grant dollars. It determines how funds are to be allocated, sets criteria to ensure that the funds are spent in ways that help States and communities develop essential capabilities to prevent and respond to terrorism, and it holds grantees responsible for achieving results.

Perhaps the amendment's most important provisions are those that inject needed accountability measures into the grants process. We have all heard the horror stories about inappropriate spending of homeland security funds. This waste is intolerable, but particularly so when there are so many unmet needs that are scrambling for funds—needs where the funding simply is not available. Our amendment will put into place tough new standards to ensure that homeland security funds are spent wisely and in ways that will help us better prepare for, or respond to, or prevent a terrorist attack.

Let me refer to this chart which summarizes the accountability measures that are included in the Collins-Lieberman provisions. The first is tying spending to standards. This amendment requires that States distribute and spend homeland security funds only in ways that measurably help them meet preparedness standards and achieve essential capabilities to be determined by the Department of Homeland Security. In other words, no more spending homeland security dollars on leather jackets in the District of Columbia or air-conditioned garbage trucks in New Jersey. For that matter, even purchases of perfectly appropriate items such as hazmat suits must be tied to achieving essential capabilities set by the Department. This safeguard is designed to prevent a community from purchasing equipment that it has no reasonable expectation of needing. I know this is an issue with which the chairman of the subcommittee, Senator GREGG, has been particularly concerned.

The second accountability measure is a thorough annual audit by the General Accounting Office to ensure that funds are not being wasted and that the program is working as intended.

Third is greater coordination among the many grant programs that fund prevention and response efforts. Our amendment would create a Federal interagency committee to promote coordination of homeland security grants throughout the Federal Government. In particular, this committee would focus on eliminating redundant application, planning, and reporting requirements faced by States, local governments, and first responders in applying for and executing different Federal homeland security-related grants.

Fourth are robust reporting requirements. These are the means by which accountability can be enforced. The amendment requires grant recipients to submit annual reports on their specific uses of grant funds and their progress in achieving essential capabilities. These reports would be submitted to the Secretary. The Secretary, in turn, would be required to submit an annual report to Congress, providing an accounting of how grants to States and communities are spent and an evaluation of their progress.

Fifth are the remedies for noncompliance, what I call the enforcement mechanisms. The amendment empowers the Secretary to terminate or reduce grant payments if a State or locality fails to comply with all the requirements of the grant.

In addition to these tough new accountability measures, our amendment authorizes a funding amount that is adequate and a distribution formula that is fair. This legislation dramatically increases the funds that would be distributed based on threat, risk, and consequences. It also maintains a meaningful level of funding for each State. Much of the frontline responsibility for homeland security has fallen squarely on the shoulders of our State and local officials and our Nation's more than 9 million first responders. Communities across America have risen to this challenge and developed scores of innovative homeland security strategies. For these strategies to be implemented, however, all States must achieve a baseline level of essential capabilities. At the same time, we must direct resources toward locations and facilities that are at higher levels of risk and vulnerability.

Both of these goals—helping each and every State come up to a minimum level of preparedness and targeting funds to those areas and facilities at greatest risk—require an adequate, steady, and predictable stream of Federal funding. Absent that stream, we find ourselves in an escalating argument over whether these resources are being allocated and spent properly.

Unfortunately, this argument increasingly pits our urban centers against our rural regions. We believe the bill that we have carefully crafted strikes the right balance.

Let me acknowledge the hard work of Senators GREGG and BYRD in putting together this appropriations bill. We share with them the goal of a fair formula for allocating funds to States while increasing the proportion of funds that would be distributed based on risk, but the problem is unpredictability. We ask States to prepare multiyear plans for improving their homeland security capabilities and yet each year we threaten to develop a new formula for distributing Homeland Security grant dollars. That is why in supporting our legislation, S 21, the National Governors Association underscored the need for the predictability that our amendment would provide.

On the chart behind me is a quotation from the Governor's letter. It reads as follows:

> To effectively protect our states and territories from potential terrorists 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.

This is, after all, a partnership with first responders, with local governments, and with State governments.

Our amendment would provide the predictability States need to protect our Nation. First, our amendment authorized a sufficient level to reverse the trend of declining Homeland Security funding by authorizing the program at the fiscal year 2004 level of $2.9 billion. As the chart behind me demonstrates, funding for first responders is on the decline by $900 million from 2004 to the level proposed in the President's budget. We were reminded just last week that the war against terrorism has not been won. The battle continues. It is our first responders who are on the front lines. Do we truly believe that now, during a period of heightened alert, is the time to scale back our efforts in preventing and responding to terrorist attacks? I think not.

Our amendment also incorporates a balanced formula. Each State would be guaranteed a minimum allocation of .55 percent of the total funds appropriated for State and urban area grants. The minimum, however, is scaled so that States with larger populations and higher population densities would receive additional funds. We call this a sliding scale baseline. It will promote a level of preparedness and provide predictability. The remainder of the total funds would be distributed to States and regions based on the Secretary's determination of risk and threat.

As this chart shows, the amendment makes a grant investment in threat-based funding. It increases the proportion of risk-based funding by more than 60 percent. Moreover, under our sliding scale distribution using factors the Department of Homeland Security employs now in its risk-based approach, another 10.7 percent of appropriated funds would be allocated only to the most populous and most densely populated States.

These are important steps toward bridging that urban-rural divide, and they balance the need for predictability for bringing each State up to a minimum level of preparedness with a heightened emphasis on allocating funds based on threat, risk, and consequences.

As the ranking member on our committee well knows, since he has joined with me in all of these investigations, the choice must not be between protecting skyscrapers or farms and feedlots that provide our food supply, or chemical plants and industrial zones versus the rural communities that trucks and trains carrying those hazardous chemicals pass through. All funds beyond those necessary to cover the baseline allocations, more than 60 percent of the total, would be distributed based on the relative threat, vulnerability, and consequences faced by an area from a terrorist attack. From this funding pool, the Secretary would make threat-based grants to both States and metropolitan regions.

My colleague from Connecticut feels strongly about taking a regional approach to homeland security. In allocating the risk-based formula, the Secretary would prioritize grants with consideration given to such factors as population, population density, critical infrastructure, coastlines, international borders, previous terrorist attacks, elevated threat levels higher than the rest of the Nation, as well as other factors he deems appropriate.

While allowing judgment on the part of the Secretary, we specifically delineated some of the critical factors—the ones I just read—that the Department must take into account. In doing so, we take some of the mystery out of the black box from which DHS now seems to generate some of its funding decisions, decisions that result, for example, in Minneapolis receiving funding but not St. Paul.

One of the most disturbing aspects of the urban-rural argument is the assertion often made that locations outside of our largest cities have no significant homeland security needs. This is demonstrably untrue. It ignores a great deal of expertise. It ignores our history.

A recent study conducted by the Harvard School for Public Health, with coleadership by the Maine Department of Health and Human Services and participation by 26 States, shows that rural areas face unique and profound homeland security challenges. A great many power and water supplies as well as virtually our entire food supply are located outside of urban areas. Work our committee has done on agro-terrorism shows the potential threat to our food supply. In addition, rural areas have far less capacity to deal with a terrorist attack or a public health crisis.

In a letter describing its commercial equipment direct assistance program, the Department of Homeland Security itself wrote:

> When they face the common threat of terrorism, the needs of smaller jurisdictions are very different from the needs of larger metropolitan areas. Smaller agencies confront threats to the transportation infrastructure, agriculture, water supplies, power grids and other critical items spread out over a wide geographic area.

I will highlight the next statement because the events preceding September 11 show it is so true:

> Terrorists may live and train in rural communities. Targets such as pipelines and nuclear power plants are typically located in smaller jurisdictions.

Indeed, among the most striking aspects of the report of the 9/11 Commission is the extent to which the terrorists did live, organize, and train in America's smaller communities. The contacts they had with smaller law enforcement agencies before the September 11 attacks are striking, as well.

As the committee reconstituted the movements of the terrorists after they arrived in the United States, the trail led to such places as Venice and Coral Springs, FL, Norman, OK, Falls Church, VA, Lawrenceville and Stone Mountain, GA and, of course, most personal to me, Portland, ME. It was Portland, ME from which two of the hijackers, including the ringleader, began their journey of death and destruction on September 11. It is not just the large cities that attract those who would do us harm. Indeed, often they feel more secure in hiding in our smaller cities and communities.

As we seek to ensure that our communities, large and small, are prepared to respond to a terrorist attack, we must not lose sight of the need for prevention. Our amendment ensures that the prevention of terrorist attacks, not just response efforts, receives a significant share of Homeland Security funds. This is an area that law enforcement groups tell us over and over again has been neglected.

Our amendment ensures that the prevention of terrorist attacks receives significant funds. It would for the first time authorize the Law Enforcement Terrorism Prevention Program which funds prevention activities by State and local law enforcement. Under the amendment, 25 percent of Homeland Security grant funding would be used for law enforcement terrorism prevention, including information sharing, target hardening, threat recognition, terrorist intervention activities, interoperable communication, and overtime expenses incurred in support of Federal homeland security efforts.

The International Association of Chiefs of Police recently released a report that put it very well. They warned:

In our national efforts to develop the capacity to respond to and recover from a terrorist attack we have failed to focus on the importance of building our capacity to prevent a terrorist attack in the first place.

We are never going to be able to protect every single target in this country. That is why we have to pay attention to the prevention, the detection, the law enforcement side, as well as the response side.

Because of our bill's emphasis on terrorism prevention, it has been endorsed by the National Association of Police Organizations, the International Association of Chiefs Of Police, the International Union of Police Associations, the National Troopers Coalition, the United Federation of Police Officers, the International Brotherhood of Police Officers, the Fraternal Order of Police, and the National Organization of Black Law Enforcement Executives among others.

NAPO is the strongest voice supporting law enforcement officers in the United States, representing more than 236,000 sworn law enforcement officers as well as retired officers, and 100,000 citizens who share a common dedication to fair and effective crime control and law enforcement. They, too, have pointed out in a letter to Senator LIEBERMAN and me that we need to be sure State and local law enforcement are properly supported, trained, and equipped to prevent terrorism before it occurs.

I do not believe we can allocate Homeland Security dollars effectively and efficiently unless we listen to and learn from the advice of our law enforcement officers and other first responders. Guided by a task force of first responders, the Secretary would establish the essential capabilities I referred to earlier to ensure that first responders have the support they need.

Preventing and responding to terrorism is a national challenge, but preventing and responding to specific acts of terrorism in the urgency of the moment is a regional challenge. We saw this after the September 11 attack on the Pentagon and in New York City when first responders from outlying communities rushed in to make invaluable and heroic contributions to the rescue operation.

We saw it again in simulation at the TOPOFF 3 exercise I observed earlier this year with Senator LIEBERMAN. This incident was a simulated explosion and chemical attack at a waterfront festival in New London, CT. The contributions by first responders from the outlying smaller communities were enormous, but their efforts were hampered by a lack of interoperable communications equipment.

Senator LIEBERMAN and I saw some first responders who were carrying as many as three emergency radios, which slowed the evacuation of those who were playing the injured parties to hospitals throughout the region. In a real attack, these delays—that incompatibility of equipment—would have had devastating consequences.

Regional planning and coordination are essential, and our amendment would shift the focus of local funding from individual cities to metropolitan regions. Unlike the current Urban Area Security Initiative under which DHS simply announces a list of cities it has selected to fund, our amendment would establish an application process for metropolitan region funding.

In applying for funding, communities would be given considerable flexibility in forming regions that would make the most sense locally. Our amendment provides that the regions within the 100 largest metropolitan statistical areas would automatically be eligible to apply, with additional regions eligible under certain circumstances.

Our amendment would also allow for regional coalitions—even those spanning multiple States—to apply for grant funding together to address common needs. I think this would lead to real breakthroughs in strategy.

Let me give you a concrete example. Several Midwestern States are joining together to take steps to prevent and, if necessary, respond to acts of agroterrorism. That is exactly the kind of project that our amendment would provide for and fund. Under current law, these States could not seek funds as a group despite the common threats they face and the common solutions they seek. Our amendment breaks out of this rigid mold to allow States, counties, cities, tribes, and other governmental units to think regionally and creatively as they seek to prevent and prepare for terrorist attacks.

Our amendment would also put the State and local homeland security planning process where it belongs, on the front end. This legislation requires State and local jurisdictions to plan for how funds will be spent before the funds arrive. Currently, much of the deliberative planning on how funds will be spent is done on the back end, only after DHS has allocated grants to States and urban areas.

Moreover—and this actually is another safeguard—our bill would require States to spend money according to State plans approved by the Department of Homeland Security. More advanced funding means funds will be spent more quickly and according to a coherent strategy.

Whenever I meet with first responders, whether it is in my home State of Maine or elsewhere, I am always struck by the fact that very few of these brave, dedicated men and women first went into law enforcement, firefighting, or emergency medical services ever thinking they would end up on the front lines of a war against terrorism. They have been handed an unprecedented and unimaginable challenge, and they have accepted it bravely and willingly. They deserve the equipment, training, planning, input, accountability, and stability that our amendment would provide. They deserve to have this critical program that is so essential to the security of our Nation properly authorized, funded, and designed.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I am proud to be a cosponsor with Chairman COLLINS of this amendment. I want to speak on its behalf.

THANKING SENATE COLLEAGUES

Mr. President, I do want to say on a personal matter, very briefly, this is the first day I have returned to the Senate since my mother, Marcia Manger Lieberman, left this Earth on June 26. The following week I was observing a period of mourning.

We were blessed to have Mom live to the age of 90. She taught us a lot of lessons throughout life: how faith and family and community matter most. We are going to miss her, of course. But I want to take this moment to thank all my colleagues who reached out to me and my family, including the occupant of the chair, the Senator from North Carolina, Mr. BURR, and my friend and colleague from Maine, Senator COLLINS.

I thank you and everyone else for your calls and your letters and flowers and baskets of food, all of which were a source of great strength and comfort to my family, my sisters and me, and honor the memory of the great lady I was blessed to have as my mom. So I thank you all for that.

AMENDMENT NO. 1142

Mr. President, Mom, most of all, would say: Life goes on. Every day get up and make the most of it. So I am very honored to have the opportunity on this day to join with Senator COLLINS in offering this amendment.

This amendment tracks S. 21, the Homeland Security Grants Enhancement Act, which was reported out of the Homeland Security and Governmental Affairs Committee in April with strong bipartisan support. Senator COLLINS and I believe that the ideas the committee endorsed represent the most balanced, constructive approach to supporting those all across America whom we ask to protect the rest of us from harm.

This amendment accomplishes many things, including the doubling of the amount of money that will be delivered to States and localities most at risk. It reduces the potential for waste. It authorizes adequate funding for our Nation's first responders whom the Senator from Maine has spoken of so eloquently. It establishes, for the first time, a comprehensive framework for supporting homeland security efforts by fully authorizing the essential grants programs that each year have, unfortunately, been left to the whims of the appropriations process and have left people all across America uncertain.

These are essential reforms to our grants process, made even more compelling by the knowledge—underscored by last week's bombing in London—that terrorists are out there, that they

will strike, and that we are involved in a world war. It is not like any world war before. But this enemy has a mission. It is to destroy as many of us as they can. And they will choose the battlefields, where they will choose them.

This amendment responds to that threat in a most direct and sensible way. We direct more money to the places that are at greatest risk of terrorist attack, that are most vulnerable, and where the consequences of an attack would be, obviously, disruptive to the people, to our economic well-being, and to our very way of life. In other words, the terrorists obviously strike without regard to the loss of life, innocent life, but they also want to disrupt our society and create fear.

This amendment responds to that threat in two ways: First, by guaranteeing a higher baseline level of funding to the largest and most densely populated States, States that are likely to be at more risk of attack and to suffer greater consequences if they are attacked and, second, by substantially increasing the funds we entrust to the Homeland Security Secretary's discretion to allocate based on an assessment of risk.

A key part of this amendment is also a desire to balance support for those cities and States at high risk without sacrificing the security of locations that may not be on the top of a target list today but could very well be in the future. That is because this amendment recognizes what I said a moment ago, that the terrorists aim to break our confidence, to create panic, to take advantage of the openness of our society. This is a big country. As a result, no matter how good our intelligence is, we cannot be certain that in every case—maybe even in most cases—we will be on notice about where the terrorists might strike next.

This amendment recognizes the fact that terrorists alter their methods of destruction, of murder, that one day they may strike fortified targets such as military facilities, as they have in Iraq and in Lebanon, and the next day they may strike soft targets, as they have and did when they blew up a discotheque in Indonesia or took hostages and brought an end to life at a school in Beslan, Russia.

Common sense, therefore, requires us to continue to build basic capacity to prevent and respond to attacks wherever they may occur in this country. And that means everywhere in this country. To build that capacity over time, State and local officials need some predictability of funding. They need to know when and how much assistance they are likely to receive from year to year if they are to do what their citizens expect them to do: to plan and carry out the best possible homeland security throughout America. This is a difficult balance to reach. But I feel confident that the Homeland Security and Governmental Affairs Committee has achieved that balance in this amendment.

First, we double the amount of dollars over current levels for grants based on risk. I want to emphasize that because some have criticized the committee action, saying we do not pay attention to the experts' predictions of risk. The fact is, we set aside over 60 percent of the total amount authorized in this measure to distribute to States and cities considered to be most vulnerable to a terrorist attack.

The rest of the money would be used to guarantee a minimum level of preparedness in every State, although more highly or densely populated States would get more money. So each State would be guaranteed a minimum of 0.55 percent of the total amount appropriated. The high- and dense-population States get a little bit more.

Beyond these formula changes, the amendment would streamline the State homeland security grant process, require better planning and therefore better spending, and add a dose of reality to the grants distribution process. Unlike the Department's current opaque and changeable approach for distributing the so-called Urban Area Security Initiative grants, this amendment, the Collins-Lieberman amendment, would allow metropolitan regions to apply for funding. The 100 largest metropolitan areas could apply. They enter automatically this pool of eligibles. And others could submit applications with the consent of their Governor and the Homeland Security Secretary.

Each applicant would have an opportunity to make its own case based on its specific risks, vulnerabilities, and needs. The Department of Homeland Security would award the grants based on merit. There would be no arbitrary limits on funding to areas that demonstrate they are at risk, such as the population cutoff the Department instituted this past year, saying that if you are not larger than a certain number of people you cannot qualify for the Urban Area Security Initiative, even if you have uniquely vulnerable assets, facilities in that area that in the normal course of exercise of due diligence would require extra support.

Our amendment would encourage cooperative planning and execution across jurisdictional lines by allowing at least two contiguous jurisdictions to submit a regional application. In addition to dedicating funding for the largest metropolitan areas in the country, our amendment would, for the first time, allow States to apply for risk-based funding and to make the case to the Secretary that there are threats to their jurisdiction that require additional grant money to address.

Another critical element of our amendment would be to require the Secretary of the Department of Homeland Security, in consultation with a task force of State and local first responders, to establish what we call essential capabilities—in other words, targets for the levels and quality of planning, people, and equipment different types of communities need to prevent, prepare for, and respond to acts of terrorism and other catastrophic events.

These essential capabilities will provide guidance to States and localities, but they also provide benchmarks for measuring State and national progress in achieving preparedness. Other accountability measures—because we are authorizing a lot of money to be spent here for a good reason, but we are requiring accountability as to how it is spent—include, for instance, an annual GAO audit and new, more robust reporting requirements for grant recipients and for the Department of Homeland Security. This amendment would also give the Secretary the authority to terminate or revoke grants if a recipient doesn't comply with the accompanying requirements.

We honor the old proverb that an ounce of prevention is worth a pound of cure. That is why, in the very contemporary context of the threat of terrorism, our amendment dedicates 25 percent of authorized funds to strengthen law enforcement efforts that are made to prevent attacks before they occur. We have 700,000 pairs of eyes and ears on the ground in every community across this Nation. What am I speaking about? Local law enforcement officers. They are our foot soldiers, our boots on the ground in the war on terrorism. But too often, up until now, they have been left on the sidelines. The brake that stops that next attack on New York, Washington, Los Angeles or any small or mid-size community across America may well come from the alert work of a police officer many thousands of miles away.

Senator COLLINS mentioned some of the small communities across America that tragically played critical roles, inadvertently, in all the activity that led up to the September 11 attacks against us. We quite simply cannot afford to waste the talents of any law enforcement officer in America. So we have to do what we can to facilitate, encourage, and support their vigilance on our behalf.

Finally, our amendment authorizes $2.9 billion in funding for fiscal years 2006 and 2007. That is the same level—not higher—as provided in fiscal year 2004. Unfortunately, the trend for State homeland security funding is pointing down, not up, even as we understand that the threat remains at least as great as it has been up until now, perhaps even greater. But at least a $2.9 billion authorization will send a strong message that we will provide reliable and consistent funding to get the job done at the local level and the State level, that we will not begin to chip away at the funds that our allies at the State and local level can expect from the Federal Government.

Our amendment improves upon the current approach and upon the approach spelled out—I say with respect—in the underlying appropriations bill. That is why the Collins-

Lieberman amendment has received support, for which the Senator from Maine and I are grateful and honored, from the National Association of Police Organizations, the International Association of Chiefs of Police, the International Union of Police Associations, the National Troopers Coalition, the National Fire Protection Association, the National Association of Development Organizations, and many others—all support this amendment. This is an expression of support. Indeed, I think it should be taken as a plea for support by these organizations that represent a broad swath of law enforcement officers at the State and local level across America.

This amendment is a considered approach to the administration and distribution of homeland security grants. We believe it strikes the right balance between not only risk and population, high-risk areas, according to the experts, and other areas that may well be at risk as we go forward, but also risks between providing flexibility and ensuring accountability. Most importantly, it provides our Nation's first responders, who are also first preventers in our war against terrorism, with a solid, long-term platform of support.

It has, once again, been a great pleasure to work with my friend and colleague, Senator COLLINS of Maine, chairman of our committee. We were grateful for the overwhelming bipartisan support of the committee for this measure when it came out of committee as S. 21. We thank our colleagues for that.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I thank my friend and colleague from Connecticut for his excellent statement. We have worked very hard on this issue for the past 3 years. It is my hope that our colleagues will recognize the work that has gone into this measure, whether it is coming up with a fair and balanced—I guess that phrase maybe has weight toward it—carefully crafted formula or whether it is the accountability measures that are in the bill that I also believe are so important. Another member of our committee who has been a stalwart supporter of the bill and has worked very hard in shaping many of its provisions from his perspective as a former mayor of a major city is our colleague from Minnesota, Senator COLEMAN. I am very pleased he is here to speak on behalf of the bill.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I thank my colleagues, the chairman from Maine and the ranking member from Connecticut, for the hard work they have done in working in a bipartisan way and coming up with important, practical, commonsense ways to deal with the threats to homeland security that deal with the threats to major urban centers, that deal with the opportunity—I want to talk about this a little bit today—and the importance of working on a regional basis.

As a Senator from Minnesota, I represent the Twin Cities. I will talk a little bit about the Twin Cities, Minneapolis and St. Paul, the experience they had dealing with the urban area security initiatives under the present system. The system needs improvement.

I rise today to offer my support for the bipartisan amendment offered by Senator COLLINS and Senator LIEBERMAN that will streamline and rationalize the State homeland security grant process. My State has a wide range of homeland security interests. We share an international border with Canada. We have two major cities in Minneapolis and St. Paul. We have two nuclear reactors in Red Wing and Monticello. We have a major port in the city of Duluth on Lake Superior, connected through the Great Lakes system to the St. Lawrence Seaway and the Atlantic Ocean.

Unfortunately, Minnesota witnessed an average 48-percent reduction in the allocation of Federal homeland security dollars for this year. In addition, when the urban security initiative grants were first announced, Minneapolis's funding was cut from $12.2 million to $5.7 million, and St. Paul's funding was completely eliminated. I am not here to complain about cuts in funding. I am here to raise concerns about the present system, as my colleague from Connecticut discussed, how opaque and changeable it is, and the difficulty of urban centers in planning to meet homeland security needs.

As my colleague from Maine indicated, I am a former mayor. I had hands-on involvement in this process. You need a greater measure of certainty. When you talk about communities such as Minneapolis-St. Paul, it is important to understand that you are dealing with regional concerns, that you cannot cut out one city because it is slightly smaller in size than the other city. I grew up on the east coast. I moved to the Midwest 31 years ago. When I moved to the Midwest, when I moved to St. Paul 1976, my mom, who was still in Brooklyn, thought the Twin Cities were Minneapolis and Indianapolis. She didn't realize it was Minneapolis and St. Paul. I excuse my mom. She didn't spend a lot of time out of Brooklyn in those days. But I expect more from the Department of Homeland Security. And in 2004 and 2005, anyone who looks at a map knows the Twin Cities and understands they work hand in hand. They are regional centers. They are divided by the Mississippi River, but they are connected essentially. They share a bus system, an airport, a land grant university. They both have significant major fire departments that coordinate with each other, particularly in dealing with issues of hazardous materials. The two cities work together on responses for infectious disease outbreaks and other public health threats.

Fortunately, the Department of Homeland Security, after much concern was raised by the process this year, granted St. Paul eligibility to share in Minneapolis's funding for this year. I don't think you can have effective homeland security when cities endure wild fluctuations in funding such as the 71-percent reduction the Twin Cities face this year. So the Collins-Lieberman amendment makes common sense, practical changes to the homeland security grant process to ensure continuity and accountability in terms of money distributed to States and cities.

Again, you can't do homeland security well if you are involved in a process that is opaque, that is changeable, that is prone to the wild fluctuations. This amendment wisely encourages regional cooperation by moving the focus of local funding from individual cities to metropolitan regions. Again, the Twin Cities are an ideal example of that. The reality is that, God forbid we faced a major terrorist attack in the Twin Cities or in one of the surrounding suburban areas, the Mall of America, one of the largest tourist attractions in the United States, 35 million people a year right outside the Twin Cities, if that were ever subject to a terrorist attack, clearly the departments of Minneapolis and St. Paul would be responding to those concerns. That is the world in which we live. We cannot isolate ourselves and live in little bubbles anymore. So the importance of focusing on the regional level reflects the reality of the world in which we live and the geographical reality, and it simply makes sense.

Under the new formula, communities are given considerable flexibility in forming regions that make the most sense locally. I would encourage other areas such as Minneapolis-St. Paul to do that, to understand that it is important to be able to combine resources, to maximize resources to deal with common threats to the region. Within the amendment, a region must be made up of two or more neighboring municipalities, counties, parishes or Indian tribes and must include the largest city in the metropolitan area. This will enable cities such as Minneapolis and St. Paul to be considered as one region rather than separate entities and benefit from the same funding stream. This makes sense.

For our Nation to be prepared, all States must be able to meet a basic level of preparedness. This amendment will double the funds that would be distributed based on threat, risk, and need while maintaining a predictable and meaningful level of funding for each State.

A predictable stream of funding is critical for States and local and tribal jurisdictions to embark on a long-term strategy of preparedness. That is the path we are on in a world in which we are so much more vulnerable. We need to plan as well as we can—plan for the long term—and to have a strategy of

preparedness and to encourage cities and municipalities, counties, parishes, and Indian tribes to work together to meet the threats that are out there.

We currently require States to submit 3-year plans to the Department of Homeland Security and it is unrealistic to expect States to effectively plan ahead without providing some certainty on the funding they should expect to receive.

This amendment also creates new audit provisions, requires mandatory reporting, coordination among grant programs at different Federal agencies, and that individual expenditures be tied to achieving nationally established essential capabilities. So we are tying funding to meeting needs that are out there, tying funding to maximizing coordination, tying funding to achieving certain levels of preparedness. Tying spending to achieving national preparedness goals and holding States accountable to how funds are spent will prevent wasteful expenditures on other items that are not needed. Homeland security funding is not simply about getting more equipment in a Federal agency; it is not a Christmas tree; it is meeting needs. What we have in this amendment is to measure and make sure spending is tied to meeting the levels of preparedness and effectiveness. Requiring coordination among different Federal grant programs for first responders will prevent recipients from purchasing duplicative or incompatible equipment or training. The bottom line is that homeland security dollars will be spent more wisely and effectively, and that is what we should be doing.

This amendment is a great step forward in terms of contributing funds on a regional basis and ensuring that communities have the tools they need to work together to provide greater security for their residents. I look forward to supporting this amendment today and I urge my colleagues to support it as well.

I yield the floor.

Mr. AKAKA. Mr. President, I rise today in support of the amendment offered by Senators COLLINS and LIEBERMAN that would provide for homeland security grant coordination and simplification. I wish to thank them both for working with me and the other Members of the Senate Committee on Indian Affairs to include a provision in their amendment that is very important to Indian Country.

This amendment is based on S. 21, the Homeland Security Grant Enhancement Act, a bill that was reported out of the Homeland Security and Governmental Affairs Committee favorably and of which I am an original cosponsor. S. 21 recognizes that no State is immune to terrorist attack by requiring that each State receive at minimum .55 percent of appropriated funding. This is important to States like Hawaii that are smaller in population, but still have critical assets that need to be protected.

The Collins-Lieberman amendment also ensures that Indian tribes have access to homeland security funding. With more than 50 million acres of land comprising Indian Country, which includes dams, hydroelectric facilities, nuclear power generating plants, oil and gas pipelines, transportation corridors of railroad and highway systems, and communications towers, tribal governments need to have funds to protect and respond to threats of terrorism. Although the Homeland Security Act of 2002 included tribal governments in the definition of ''local governments,'' this distinction has not guaranteed that tribal governments are consulted or involved in the protection of the United States. Nor does the act ensure that Indian Country will receive critical information regarding potential terrorist threats, and more importantly, the act does not give tribal governments the authority to detain potential terrorists who are found in Indian Country.

While the amendment does not fully address the homeland security problems that some tribal governments are experiencing, it is a bipartisan compromise that at the very least will ensure that Indian tribes with critical homeland security needs will be able to apply directly to the Department of Homeland Security for risk-based homeland security grants.

I am pleased that my colleagues recognize that tribes should have the same access to homeland security funding as the rest of the country. This is an important first step for Indian Country to address homeland security issues.

Again, I thank Senator COLLINS and Senator LIEBERMAN for their work on this amendment.

The PRESIDING OFFICER. The Senator from Maine is recognized.

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

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

EXPRESSING SYMPATHY FOR THE PEOPLE OF THE UNITED KINGDOM

Mr. FRIST. Mr. President, last Thursday, a series of four explosions struck the heart of London during the morning rush hour. At least 49 innocent victims were killed and 700 others were injured. A previously unknown group called the ''secret group of al-Qaida's jihad'' in Europe claimed responsibility in the name of al-Qaida for the attacks.

On behalf of the U.S. Senate and the American people, we express our heartfelt condolences to the victims, their families, and to the British people, our cousins across the Atlantic. We share in your grief and in your determination to hunt down the criminals who carried out this despicable act. We consider the attack last week on British soil an attack on the civilized world. We stand with the British people just as they have long stood with us.

For nearly two centuries, the United States and the United Kingdom have enjoyed a special relationship. We speak the same language. We share a heritage of freedom and our economies are inexorably intertwined. Our militaries, our intelligence services, our great corporations, and our distinguished universities share deep relationships. Today, our forces fight side by side in Iraq and Afghanistan, sharing the sacrifices and the victories.

As we learned on 9/11, our enemies are coldblooded killers who deliberately target innocent victims—women and men on their way to work, schoolchildren starting the new school year, and vacationers at the beach.

Our enemies pervert religion. They despise freedom. They seek to overthrow regimes and dominate the world. But as they learned on 9/11, America, the United Kingdom, and the free people of the world will not stand by. We are taking the fight to their soil, to their caves, to their hideouts. We are disrupting their terror cells and financing operations. We are strengthening our homeland defenses and sharing information among intelligence agencies and nations.

Brave men and women are working every day to thwart the enemy, to find him and bring him to justice. But as President Bush observed today, the terrorists need to be right only once. Free nations tend to be right 100 percent of the time. They need to be. And the best way to defeat the enemy is to stay on the offense.

We will call upon the international community to renew and strengthen its efforts to defeat the terrorists, dismantle their networks, and to drain the swamps of injustice, oppression, poverty, and extremism that feed their hateful ideology.

In the war on terror, we will not stop. We will not waiver. We will stand united against the enemies of freedom. And whatever it takes, wherever it takes us, we will win.

Mr. President, under the previous agreement, we will now have a moment of silence in memory of those whose lives were lost.

The PRESIDING OFFICER. The Senate will recognize 1 minute of silence.

(The Senate observed a moment of silence.)

The PRESIDING OFFICER. Under the previous order, the Senate will now consider S. Res. 193. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 193) expressing sympathy for the people of the United Kingdom in the aftermath of the deadly terrorist attacks on London on July 7, 2005.

Mr. FRIST. Mr. President, I ask for the yeas and nays on the adoption of the resolution.