about. It simply prods the Department to come up with a plan to take the lessons learned from the pilot project and submit a proposal for reaching 100 percent scanning.

We have to look at a few contradictions in our national security. Not everyone who walks into the White House is a high threat. Yet we screen 100 percent of people. We need to apply the same understanding to other aspects of our security. We must recognize that the terrorists will come to understand what we consider as high-risk cargo. As we say we are looking at high-risk cargo and we do 100 percent of that, that still leaves 95 percent of all the cargo unscanned. Eventually, the terrorists will adapt and they will determine that they should go and try to place their device in that which is not considered high-risk cargo. Without 100 percent scanning, we will not be able to adapt to terrorists as they change their tactics.

We have seen in aviation security how they have changed their strategy from box cutters, to shoes, to liquids. The methods they use to infiltrate our security continue to evolve. So must we. We are naive to think only high-risk cargo should be scanned. We need to be able to be as adaptable as they are so we can stay one step ahead.

My colleagues, in noting their opposition to the Schumer-Menendez amendment last week, did not object to the goal of reaching 100 percent scanning. In fact, the distinguished Senator from Maine stressed the importance of moving forward with vigorous implementation of the SAFE Port Act, including the requirement that 100 percent of all high-risk cargo be scanned. I would argue this amendment helps achieve that goal and will ensure that we continue to move forward toward 100 percent scanning.

Last year, I offered an amendment that would have required the Department to develop a similar plan to achieve 100 percent scanning, and there were a few provisions my colleague from Maine took issue with, and so we have amended this version. In the scheme of things, this is a very small additional requirement for the Department, but in my opinion it takes us a significant step forward toward a very crucial goal.

Finally, this amendment does not ignore the progress we are making because of the SAFE Port Act. In fact, it would build upon the SAFE Port Act's goal of expanding scanning at foreign ports on a reasonable timeline.

I also hope my colleagues will not look at the 9/11 Commission Report as a way to argue that improving security of our cargo is not in line with the 9/11 Commission recommendations. There is no doubt our ports remain one of the most vulnerable transportation assets. The 9/11 Commission recognized this. Let's take a step back and look at what the Commission actually said.

First, I think it is important to keep the Commission's report in context. It runs nearly 600 pages and covers an incredible amount of material, from a factual accounting of the events leading up to September 11, an assessment of the weaknesses of our national security, and, finally, what the Commission itself calls a limited number of recommendations. The recommendations are wide ranging in scope, and there is no way we can expect each recommendation to carry out each detail of what that recommendation should entail and the action that should be carried out.

In discussing cargo security, the Commission lumped it together with aviation and transportation security. Given the nature of the attacks, we understand the obvious focus on aviation security. However, the Commission also noted the vulnerabilities in cargo security and lamented the lack of a strategic plan for maritime security.

In making its recommendations on transportation security, the Commission called on Congress to do two very specific things: Set a specific date for the completion of these plans, and hold the Department of Homeland Security accountable for achieving them.

I could not agree more. We come to the floor calling for the opportunity to work our way, building upon the present port security initiative—to work our way to see the Department of Homeland Security give us a plan to achieve that final goal, recognizing all of the challenges. In doing so, we move closer and closer to that day in which, in fact, we will be adaptable to the reality that at some point the terrorists will come to understand that only going after high-risk cargo leaves them a huge opening, 95 percent of all the other cargo, to get in their weapon of mass destruction.

That is not a risk that we can afford. We need to be right all the time. They only need to be right once. Therefore, I believe this is an amendment that creates a middle ground and moves us forward to that 100 percent scanning opportunity and therefore improves our national security. I hope when the time comes to vote on it we will have the support of our colleagues in this body.

I yield the floor.

RECESS

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

Thereupon, the Senate, at 12:30 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

The PRESIDING OFFICER. The Senator from Connecticut.

AUTHORIZING USE OF THE ROTUNDA OF THE CAPITOL

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of S. Con. Res. 15 and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 15) authorizing the Rotunda of the Capitol to be used on March 29, 2007, for a ceremony to award the Congressional Gold Medal to the Tuskegee Airmen.

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

Mr. LIEBERMAN. I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid on the table, and that any statements be printed in the RECORD with no intervening action.

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

The concurrent resolution (S. Con. Res. 15) was agreed to, as follows:

S. CON. RES. 15

Resolved by the Senate (the House of Representatives concurring), That the Rotunda of the Capitol is authorized to be used on March 29, 2007, for a ceremony to award a Congressional Gold Medal collectively to the Tuskegee Airmen in accordance with Public Law 109–213. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

IMPROVING AMERICA'S SECURITY ACT OF 2007—Continued

AMENDMENT NO. 352 WITHDRAWN

Mr. LIEBERMAN. Mr. President, on behalf of Senator MENENDEZ, I ask unanimous consent to withdraw amendment No. 352, which he had introduced earlier today.

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

AMENDMENT NO. 354 TO AMENDMENT NO. 275

Mr. LIEBERMAN. On his behalf, I send another amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for Mr. MENENDEZ, proposes an amendment numbered 354 to amendment No. 275.

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

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

The amendment is as follows:

(Purpose: To improve the security of cargo containers destined for the United States)

On page 219, between lines 7 and 8, insert the following:

SEC. 804. PLAN FOR 100 PERCENT SCANNING OF CARGO CONTAINERS.

Section 232(c) of the Security and Accountability For Every Port Act (6 U.S.C. 982(c)) is amended—

(1) by striking ''Not later'' and inserting the following:

''(1) IN GENERAL.—Not later''; and

(2) by inserting at the end the following new paragraph:

''(2) PLAN FOR 100 PERCENT SCANNING OF CARGO CONTAINERS.—

''(A) IN GENERAL.—The first report under paragraph (1) shall include an initial plan to scan 100 percent of the cargo containers destined for the United States before such containers arrive in the United States.

''(B) PLAN CONTENTS.—The plan under paragraph (A) shall include—

''(i) specific annual benchmarks for the percentage of cargo containers destined for the United States that are scanned at a foreign port;

''(ii) annual increases in the benchmarks described in clause (i) until 100 percent of the cargo containers destined for the United States are scanned before arriving in the United States;

''(iii) the use of existing programs, including the Container Security Initiative established by section 205 and the Customs–Trade Partnership Against Terrorism established by subtitle B, to reach the benchmarks described in clause (i); and

''(iv) the use of scanning equipment, personnel, and technology to reach the goal of 100 percent scanning of cargo containers.

''(C) SUBSEQUENT REPORTS.—Each report under paragraph (1) after the intial report shall include an assessment of the progress toward implementing the plan under subparagraph (A).''.

Mr. LIEBERMAN. Mr. President, I believe the Senator from Pennsylvania is here. I will yield to him in a moment.

I am pleased to note the presence of the Senator from Illinois, who has come to the floor to propose an amendment with regard to the funding formula in the bill. This would make the third such amendment. I hope we will have a good, hearty debate on those three and then go to votes either later today or tomorrow morning on them which, of course, I hope will reject all three and sustain the wisdom of the committee, but that will be determined by the body.

I yield to the Senator from Pennsylvania.

AMENDMENT NO. 286 TO AMENDMENT NO. 275

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, on behalf of Senator LEAHY, Senator DODD, and myself, I call up amendment No. 286. This is an amendment which would repeal the provisions of the Military Commission Act, striking Federal court jurisdiction for habeas corpus except for the Circuit Court for the District of Columbia.

I have previously talked to Senator LINDSEY GRAHAM and Senator JON KYL to give them notice that we would be calling up this amendment. I discussed the issue with Senator LIEBERMAN, the manager of the bill, as to procedures which we may follow, but I wanted to call it up and have it pending and proceed to debate it at a later time.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside and the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for himself, Mr. LEAHY, and Mr. DODD, proposes an amendment numbered 286 to amendment No. 275.

The amendment follows:

(Purpose: To restore habeas corpus for those detained by the United States)

At the appropriate place, insert the following:

SEC. ____. RESTORATION OF HABEAS CORPUS FOR THOSE DETAINED BY THE UNITED STATES.

(a) IN GENERAL.—Section 2241 of title 28, United States Code, is amended by striking subsection (e).

(b) TITLE 10.—Section 950j of title 10, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) LIMITED REVIEW OF MILITARY COMMISSION PROCEDURES AND ACTIONS.—Except as otherwise provided in this chapter or in section 2241 of title 28 or any other habeas corpus provision, and notwithstanding any other provision of law, no court, justice, or judge shall have jurisdiction to hear or consider any claim or cause of action whatsoever, including any action pending on or filed after the date of the enactment of the Military Commissions Act of 2006, relating to the prosecution, trial, or judgment of a military commission under this chapter, including challenges to the lawfulness of procedures of military commissions under this chapter.''.

(c) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by this section shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to any case that is pending on or after the date of enactment of this Act.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. OBAMA. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the Specter amendment which was just called up.

Mr. OBAMA. I ask unanimous consent to be added as a cosponsor to the amendment just introduced by Senator SPECTER.

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

AMENDMENT NO. 338 TO AMENDMENT NO. 275

Mr. OBAMA. Mr. President, I ask unanimous consent that the pending business be set aside so I may call up an amendment.

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

Mr. OBAMA. Mr. President, I call up amendment No. 338 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. OBAMA], for himself, Mr. WARNER, Mr. COBURN, Ms. LANDRIEU, Mr. KENNEDY, Mr. MENENDEZ, Mrs. CLINTON, and Mr. SCHUMER, proposes an amendment numbered 338 to amendment No. 275.

The amendment follows:

(Purpose: To require consideration of high-risk qualifying criteria in allocating funds under the State Homeland Security Grant Program)

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

''(d) MINIMUM ALLOCATION.—

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

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

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

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

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

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

''(A) having an international land border; or

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

The PRESIDING OFFICER. The Senator from Illinois.

Mr. OBAMA. Mr. President, it was a typical fall day in New York City. People were headed to work, cars were stuck in traffic, the subways were packed, and the construction crews were busy rebuilding at Ground Zero. Nearby, Con Ed personnel were at work in a manhole, and they made a tragic discovery: ID tags and human remains not seen since that other fall day 5 years earlier. The city paused again. It launched another effort to recover and identify those taken from us on that dark September day.

The recovery is continuing after all this time. The recovery continues 5½ years later, and just last week more victims were unearthed. After all this time, we are still recovering from September 11. Our prayers remain with the family members and friends who still mourn and miss the fathers and mothers and children who made their lives complete. During the Homeland Security Committee meeting to discuss the underlying bill, I met with some of those loved ones.

That is why we are here today. We are here to do the work that ensures no other family members have to lose a loved one to a terrorist who turns a plane into a missile, a terrorist who straps a bomb around her waist and climbs aboard a bus, a terrorist who figures out how to set off a dirty bomb in one of our cities. This is why we are here: to make our country safer and make sure the nearly 3,000 who were taken from us did not die in vain; that their legacy will be a more safe and secure Nation. That is what lies at the heart of this 9/11 bill. It is not just

about how we send the money from Washington to States and local governments; it is about saving lives and doing everything in our power to prevent another attack, to prevent another tragedy, to ensure no one climbs down a manhole expecting to do their work only to find the deceased left in darkness 5 years earlier. That is why we are here—to protect our people.

Most of us had hoped these steps would have already been taken, would have been taken many years ago, that we would have capitalized on the unity and national spirit we shared after the towers fell, the Pentagon was hit, and the Pennsylvania field smoldered. It is never too late to do, however, what is right for our country.

It has been more than 2½ years since the 9/11 Commission issued its report. Not only did the panel of dedicated American researchers find out what happened that day, but they also gave a list of serious recommendations about how to make our country safer in the future. The 9/11 Commission showed us how to move beyond the politics of division in order to achieve the solemn task of better protecting our country.

In its report, the Commission said the following:

> Homeland security assistance should be based strictly on an assessment of risks and vulnerabilities [and] federal homeland security assistance should not remain a program for general revenue sharing.

This is one of the goals of the 9/11 Commission. My amendment that I just introduced moves us closer to a true system of risk-based allocation of State homeland security grants and ensures that funding goes to areas most at risk of terrorist attacks.

This is not an issue of big States versus little States or urban States versus rural States. It is about good policy and about maximizing our use of the people's money.

Today, the system is set up so that all States receive at least .75 percent of the State Homeland Security Grant Program dollars. After each State receives that minimum level of funding, the dollars are then allocated according to risk. As a result, the current amount of State minimum funding eats up approximately 40 percent of that funding.

While the new bill does attempt to address this problem—and I applaud Chairman LIEBERMAN and Senator COLLINS for trying to bring the .75 percent down to .45 percent—the bill does not go far enough. It is a good first step, but we are already 50 yards behind, sending too much money to areas where there are not real risks, threats, and vulnerabilities. That is why we must use the most dollars in those areas which are at the greatest risk of attack. We cannot afford to waste a single cent on places that do not need immediate help when first responders in major cities still lack the basic communications equipment they need to talk to one another if, Heaven forbid, tragedy strikes again.

That is why the families of 9/11 recently issued a statement saying:

> Reports of air conditioned garbage trucks being purchased with homeland security funds are indicative of the frivolity that results from non risk-based methods. When the threat against our Nation is so real, we cannot afford not to take it seriously.

That is why the 9/11 Commission said Congress should not use this money as porkbarrel. That is why in 2005 the Commission issued a report giving the Nation an ''F'' for risk-based funding. That is why 9/11 Commission Chairman Lee Hamilton recently sent me a letter. He wrote:

> Since 9/11 and since the issuance of our report, the United States has not allocated homeland security resources wisely. Resources for homeland security are not unlimited, so it is thus essential that they be distributed based on a careful analysis of the risk, vulnerability and potential consequences of a terrorist attack. Adopting such a risk-based approach would make the best use of our homeland security resources, and would make the American people safer.

That is why 9/11 Commissioner Tim Roemer wrote in support of this amendment, saying:

> We cannot afford to waste any more money, time or effort.

That is why the amendment I offer today, a bipartisan amendment with the support of Senators WARNER, COBURN, LANDRIEU, KENNEDY, MENENDEZ, CLINTON, and SCHUMER, reduces the guaranteed State minimum to .25 percent and allows those States on our northern and southern borders to see an increased minimum of .45 percent. This basic framework was adopted by a wide bipartisan margin in the House in January.

It is time for all of us to approach homeland security funding not as something we can bring home to the States we represent but funding we can use to better protect the United States of America. As we lower the guaranteed amount, we increase the funding available to protect those places most at risk, and 40 States will receive either the same amount or an increase in the funding they need to better protect our borders, our ports, our railways, our subways, our chemical plants, our nuclear powerplants, our food supply, and our firefighters, police officers, and EMTs.

We have waited more than 5 years to better develop our approach to funding our security in a post-9/11 world. Sometimes division and politics have prevented us from doing what we need to do. But I believe those days are finally behind us. We have a real chance to not only learn from our mistakes but to get the job done and better protect our people. That is why we are here—to make our country as safe and secure as we can. That is the common cause we all share. The American people need to see that in us today. The 9/11 Commission experts that from us. The families and friends of the 9/11 victims are owed that from us—that we will never forget those who died. We will never forget those who are suffering and sick because of their heroism that day. We will never forget that 60 percent of the victims were never identified. We will never forget that we are still recovering from 9/11—and that is why our work goes on.

Mr. President, let me add one last point.

I recognize it is difficult for some to see any shift of funding because it is difficult if that State potentially sees their funding reduced. But even within Illinois, I confront some of these same issues.

The fact of the matter is I have fought at the State level and have said publicly we should make sure risk assessments entirely determine how money within Illinois is allocated. That is the same approach we need to take for the Nation as a whole. Keep in mind my home city of Chicago is actually doing quite well under the current formula. So this is not something that is based solely on any parochial concerns.

I ask unanimous consent that the statements of the 9/11 families, the 9/11 Commission chairman, Lee Hamilton, and 9/11 Commissioner Tim Roemer be printed in the RECORD, as well as a chart showing how each State would fare under my amendment.

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

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS,
Washington, DC, February 27, 2007.

Senator BARACK OBAMA,
Hart Senate Office Building,
Washington, DC.

DEAR BARACK: Thank you for inquiring about my position with regard to risk-based homeland security funding.

In our report, the 9/11 Commission issued the following recommendation:

''Homeland security assistance should be based strictly on an assessment of risks and vulnerabilities. Now, in 2004, Washington D.C. and New York City are certainly at the top of any such list. We understand the contention that every state and city needs to have some minimum infrastructure for emergency response. But federal homeland security assistance should not remain a program for general revenue sharing. It should supplement state and local resources based on risks or vulnerabilities that merit additional support. Congress should not use this money as a pork barrel.''

Since 9/11, and since the issuance of our report, the United States has not allocated homeland security resources wisely. Resources for homeland security are not unlimited, so it is thus essential that they be distributed based upon a careful analysis of the risk, vulnerability, and potential consequences of a terrorist attack. Adopting such a risk-based approach would make the best use of our homeland security resources, and would make the American people safer.

With best wishes,

Sincerely,

LEE H. HAMILTON,
President and Directors.

WASHINGTON, DC,
March 5, 2007.

Senator BARACK OBAMA,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR: The Homeland Security and Government Affairs Committee has produced a strong bill and is off to a productive

start, yet there are areas in need of improvement.

I am writing today to support your efforts to more fully implement the 9/11 Commission's recommendation that State homeland security grants should be based solely on an assessment of risks and vulnerabilities.

Your amendment moves in the right direction. By reducing the amount of funding available through the ''minimum allocation,'' this amendment increases the availability of funding for our most at-risk facilities and infrastructure.

As you know, the bi-partisan National Commission on Terrorist Attacks upon the United States, said:

''We understand the contention that every state and city needs to have some minimum infrastructure for emergency response. But Federal homeland security assistance should not remain a program for general revenue sharing. It should supplement state and local resources based on risks or vulnerabilities that merit additional support. Congress should not use this money as a pork barrel.''

Two years ago, the Commission gave Congress and the administration failing grades in their implementation of our recommendations: five Fs, twelve Ds, and 2 Incompletes. On homeland security, the government received an F because too many of our vulnerabilities received too few resources. We cannot afford to waste any more money, time or effort.

Obviously, there is much more to accomplish to make America safer. I commend these efforts to move the Senate in a better direction and believe this amendment creates the opportunity for the full spirit of the 9/11 Commission's recommendation to be realized in conference with the House.

Yours sincerely,

TIMOTHY J. ROEMER,
Former 9/11 Commissioner.

FAMILIES OF SEPTEMBER 11,
New York, NY, February 26, 2007.

STATEMENT REGARDING HOMELAND SECURITY GRANTS

Families of September 11 stands in strong support of allocating all homeland security grants based on risk. There are limited funds to protect our homeland—each and every dollar should be spent effectively on protecting the areas at most risk as a first priority. None should be used for general revenue sharing or political purposes.

The 9/11 Commission recommends that homeland security assistance be based ''strictly on an assessment of risks and vulnerabilities.'' They continue to say that ''Congress should not use this money as a pork barrel.'' We stand in complete agreement.

Reports of air-conditioned garbage trucks being purchased with homeland security funds are indicative of the frivolity that results from non risk-based allocation methods. When the threat against our nation is so real, we cannot afford not to take it seriously.

Congress has a duty to spend taxpayer dollars wisely to protect the homeland. Sometimes the right choices are not easy—we understand that. But the stakes are too high not to make them. We ask Congress to do what is right and to legislate that all homeland security grants be allocated strictly on appropriately-assessed risk.

State	Obama amendment	S. 4 as amended	Obama amendment less S. 4
Alabama	$12,173,119	$11,988,972	$184,147
Alaska	4,109,312	4,109,312	0
Arizona	13,232,207	12,961,248	270,959
Arkansas	2,282,951	4,109,312	(1,826,361)
California	134,446,429	130,575,288	3,871,141
Colorado	14,354,975	14,106,024	248,951
Connecticut	10,039,748	9,918,964	120,784
Delaware	5,368,960	5,386,903	(17,943)
District of Columbia	2,282,951	4,109,312	(1,826,361)
Florida	60,448,703	58,830,723	1,617,980
Georgia	29,078,462	28,392,210	686,252
Hawaii	2,282,951	4,109,312	(1,826,361)
Idaho	7,753,324	7,645,093	108,231
Illinois	49,264,671	47,978,868	1,285,803
Indiana	14,726,698	14,466,707	259,991
Iowa	10,007,425	9,887,601	119,824
Kansas	10,928,653	10,781,467	147,186
Kentucky	12,981,213	12,773,065	208,148
Louisiana	22,565,218	22,072,415	492,803
Maine	4,109,312	4,109,312	0
Maryland	11,688,262	11,518,515	169,747
Massachusetts	24,488,484	23,938,558	549,926
Michigan	32,771,939	31,920,631	851,308
Minnesota	4,109,312	4,109,312	0
Mississippi	2,282,951	4,109,312	(1,826,361)
Missouri	27,139,035	26,510,385	628,650
Montana	4,109,312	4,109,312	0
Nebraska	9,603,377	9,495,554	107,823
Nevada	8,876,092	8,789,870	86,222
New Hampshire	4,109,312	4,109,312	0
New Jersey	16,019,650	15,721,257	298,393
New Mexico	4,109,312	4,109,312	0
New York	75,487,831	73,367,819	2,120,012
North Carolina	21,886,418	21,413,777	472,641
North Dakota	6,234,105	6,170,997	63,108
Ohio	24,319,267	23,719,012	600,255
Oklahoma	12,690,299	12,490,791	199,508
Oregon	2,282,951	4,109,312	(1,826,361)
Pennsylvania	27,632,456	26,933,796	698,660
Rhode Island	2,282,951	4,109,312	(1,826,361)
South Carolina	11,866,043	11,691,016	175,027
South Dakota	2,282,951	4,109,312	(1,826,361)
Tennessee	2,362,848	4,109,312	(1,746,464)
Texas	71,301,900	69,306,214	1,995,686
Utah	2,282,951	4,109,312	(1,826,361)
Vermont	6,428,048	6,359,179	68,869
Virginia	13,352,937	13,133,748	219,189
Washington	24,610,182	24,001,285	608,897
West Virginia	10,152,882	10,028,738	124,144
Wisconsin	13,377,664	13,102,384	275,280
Wyoming	2,282,951	4,109,312	(1,826,361)

Mr. OBAMA. Mr. President, I wish to commend Chairman LIEBERMAN and Senator COLLINS for their hard work on this issue. I acknowledge that the underlying bill is an improvement over the status quo. It is just that we can do so much better. I ask that we ensure this amendment be included in the final package we vote on.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. OBAMA. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I thank the Senator from Illinois for his thoughtful statement on his amendment. I rise to respectfully disagree with it.

In our committee, we work very hard to not just balance the political interests, but to balance the needs of all parts of our country for a reasonable amount of homeland security funding, which we, consider, I think, consistent with the most progressive thinking on this subject which is to be not just terrorist-related funding but all-hazards-related funding.

In other words, when we send homeland security funding to a State or a municipality, we are trying to help them not only prepare for the possibility, God forbid, of a terrorist attack but also to be ready to respond to the much more common occurrence, which is to say a natural disaster. The funding formula we have presented, which was part of our bill that came out of our committee with strong bipartisan support, including the support of the

distinguished occupant of the chair, the Senator from Delaware, is I think a balanced proposal.

This distributes, in fact, most of the homeland security grant money based on risk, as the 9/11 Commission called for, but respectfully disagrees with the Commission that the money should all be distributed based on only risk because our conclusion is not based on theory but reality. Terrorists may strike anywhere in this country, not just in the big cities or the highest visibility targets, and we base that on what has happened around the world, what has happened here, in fact, with domestic terrorism, striking at the Murrah Federal Building in Oklahoma City, as we all remember some years ago, but around the world, terrorists striking at apartment buildings, discos, schools, in communities large and small.

Unfortunately, in this age we are living in post-9/11, we can all imagine, and I use that term in the way the 9/11 Commission did, that part of our failure as a nation before 9/11 was a failure of imagination, which is to say that we could not imagine that human beings would do what the terrorists did to us on 9/11.

After that, we started to imagine, and one can imagine the various targets in this open society of ours that terrorists who want to create havoc and fear can strike all around the country.

The other point is this, that everyplace in the country, as we saw in the case of Katrina, most visibly and movingly, can be struck by natural disasters. So the funding formula in the committee bill learns both from the tragic lessons of 9/11 and Katrina.

We have different grant programs. The Urban Area Security Initiative, the so-called UASI Grant Program, is totally and strictly, in terms of the 9/11 Commission, distributed based on risk. In fact, the State Homeland Security Grant Program which Senator OBAMA's amendment deals with, we think 95 percent of that will be given out based on risk.

Let me give a brief explanation of what is happening. This is in the weeds, but under current law, .75 percent is guaranteed—of the total funding for the State Homeland Security Grant Program—is guaranteed to each State. That is a minimum for each State for the reasons I have stated.

The House of Representatives, in their judgment, altered that and went to a minimum amount of .25. They did not literally respond to the 9/11 Commission recommendation for total risk, which is to say, whatever the Department of Homeland Security decided is a risk assessment formula for distribution, they lowered it to .25, as the amendment from the Senator from Illinois would do. The committee decided to reach for a compromise on this one and set a minimum of .45 percent of the total funding for every State.

We have done some runs on this. The formula says that, distribute the funds first based on risk, but then if States fall below the .45 percent, then give them that minimum. By our run of the numbers, based on the risk assessment standards the Department has been using, we think 95 percent of the money will, in fact, be distributed based on risk.

I wish to make this point, something that I think is sometimes overlooked in the discussion. Take the existing formula which has .75, three-quarters of 1 percent of the total, going to each State. The fact is, even under that formula, which only Senator LEAHY, in his wisdom, would preserve in his amendment—even under that formula, the lion's share of the money, or a very large share of the money, has gone to a very few States.

This graph shows that. The fact is, this is fiscal year 2006 funding. In fiscal year 2006, the State of California received $226 million in homeland security grant funding. That is more than the total received by the 22 States at the bottom that received the least funding, the minimum.

Now, as you can see in this chart, that is California. Next is New York. Next is Texas. The fact is almost half of the entire distribution of funding went to five States: California, Florida, Texas, Illinois, and of course New York. So what I am saying is that we are lowering that. I think the big States, the high-visibility potential targets are receiving a lot of money. It would be unfair to cut that even more. Now, Senator FEINSTEIN does not only do what Senator OBAMA does, she cuts into the minimums we have established in the new dedicated grant funding program for interoperability communications.

There I think we have a very strong argument that we want people, our first responders, to be able to communicate with one another, not only in acts of terrorism—in times of terrorism—but in times of natural disaster. The interoperability grants are important for that reason.

We have placed a chart on the desks of all the Senators, and it lists all the States. It shows that under the amendment the Senator from Illinois has introduced, 32 of the States will receive less guaranteed funding than they receive now.

Ironically, the District of Columbia is one of the entities that suffers the greatest cut. Of course, most anybody would say that the District of Columbia is a high-visibility target, in fact, was targeted through the Pentagon on 9/11/2001.

Respectfully, I will oppose the amendment of the Senator from Illinois.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I ask unanimous consent that Senator COLEMAN and Senator COBURN be added as cosponsors to the Collins amendment No. 342.

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

Ms. COLLINS. Mr. President, I rise in opposition to the amendment offered by the Senator from Illinois to reduce the minimum guarantee to States under the State Homeland Security Grant Program.

My colleague and friend from Connecticut has done an excellent job explaining the problems with this amendment. Let me reinforce a few of the points he has made. As my colleagues can see from the chart behind me, under Senator OBAMA's amendment, 32 States and the District of Columbia would have a decrease in the guaranteed funding. Under the Obama amendment, two previous targets of attack, both the District of Columbia and Oklahoma, would receive less guaranteed funding than 18 other States. Indeed, Senator OBAMA's own projections show that the District of Columbia, presumably one of the highest risk areas in the country, would lose almost 45 percent of its total funding under his proposal

I think we need to keep in mind that assessing risk is not an exact science. Who would have guessed that Portland, ME, would have been the departure point for two of the hijackers on 9/11? Who would have guessed that four of the hijackers would train and live in Norman, OK? Who would have guessed that two of the hijackers would have spent considerable time in Stone Mountain, GA? My point is the evidence is clear that terrorists train, hide, and transit through more rural areas, which is one reason that the chairman and I have put such emphasis on preventing terrorist attacks and have allocated a percentage of funds to be used specifically for that purpose.

Now I wish to specifically address the chart that is being circulated by the distinguished Senator from Illinois. The breakdown of the winners and losers under his amendment on his chart relies upon the Department of Homeland Security allocating future risk-based funding in the same manner as it did in 2006. We know that is not going to happen. The process by which the Department allocated funding based on its risk analysis was denounced all around. I could quote the Senators from New York and California, as well as the Senator from Connecticut, Minnesota, and myself. All of us believed that whether we represented big States, small States or medium-sized States, the methodology was flawed.

Indeed, the Department has moved away from that methodology. So it is a false assumption to assume the exact same risk analysis is going to be used in future years, when, in fact, we know it would not be. I wish to point out, in fiscal year 2006, 60 percent of the Homeland Security Grant funds were allocated based on risk. We are requiring that an estimated 95 percent be allocated based on risk, but we want that risk formula reported to Congress. We want to take a look at it. We are working with the Department on it. If we

are going to become better prepared as a nation, all States must have a predictable, steady stream of homeland security funding. We need to bring all States up to reach minimum levels of preparedness, because otherwise the terrorists will exploit the weak links.

We also know many of the parts of our critical infrastructure are located in more rural areas. Nuclear powerplants are a prime example. Military bases are yet another example. So the problem is one cannot assume the only targets are in large urban areas. That is not true.

There was another point the Senator from Connecticut made that is a very important point, and that is this is an all-hazards approach to funding. As the Presiding Officer well knows, because he participated so actively in the investigation held by the Homeland Security Committee into the failed response to Hurricane Katrina, there is virtually no area of our country that is immune from natural disasters. The same kinds of communications equipment that come into play when there is a terrorist attack are also needed when a hurricane or an ice storm or an earthquake strikes. So I think we have struck the right balance in our proposal.

Now, I would note the Senator's proposal does not hit my home State. It does not hurt Maine, because he has additional funding for border States, so I am not arguing out of a parochial interest. I am arguing for the formula in our bill because it takes an all-hazards approach. It understands all States have vulnerabilities. It recognizes we need to improve every link in the chain, that we need to bring all States up to minimal levels of preparedness, and they are simply not there now. It recognizes we need predictable funding streams so that States, regions, and communities can enter into multiyear projects, because a lot of these projects, such as with interoperable communications, require more than 1 year to get to the goal.

The potential of terrorist attacks against rural or at least nonurban targets is increasingly recognized as a national security threat. Our committee held hearings on the threat of agri-terrorism—an attack on our food supply. That would be devastating for our Nation. A study conducted by the Harvard School for Public Health shows rural areas face 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.

The RAND Corporation has repeatedly warned:

> Homeland security experts and first responders have cautioned against an overemphasis on improving the preparedness of large cities to the exclusion of smaller communities or rural areas.

Again, that report recognized much of the Nation's infrastructure and potential high-value targets are located in rural areas.

I hope our colleagues will join us in voting against the amendment offered by the Senator from Illinois. I truly believe it would not advance the goal we all share of strengthening our homeland security.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. OBAMA. If the Senator from Maine will yield, I want to ask a couple of questions based on my understanding. Maybe I am confused.

We based our assessment of which States see an increase, which States do not see an increase, and which States see a decrease under our bill on the CRS analysis, assuming $913 million appropriated. They tell us 34 States will see an increase in funding, 6 States will see the same amount of funding under my amendment to S. 4, and 10 States will see a loss. We have not had the benefit of the analysis that was just presented on that chart indicating 32 States would see a decrease, so I am curious if either the chairman or the Senator from Maine would tell me where they got that statistic. Because I understand the statement was made: Well, the formulas may change, and this was based on the previous formula.

I have no problem with changing the formula so it is more risk-based assessed. But I don't understand how it is that simply because we are going to eliminate some of the flaws of the previous formula that somehow—or the risk assessments, that somehow that is going to change the basic assessment that was made by the Congressional Research Service.

I am happy for either Senator to respond.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I will start a response. Senator OBAMA has circulated a document which indicates if this formula is applied, I believe 34 States will get more money than under our proposal. We have a chart we are circulating which says that, in fact, 32 States lose. That is translated into the map here. Here is what the difference is, because in some sense we are measuring different things. In our chart, we are measuring the guaranteed funding of .45 under ours and .25 under that of the Senator from Illinois. The reason we are doing that is because that is all we can say with certainty that is guaranteed. We are both in fact using the same bottom line or top line, which is $913 million, which is the level the bill, S. 4, authorizes for the State Homeland Security Grant funding. The reason this says 32 States and the District of Columbia will lose guaranteed funding under the amendment of the Senator from Illinois is because that is what we have studied: the guaranteed minimum. Because the rest is an assessment of risk that is left to the Department of Homeland Security which it applied this year and it has already said it would never apply again because it was so criticized by New York and others.

So let me in fairness yield—it takes two of us to equal the Senator from Illinois on this.

Mr. OBAMA. Very briefly——

Mr. LIEBERMAN. We will roundrobin. I yield to my friend from Illinois.

Mr. OBAMA. Thank you very much. I want to make clear now, it sounds to me as if we are comparing apples and oranges. Assuming we—which is what CRS did—apply the same formula on my amendment, my amendment would have 34 States see an increase in funding, and 6 States would remain the same. Now, if the funding formula changes, it might change 1 or 2 States, depending on what the risk assessments were, but it is not going to result in 32 States suddenly seeing a decrease in funding. This is a decrease in funding based on the bare minimums without applying any of the additional funding which we know is going to be coming. So it strikes me that chart does not describe at all the reality of what would happen under my amendment. I want to make sure I am clear in terms of what we are preparing here, because the best estimate of how this funding will be impacted is based on the CRS's own assessment of what would have happened this year.

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER (Mrs. MCCASKILL). Does the Senator yield?

Mr. OBAMA. It is their time.

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. OBAMA. I certainly yield to the distinguished Senator from Maine to respond to my inquiry.

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

Ms. COLLINS. Thank you, Madam President. I thank the Senator from Illinois so that I may respond to his questions.

The only thing we can count on is what the minimum is going to produce. CRS, the same as the Senator from Illinois, used last year's DHS risk assessment—a risk assessment we already know DHS has abandoned; a risk assessment that resulted in significant cuts in funding to New York City; a risk assessment that was roundly criticized by virtually every member of our Homeland Security Committee. What we are trying to do is to share with our colleagues what we know for sure, and what we know for sure is what the impact of the minimum funding percentage is under our proposal versus under the proposal of the Senator from Illinois.

What we did is we looked at what the guaranteed funding—that is why it says guaranteed funding—would be under Senator OBAMA's amendment, and as you see 32 States and the District of Columbia would lose under the amendment. I say to my friend from Illinois that I am surprised he would want to cut funding for the District of Columbia when that is a high-risk area that did not do well under the Department's formulation of applying risk

and thus does not do well under the formula of the Senator from Illinois.

Mr. OBAMA addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. OBAMA. Madam President, I want to be exactly clear on what we are talking about here so there is no confusion among my colleagues. No one disputes that under my amendment, the minimum funding changes. That is the whole point of the amendment, is to change the minimum funding levels and shift more of the money into the risk-based assessment. So to state that 32 States lose on the minimum funding levels is to state the obvious. That is the point of the amendment.

The point is more money then goes into the risk-based funding, and when you factor that in, unless there is going to be no risk-based funding—I mean I suppose that is a possibility, but I don't think so—all that money, when you factor it in, will result in, under last year's formula, 34 States gaining and 6 States staying the same.

Now, I also agree with the distinguished Senator from Maine that there were problems with last year's formula, and I am fine with changes to that formula. I have actively supported changes to that formula, including any possible shortchanging of high-risk areas such as Washington, DC or New York.

The point of my amendment is very simple, and that is more money is allocated on the basis of risk. I am not concerned about predetermining where those risks are. That is the job of the Department of Homeland Security, and that is the purpose of our amendment.

I want to be clear. Under your chart, Illinois loses money that is guaranteed under the minimum funding, as does New Jersey, Oklahoma, and Louisiana. But I would note that Senators MENENDEZ, COBURN, and LANDRIEU were all cosponsors because they understand when the money is allocated based on risk, then wherever we live throughout the United States, we are going to be potentially better off.

I am going to make one last point and then I am happy to listen to a response. Both Senators LIEBERMAN and COLLINS talked about an all-hazards funding approach. I have no objection to that either. But keep in mind, we are talking here about the State Homeland Security Grant Program, which is not supposed to be targeted at all hazards. We have a separate program—the Emergency Management Grant Program—that is supposed to be addressing all hazards and that is why this amendment does not touch that portion of homeland security funding that is directed at all hazards. That is not the purpose of the State Homeland Security Grant Program. The purpose of that is supposed to be to deal with potential terrorist threats. That is why the 9/11 Commission and Chairman Lee Hamilton of the 9/11 Commission and the 9/11 families, all of whom I think have great concern about the safety of all Americans, indicate it makes sense for us to allocate this as much on the basis of risk as possible.

It is for that reason that the House allocated funding on the basis of the formula we are discussing. I wish to make sure that anybody who is listening understands, yes, the guaranteed minimum funding might be less for 32 States, but that is because more of the money goes into the pot based on risk. When you add the funding that will be allocated on the basis of risk, then we can assume that at least 34 States would see an increase under my amendment, and 6 States would see about the same amount of funding. If the formula changes, it is conceivable that instead of 34 States, it may be 32 States or 36 States that see an increase in funding; instead of 6 States with the same amount under both amendments, it might be 4 States or 8 States. But the basic principle is that the funding is going to be allocated on risk. The Emergency Management Planning Grant Program deals with all-hazards funding.

Mr. LIEBERMAN. Madam President, very briefly, this is an important debate. I say this to my friend from Illinois about the CRS estimate of his amendment.

If you take the risk analysis the Department of Homeland Security applied for this year, those numbers look correct. But what we are saying is we know the Department of Homeland Security would not use that same risk analysis because they have said so. We also know the risk analysis has changed year by year through the Department of Homeland Security. I am going to be real local about this. My hometown, New Haven, CT, in the fiscal year 2004 grant, got a grant under the Homeland Security Grant Funding Program, specifically the Urban Area Security Initiative. In the years since then, because the risk analysis changed, New Haven has received zero UASI money. So that is the basis on which we contend that the Senator's amendment would amount to 32 States getting less money than they would under our proposal.

Our proposal is evaluated based on the guaranteed minimum because that is all we will know for sure after we adopt the law.

My friend from Illinois is good, but he has not reached the level of prophet. None of us can know—perhaps Secretary Chertoff—what the Department of Homeland Security will use as a risk analysis formula in the years ahead. The top five States are getting about half of the homeland security grant funding now at the .75 level, and we are coming in, in the spirit of compromise, at .45. So they will probably get a larger share of that money—California, Florida, Texas, Illinois and, of course, New York.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. CARPER. Madam President, I think it has been a good debate. The Senator from Illinois offered a thoughtful amendment, raised some questions, and I think the managers of the bill, the Senators from Connecticut and Maine, have defended well the language in the bill.

For our colleagues who may be watching this—or if they are at committee hearings, perhaps their staffs are watching—I ask a couple of rhetorical questions as we decide how to vote on Senator OBAMA's amendment.

Should most of the funds for homeland security be allocated on the basis of risk? Sure. Should the lion's share of the funding be allocated on the basis of risk? Certainly, it should. Should all the funding for homeland security be allocated on the basis of risk? No.

What Senator OBAMA is trying to do is thread the needle and get us closer to somewhere between the lion's share and all the funds being allocated on the basis of risk. We have all heard the old adage that beauty is in the eye of the beholder. So is risk. Senator COLLINS talked about some staging that was done by the perpetrators of violence on 9/11 from places such as Stone Mountain, GA; Portland, ME; and maybe Norman, OK. Maybe Senator LIEBERMAN talked about the kinds of targets that terrorists have chosen in this country and others that maybe would not have come to mind, such as the Federal courthouse in Oklahoma City, in a disco or a bus or a train.

I don't think most people think of Delaware as a very high-risk State. As we think what is a target for terrorists, in my State we have a lot of chemical plants. Delaware used to be known as the chemical capital of the world; I don't know if it still is. We have a lot of inviting targets for people who want to do mischief. There are nuclear powerplants across the river in New Jersey, and they are closer to my home than to the Senator's from New Jersey. We have northeast corridor train tracks, not just for passengers, that run up and down my State on which all kinds of hazardous cargo is carried by Norfolk Southern and CSX Railroad. We have a busy Delaware River; hazardous cargo goes down that river every day.

Some people might look at those in my State and say there is not much risk there and, as a result, they don't need extra money. In my judgment, those are risky targets, which invite some mischief. We don't need an enormous amount of money to help prepare for some harm that may come to those targets and the people who live around them, but we need a reasonable amount. The idea that .45 percent of one program, among several that are funded through this bill, is somehow too much, I don't buy that. The real compelling point is that, if you do the math, multiply .45 percent times 50 percent, you come up with .22, .23 percent on the basis allocated by the fact that your State is under the minimum.

When you run through the numbers, as the Senators have said, 95 percent of the money under this funding program, the State Homeland Security Grant Program, would be allocated on the basis of risk. For the Urban Area Security Initiative, I think all the money is allocated on the basis of risk.

That having been said, we can have ''food fights,'' I call them, and debates all day trying to figure out should the minimum be .75 or .45 or .25 percent. Our committee said .75 percent is too much. We believe .25 percent as a minimum is too little. We believe .45 percent, which leads to about 95 percent of the funding under this specific grant program being allocated on the basis of risk, is about right.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. OBAMA. Madam President, I have a very quick comment, and then I will yield to the Senator from New Jersey, who wants to speak on this amendment. I wish to make perfectly clear that the statement made by the Senator from Delaware is absolutely right. Every State has some risks. I have no doubt that Delaware has chemical plants and there are ports and various facilities that constitute real risk. Under the formula I am advocating, the funding is allocated on the basis of risk that will take into account such infrastructure. The notion somehow that the Department of Homeland Security will not take chemical plants into account is simply incorrect.

Rural States, small States, large States—for all states, all of the allocations that are made, other than the .25 percent guaranteed level of funding, would be made on the basis of risk. The Department of Homeland Security will presumably make an educated, expert assessment on the risk that exists in Delaware, Maine or Connecticut. So it is not as if those States would not be getting money under this amendment. It is simply that the judgment of those experts, who are paid to determine what the threats are and what the risks are, would be the guiding basis upon which we make these decisions.

Mr. CARPER. Before the Senator yields, I have one further comment. I take far greater comfort in the words of my friend from Illinois. But what we heard about Washington, DC,—this place was a target. We had people who lost their lives not many miles from where we are. There was another plane trying to get here. Somehow this place, our Nation's capital, which we acknowledge was a prime target on 9/11, and probably is today, should somehow be allocated less funding under the formulas—not the one in the bill but allocated less funding—doesn't make sense to me.

The PRESIDING OFFICER. The Senator from Illinois still has the floor.

Mr. OBAMA. Madam President, I would like to yield the remaining time to the Senator from New Jersey.

The PRESIDING OFFICER. There is no controlled time.

Mr. OBAMA. The Senator from New Jersey has been waiting for quite some time.

Mr. KYL. Madam President, I ask unanimous consent that the pending amendment be temporarily laid aside for the purpose of resubmittal of a technical correction to an existing amendment and laying down a second amendment.

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

AMENDMENT NO. 317, AS MODIFIED

Mr. KYL. First, I ask unanimous consent that amendment No. 317 be modified, and I send the modification to the desk. The minority has been given a copy.

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

The amendment (No. 317), as modified, is as follows:

(Purpose: To prohibit the rewarding of suicide bombings and allow adequate punishments for terrorist murders, kidnappings, and sexual assaults)

At the end, add the following:

SEC. ___. PREVENTION AND DETERRENCE OF TERRORIST SUICIDE BOMBINGS AND TERRORIST MURDERS, KIDNAPPING, AND SEXUAL ASSAULTS.

(a) OFFENSE OF REWARDING OR FACILITATING INTERNATIONAL TERRORIST ACTS.—

(1) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following:

''§ 2339E. Providing material support to international terrorism

''(a) DEFINITIONS.—In this section:

''(1) The term 'facility of interstate or foreign commerce' has the same meaning as in section 1958(b)(2).

''(2) The term 'international terrorism' has the same meaning as in section 2331.

''(3) The term 'material support or resources' has the same meaning as in section 2339A(b).

''(4) The term 'perpetrator of an act' includes any person who—

''(A) commits the act;

''(B) aids, abets, counsels, commands, induces, or procures its commission; or

''(C) attempts, plots, or conspires to commit the act.

''(5) The term 'serious bodily injury' has the same meaning as in section 1365.

''(b) PROHIBITION.—Whoever, in a circumstance described in subsection (c), provides, or attempts or conspires to provide, material support or resources to the perpetrator of an act of international terrorism, or to a family member or other person associated with such perpetrator, with the intent to facilitate, reward, or encourage that act or other acts of international terrorism, shall be fined under this title, imprisoned not more than 25 years, or both, and, if death results, shall be imprisoned for any term of years or for life.

''(c) JURISDICTIONAL BASES.—A circumstance referred to in subsection (b) is that—

''(1) the offense occurs in or affects interstate or foreign commerce;

''(2) the offense involves the use of the mails or a facility of interstate or foreign commerce;

''(3) an offender intends to facilitate, reward, or encourage an act of international terrorism that affects interstate or foreign commerce or would have affected interstate or foreign commerce had it been consummated;

''(4) an offender intends to facilitate, reward, or encourage an act of international terrorism that violates the criminal laws of the United States;

''(5) an offender intends to facilitate, reward, or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of the United States Government;

''(6) an offender intends to facilitate, reward, or encourage an act of international terrorism that occurs in part within the United States and is designed to influence the policy or affect the conduct of a foreign government;

''(7) an offender intends to facilitate, reward, or encourage an act of international terrorism that causes or is designed to cause death or serious bodily injury to a national of the United States while that national is outside the United States, or substantial damage to the property of a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions) while that property is outside of the United States;

''(8) the offense occurs in whole or in part within the United States, and an offender intends to facilitate, reward or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of a foreign government; or

''(9) the offense occurs in whole or in part outside of the United States, and an offender is a national of the United States, a stateless person whose habitual residence is in the United States, or a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions).''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) TABLE OF SECTIONS.—The table of sections for chapter 113B of title 18, United States Code, is amended by adding at the end the following:

''2339D. Receiving military-type training from a foreign terrorist organization.

''2339E. Providing material support to international terrorism.''.

(B) OTHER AMENDMENT.—Section 2332b(g)(5)(B)(i) of title 18, United States Code, is amended by inserting ''2339E (relating to providing material support to international terrorism),'' before ''or 2340A (relating to torture);''.

(b) INCREASED PENALTIES FOR PROVIDING MATERIAL SUPPORT TO TERRORISTS.—

(1) PROVIDING MATERIAL SUPPORT TO DESIGNATED FOREIGN TERRORIST ORGANIZATIONS.—Section 2339B(a) of title 18, United States Code, is amended by striking ''15 years'' and inserting ''25 years''.

(2) PROVIDING MATERIAL SUPPORT OR RESOURCES IN AID OF A TERRORIST CRIME.—Section 2339A(a) of title 18, United States Code, is amended by striking ''15 years'' and inserting ''40 years''.

(3) RECEIVING MILITARY-TYPE TRAINING FROM A FOREIGN TERRORIST ORGANIZATION.—Section 2339D(a) of title 18, United States Code, is amended by striking ''ten years'' and inserting ''15 years''.

(4) ADDITION OF ATTEMPTS AND CONSPIRACIES TO AN OFFENSE RELATING TO MILITARY TRAINING.—Section 2339D(a) of title 18, United States Code, is amended by inserting '', or attempts or conspires to receive,'' after ''receives''.

(c) DENIAL OF FEDERAL BENEFITS TO CONVICTED TERRORISTS.—

(1) IN GENERAL.—Chapter 113B of title 18, United States Code, as amended by this section, is amended by adding at the end the following:

"§ 2339F. Denial of Federal benefits to terrorists

''(a) IN GENERAL.—Any individual who is convicted of a Federal crime of terrorism (as defined in section 2332b(g)) shall, as provided by the court on motion of the Government, be ineligible for any or all Federal benefits for any term of years or for life.

''(b) FEDERAL BENEFIT DEFINED.—In this section, 'Federal benefit' has the meaning given that term in section 421(d) of the Controlled Substances Act (21 U.S.C. 862(d)).''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 113B of title 18, United States Code, as amended by this section, is amended by adding at the end the following:

''2339F. Denial of Federal benefits to terrorists.''.

(d) ADDITION OF ATTEMPTS OR CONSPIRACIES TO OFFENSE OF TERRORIST MURDER.—Section 2332(a) of title 18, United States Code, is amended—

(1) by inserting '', or attempts or conspires to kill,'' after ''Whoever kills''; and

(2) in paragraph (2), by striking ''ten years'' and inserting ''30 years''.

(e) ADDITION OF OFFENSE OF TERRORIST KIDNAPPING.—Section 2332(b) of title 18, United States Code, is amended to read as follows:

''(b) KIDNAPPING.—Whoever outside the United States unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away, or attempts or conspires to seize, confine, inveigle, decoy, kidnap, abduct or carry away, a national of the United States, shall be fined under this title, imprisoned for any term of years or for life, or both.''.

(f) ADDITION OF SEXUAL ASSAULT TO DEFINITION OF OFFENSE OF TERRORIST ASSAULT.—Section 2332(c) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting ''(as defined in section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242)'' after ''injury'';

(2) in paragraph (2), by inserting ''(as defined in section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242)'' after ''injury''; and

(3) in the matter following paragraph (2), by striking ''ten years'' and inserting ''40 years''.

AMENDMENT NO. 357 TO AMENDMENT NO. 275

Mr. KYL. I send a second amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 357 to amendment No. 275.

Mr. KYL. 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 amend the data-mining reporting requirement to protect existing patents, trade secrets, and confidential business processes, and to adopt a narrower definition of data mining in order to exclude routine computer searches)

At page 174, strike line 1 and all that follows through page 175, line 18, and insert the following:

''The terms ''data-mining'' and ''database'' have the same meaning as in § 126(b) of Public Law 109–177.

(c) REPORTS ON DATA MINING ACTIVITIES BY FEDERAL AGENCIES.—

(1) REQUIREMENT FOR REPORT.—The head of each department or agency of the Federal Government that is engaged in any activity to use or develop data mining shall submit a report to Congress on all such activities of the department or agency under the jurisdiction of that official. The report shall be made available to the public, except for a classified annex described in paragraph (2)(H).

(2) CONTENT OF REPORT.—Each report submitted under paragraph (1) shall include, for each activity to use or develop data mining, the following information:

(A) A thorough description of the data mining activity, its goals, and, where appropriate, the target dates for the deployment of the data mining activity.

(B) A thorough description, consistent with the protection of existing patents, proprietary business processes, trade secrets, and intelligence sources and methods, of the data mining technology that is being used or will be used, including the basis for determining whether a particular pattern or anomaly is indicative of terrorist or criminal activity.''

Mr. KYL. Madam President, I rise today to address an amendment that I have filed to the 9/11 recommendations bill, amendment no. 317. This amendment would prohibit rewarding the families of suicide bombers for such attacks, and stiffen penalties for other terrorist crimes.

The first part of the amendment would create a new offense of aiding the family or associates of a terrorist with the intent to encourage terrorist acts. This provision is targeted at those individuals who give money to the families of suicide bombers after such bombings. The amendment would make it a Federal offense to do so if the act can be connected to the United States, and if die defendant acted with the intent to facilitate, reward, or encourage acts of international terrorism.

Let me offer an example of why this amendment is necessary. In August 2001, a Palestinian suicide bomber attacked a Sbarro pizza parlor in Jerusalem. He killed 15 people. Among those killed was an American citizen, Shoshana Greenbaum, who was a schoolteacher and who was pregnant at the time.

Shortly after this bombing took place, the family of the suicide bomber was told to go to the Arab Bank. The bomber's family began receiving monthly payments through an account at that bank, and later received a lump sum payment of $6,000.

According to accounts in the press, this is not the only time that the Arab Bank has funneled money to the families of suicide bombers. One news account describes a branch of the bank in the Palestinian territories whose walls are covered with posters eulogizing suicide bombers.

According to other news accounts, suicide bombers in the Palestinian territories are recruited with promises that their families will be taken care of financially after the attack. Saudi charities, the Palestinian authority, and even Saddam Hussein have rewarded suicide bombers' families for their acts. According to the BBC, Saddam Hussein paid a total of $35 million to terrorists' families during his time.

Obviously, Saddam Hussein's actions are no longer a concern, but we should all be deeply concerned about other wealthy individuals and financial institutions who continue to pay out these rewards. It is undoubtedly the case that in some instances these payments make the difference in whether an individual will commit a suicide bombing.

My amendment would make it a Federal crime, with extraterritorial jurisdiction in cases that can be linked to U.S. interests, to pay the families of suicide bombers and other terrorists with the intent to facilitate terrorist acts.

My amendment also makes several other needed improvements to our antiterrorism laws.

The amendment increases the maximum penalties for existing material support offenses. The material-support statutes have been the Justice Department's workhorse in the war against terrorists, accounting for a majority of prosecutions. These statutes are also very effective at starving terrorist groups of resources. My amendment increases the penalty for giving material support to a designated foreign terrorist organization from a maximum of 15 years to a maximum of 25 years. The penalty for providing material support to the commission of a particular terrorist act is increased from a maximum of 15 years to a maximum of 40 years. And the maximum penalty for receiving military-type training from a foreign terrorist organization is increased from 10 years to 15 years. The amendment also adds attempts and conspiracies to the substantive offense of receiving military-type training, and denies Federal benefits to persons convicted of terrorist offenses.

Finally, my amendment expands existing proscriptions on the murder or assault of U.S. nationals overseas for terrorist purposes, so that the law punishes attempts and conspiracies to commit murder equally to the substantive offense. The amendment adds a new offense of kidnapping a U.S. national for terrorist purposes, regardless of whether a ransom is demanded. And the amendment adds sexual assault to the definition of the types of injury that are punishable under the existing offense of assault resulting in serious bodily injury.

I ask unanimous consent that a number of news articles be printed in the RECORD.

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

[From the Federal News Service, May 11, 2005]

PROGRAM TRANSCRIPT—FUNDING TERRORISM

BRIAN WILLIAMS: Following the money in the war on terrorism. As NBC News first reported a few weeks ago, U.S. government regulators have uncovered evidence that suggests a prominent Middle Eastern bank with

a branch here in New York City has had dozens of suspected terrorists as customers and may even have transferred funds for suspected al Qaeda terrorists through its New York office.

Now U.S. News has learned a criminal investigation of the bank is under way. Our NBC News senior investigative correspondent, Lisa Myers, has our exclusive report in depth.

LISA MYERS: August 2001. A suicide bomber hits the Sbarro pizza parlor in Jerusalem, killing 15, including an American—Shoshana Greenbaum, a pregnant schoolteacher.

The Palestinian bomber? Izz Ad-Din Al-Masri. His parents told NBC News that soon after the bombing a group which helps families of suicide bombers told them they'd be compensated for their son's 'sacrifice.'

'They told me to go to the Arab Bank and open an account and you will receive a salary.'

He says almost immediately he began receiving $140 a month. And after the Israelis leveled his house, he says he was told to go the bank and pick up more money.

(Myers' question to Shuhail Ahmed Al-Masri, Izz Ad-Din Al- Masri's father): So you went to the Arab bank, and they gave you $6,000?

SHUHAIL AHMED AL-MASRI: Yes. Six thousand dollars.

MYERS: This is the branch of the Arab Bank where Al-Masri's father says he was told to open an account, where he says received money almost every month for the last three years.

The branch, plastered with posters eulogizing suicide bombers, isn't the only one allegedly paying bombers' families. This ad in a Palestinian newspaper told dozens of martyrs' families to pick up money at the nearest branch of the Arab Bank.

Jimmy Gurule was a top U.S. official in charge of cutting off money to terrorists.

JIMMY GURULE (former U.S. Treasury official): Those types of payments were aiding and abetting terrorism.

MYERS: The FBI tells NBC News that it's now conducting a criminal investigation into the Arab Bank's alleged movement of funds for suspected terrorists. The investigation was triggered after U.S. regulators examined Arab Bank operation in New York City, here in this building on Madison Avenue.

U.S. officials tell NBC News that regulators found that the bank had as customers 40 to 60 suspected terrorists and groups allegedly associated with al Qaeda, Hamas and Hezbollah. Officials say all had accounts with the bank or had moved money through the NEW YORK office.

GURULE: I'm not aware of another situation involving a bank operating in the United States that has conducted itself in such a manner.

MYERS: The Arab Bank, headquartered here in Jordan, turned down repeated requests for an interview, so we visited bank headquarters in Amman.

(Myers at the bank): Lisa Myers with NBC News.

MYERS: We only got as far as the lobby.

OMAR AL-SHEIK (Arab Bank official): Of course not.

MYERS: Does the bank believe it's proper to move money to help terrorists'?

OMAR AL-SHEIK: Of course not.

MYERS: In a statement, the Arab bank denies ever knowingly doing business with terrorists. And officials insist the bank has never moved money for anyone officially designated a terrorist by the U.S. government.

However, NBC News provided the bank with these documents showing it dealt with three Hamas terror groups, even after they were blacklisted by the U.S. It's against the law for banks in the U.S. to handle transactions for terrorists on the blacklist.

The bank says these three transactions still were legal because they occurred outside the U.S., but that in the future it will honor the U.S. blacklist worldwide.

As for suicide bombers, the Arab Bank strongly denies ever knowingly handling payments for bombers' families. 'Arab Bank considers suicide bombings an abominable human act.'

Then what about the ad telling bombers' families to collect money at the Arab Bank?

The bank says it didn't place the ad.

After NBC provided account numbers for the Al-Masris, the bank froze their account, which the bank claims was opened before the bombing.

Shoshana Greenbaum's father, who moved to Israel after her death, is now suing the bank.

ALAN HAYMAN (Greenbaum's father): This organization, if allowed to continue in business with a mere slap on the wrist, would be sending a message that it's perfectly all right to support terrorism.

MYERS: The Arab Bank, which Israeli officials call 'the Grand Central Station of terrorist financing,' has been forced down much of its U.S. operation but remains a dominant player in the Middle East.

ARAB BANK'S TERROR TRIAL HIT

A Federal judge in Brooklyn ordered Jordan's Arab Bank to stand trial in New York on charges that it knowingly financed the Palestinian suicide bombers who have killed and maimed thousands, including many American citizens.

The survivors of suicide attacks in Israel and family members of Americans killed or wounded in the attacks sued Arab Bank last year.

The suits argue the bank had full knowledge of the acts committed by their clients from Hamas, Palestinian Islamic Jihad and the Al-Aqsa Martyrs brigades.

The victims also charge Arab Bank's distribution of payments to the families of suicide bombers was a part of the terror recruiting process.

''[The charges] support an inference that Arab Bank and the terrorist organizations were participants in a common plan under which Arab Bank would supply necessary financial services to the organizations which would themselves perform the violent acts,'' wrote U.S, District Judge Nina Gershon in an opinion released yesterday.

In July, The Post broke the story that the bank required intricate and official so-called Martyr's Kits to process the payments, concrete proof that the bank knew where its payments were destined.

A bank spokesman said ''Arab Bank remains confident that it will prevail at trial. The bank abhors terrorism and has not, and would not, knowingly or willfully support terrorism.'' Judge Gershon dismissed the bank's argument that these were ''ordinary banking services.''

She said ''there is nothing routine about the services the bank is alleged to provide.''

SICK 'MARTYR KITS'—SECRET FILES FINGER BANK IN MIDEAST TERROR PAYOFFS

Secret documents known as ''martyrs' kits'' obtained by The Post provide a startling glimpse into the world of suicide bombers, who are recruited with promises that their families will be well taken care of financially.

These kits ensure that the families of Hamas, PLO and Palestinian Islamic Jihad killers get generous ''charitable donations'' from Saudi Arabia-based organizations and, while he was in power, Saddam Hussein.

The documents reviewed by The Post include a martyr kit for Maher Kamel Hbeishe, a Hamas fanatic who blew himself up on a Haifa bus Dec. 2, 2001, killing 15 Israelis and wounding 40.

Much of the kit's paperwork carries the corporate logo of the Arab Bank—the Middle East's most important and influential financial institution—and the numbers of the accounts through which his family was paid.

The cover on Hbeishe's file—in the records of Saudi relief committees—proclaims: ''the martyrs receive reward from their Lord, they and their light.''

Replete with florid Arabic tributes to dead terrorists, the paperwork explains the manner of death, making it clear that the bank knew exactly whom it was giving money to and why.

If the terrorist were successful, the family would receive $5,316; being wounded or captured would earn them a lesser amount.

Though small by Western standards, the payments are more than six times the West Bank's average annual income of $850.

To get its money, Hbeishe's family was most likely contacted by the so-called ''social welfare arm'' of Hamas and instructed to open up an Arab Bank account. Then representatives of Hamas would use the information in the martyrs' kit to provide the bank with the name of the attacker and the beneficiaries getting checks.

The Saudi charities—called relief committees—that provide the funding for the terrorists make no secret of their activities, even taking out full-page ads in newspapers. One such ad listed more than 1,000 individuals who had been wounded or captured by the Israelis during the intifada and whose families were eligible for benefits.

Every ad explicitly directs the family members to go to Arab Bank.

A bank spokesman said, ''Arab Bank abhors terrorism. The bank would never do business with individuals or organizations it knows to be terrorists.''

It said that the documents obtained by The Post proved only that relatives of the two suicide bombers had accounts there, which is not surprising given the bank's 50 percent market share in the West Bank.

Lee Wolosky, a lawyer suing the bank on behalf of families murdered in terrorist attacks, said, ''New Yorkers would be outraged if a bank on Madison Avenue was alleged to have provided financial support to the families of al Qaeda terrorists. These allegations are no different.''

[From the BBC News]

PALESTINIANS GET SADDAM FUNDS

Saddam Hussein has paid out thousands of dollars to families of Palestinians killed in fighting with Israel.

Relatives of at least one suicide attacker as well as other militants and civilians gathered in a hall in Gaza City to receive cheques.

''Iraq and Palestine are in one trench. Saddam is a hero,'' read a banner over a picture of the Iraqi leader and Palestinian leader Yasser Arafat at the ceremony.

With war looming in the Middle East, Palestinian speakers condemned the United States and Israel, which dismissed the ceremony as support for terrorism.

One by one, at least 21 families came up to receive their cheques from the Palestinian Arab Liberation Front (PALF), a local pro-Iraq group.

A Hamas suicide bomber's family got $25,000 while the others—relatives of militants killed in fighting or civilians killed during Israeli military operations—all received $10,000 each.

Another banner in the hall described the cheques as the ''blessings of Saddam Hussein'' and PALF speakers extolled the Iraqi leader in fiery speeches.

''Saddam Hussein considers those who die in martyrdom attacks as people who have won the highest degree of martyrdom,'' said one.

The party estimated that Iraq had paid out $35m to Palestinian families since the current uprising began in September 2000.

Saddam's avowed support for the Palestinians, and his missile attacks on Israel during the Gulf War, have won him wide backing in the territories.

Israel condemned the Iraqi handouts as funding for terrorism.

''It shows that Saddam is involved in every activity that is terrorism and murderous and leads to instability in the Middle East,'' said Amira Oron, a spokeswoman for the Foreign Ministry.

However, families at this week's ceremony said the money would be used to rebuild homes destroyed by Israel and bring up orphaned children.

''Saddam supports the families of the martyrs, not terrorism,'' said Ahmed Sabah, 69, whose son was killed by an Israeli missile strike in December.

''It is a shame that Arabs stand silent as America prepares to occupy Iraq.''

Israel blamed Mr Sabah's son Mustafa for bomb attacks on three Israeli tanks which killed seven soldiers in 2002.

Tahseen Maghani, whose Hamas militant son Karam was killed trying to infiltrate the Jewish settlement of Netzarim, said he would use the money to plant crops and build a house.

''These are tough times for Saddam but his kindness will help us a lot,'' he said.

''Saddam is the only one that has stood with us.''

Sabri Salama, a relative of two Palestinian teenagers killed in an Israeli air strike on Gaza in January, said America was ''the chief terrorist state''.

Ibrahim Zanen, a PALF spokesman, said he hoped the ceremony would not be the last.

[From the Daily Standard, Dec. 19, 2005]

MEET THE NEW BOSS—PRESIDENT ABBAS'S PALESTINIAN AUTHORITY LOOKS DISTRESSINGLY FAMILIAR

(By Scott Johnson)

Are things getting better in Israel? Charles Krauthammer recently observed that ''the more than four-year-long intifada, which left more than 1,000 Israelis and 3,000 Palestinians dead, is over. And better than that, defeated.'' Krauthammer believes that Israel's Gaza withdrawal was a success and that the electoral campaigns underway in both Israel and the Palestinian Authority can fairly be attributed to Israeli unilateralism and Palestinian maturation.

All of which may be true. Yet the news from Israel isn't all good. Far from it. The terror war against Israel certainly continues. Every day Israeli security forces receive 10 to 30 security alerts regarding prospective attacks within Israel. Only the successful attacks make the news, such as the December 5 bombing that took five lives at the mall in Netanya.

More worrisome is that the terror groups operate at will within the Palestinian Authority. Among them are Hamas, Hezbollah, and Palestinian Islamic Jihad—all groups with foreign bases of support in Syria, Iran, or Saudi Arabia. These groups parade openly and operate with impunity within the territory of the Palestinian Authority. The numerous security services of the Palestinian Authority have yet to disarm them. Other terror groups actually operate as militias under the umbrella of Fatah, the party over which Palestinian Authority President Mahmoud Abbas presides. Among them, for example, is the al-Aqsa Martyrs' Brigade.

The Palestinian Authority has also taken action to support terrorists within its jurisdiction. Rachel Ehrenfeld reported on the Palestinian Authority's continuing financial support of terrorists in a November 29 Jerusalem Post column. Ehrenfeld cited a senior PA official explaining that the Palestinian Authority has created a special committee to determine the pension eligibility of all members of armed organizations. Earlier reports indicate that the Palestinian Authority contributes $4 million a month to support terrorists held in Israeli jails. (For those looking to see the glass as half full, PA finance minister Salam Fayad resigned over this issue—which is a truly optimistic development.)

Earlier this month Israel National News reported that President Abbas approved a law providing financial support to the families of ''shahids'' (martyrs)—including suicide bombers. Abbas's approval of the law was announced in the pages of the semi-official PA newspaper, Al-Hayat Al-Jadida the day of the Netanya bombing. (In addition to the sums indicated in the linked story, the law provides for a lump sum payment of $2,200 to the surviving family of ''martyrs.'')

The law would allow the Palestinian Authority to step into the role—recently vacated by Saddam Hussein—of providing financial support to the families of suicide bombers attacking Israel. Asked for comment, a U.S. State Department Near East spokesman noted that Abbas had not signed the law and that the State Department had expressed its concern to Abbas regarding it.

That's technically true: The law has been passed twice by the PA legislative council. Abbas's signature and a third approval of the law by the PA legislative council are necessary for final enactment. Perhaps the State Department's expression of concern will head off its final enactment. Yet that the law that reached President Abbas's office—and that he appears to have announced his approval of it—seems telling.

[From the Washington Times, July 31, 2006]

ISLAMIST TERROR TWINS; SHI'ITE, SUNNI JIHADISTS POSE DANGER

(By Rachel Ehrenfeld)

It took the United States four years after September 11 to develop a useful working definition of the gravest danger to world peace. Last October President Bush finally identified our enemies: ''Islamic Radicals . . . empowered by helpers and enablers . . . strengthened by front operations who aggressively fund the[m].'' Making no distinction between Sunni or Shi'ite radicals, he concluded that defeating ''the murderous ideology of the Islamic Radicals,'' is the ''great challenge of our century.''

Mr. Bush keeps addressing the turmoil in the Middle East focusing on Hezbollah as a regional struggle. Yet, defeating Israel and controlling the Middle East is only part of the global mission of both Sunni and Shi'ite terrorists. Their goal is to establish the Caliphate, extending the rule of Shariah to the entire world.

Israel is now fighting two of radical Islam's most virulent versions—the Shi'ite Hezbollah and the Sunni Hamas. Israel fights not only for its own survival. Its ability to defeat Hamas and Hezbollah will determine the survival of the United States and all Western-style democracies.

When Hezbollah attacked Israel over two weeks ago, Mr. Bush accused Syria of being the primary sponsor of Hezbollah, providing it with shipments of Iranian-made weapons. The president added: ''Iran's regime has also repeatedly defied the international community with its ambition for nuclear weapons and aid to terrorist groups. Their actions threaten the entire Middle East and stand in the way of resolving the current crisis and bringing lasting peace to this troubled region.''

One wonders what the leader of the free world needs to witness before he connects the dots. Radical Islam, or Islamofascism, as he himself described it on other occasions, is not limited to the Middle East, or promoted and advanced only by Iran, Hezbollah and Syria. Sunni radicals such as Hamas, Islamic Jihad and the numerous offspring of al Qaeda pose similar threats to Israel, the region, the United States and the rest of the world.

All radical Muslims, according to the president, are terrorists ''target[ing] nations whose behavior they believe they can change through violence.'' Their goal, he said, is to ''establish a radical Islamic empire that spans from Spain to Indonesia.'' Then, they ''would be able to advance their stated agenda: to develop weapons of mass destruction, to destroy Israel, to intimidate Europe, to assault the American people, and to blackmail our government into isolation.''

''Against such an enemy there is only one effective response,'' concluded Mr. Bush: ''We will never back down, never give in, and never accept anything less than complete victory.'' Yet, Israel is pressured for restraint by most U.S. allies, including the Saudis.

Nonetheless, the White House, politicians and the international media fall all over themselves to praise the Saudis for admonishing Hezbollah as yet more evidence of their commitment to ending extremism. In fact, the Saudis demonstrate their commitment only to end Shi'a extremism. In typical double-talk, while lambasting Hezbollah, the Saudis refrain from condemning Hamas, and in fact, they are its principal financiers from the beginning.

On Tuesday, the Saudi Government announced generous financial contributions to rebuild Lebanon and Palestine. The Saudis also held a well-advertised ''popular fundraising campaign,'' urging Saudis, all Arabs and Muslims ''to show the usual generosity and commitment towards the Arabs and Muslim Nation.'' Last week's Saudi Telethon raised $32 million, and an additional $13.5 million was raised in the UAE. There is little doubt that some of this money would find its way to the families of ''martyrs'' from Hezbollah, Hamas and Islamic Jihad carrying out the ''mission'' of Jihad.

This fundraiser brings back memories of previous Telethons such as the April 2002 King Fahd-sponsored fundraiser for the Palestinian intifada, and the August 2005 Saudi fundraiser for the Palestinian cause, aired on Iqra TV. The organizers then stated: ''Jihad is the pinnacle of Islam. A person who cannot wage Jihad with his soul is required to wage Jihad with his money . . . our brothers in Palestine desperately need financial support, which goes directly to this cause, and helps them to carry out this mission.'' On July 27, $29 million were raised in the latest Saudi telethon. Some of this money would surely find its way to the families of ''martyrs'' from Hamas and Islamic Jihad carrying out the ''mission'' of Jihad.

The radical Sunni modus operandi differs not at all from that of Hezbollah's Shi'ite terrorists. Al Qaeda and Hamas also provide social services, jobs, medical care and schools to the needy. And like Iran and Hezbollah, the Saudis use their fortunes both to fund radical terrorist groups and to develop vast international Islamic communications networks which they leverage in order to expand their anti-American and anti-Israel propaganda, while aptly manipulating U.S. leaders and the media.

The Saudi fears of a nuclear Iran are behind their condemnation of Hezbollah. However, since Hassan Nasrallah is now the leading figure of the Arab world, supported by

The Muslim Brotherhood, and ''the most prominent cleric in the Arab world, [Sheikh Yousef Al] Qaradhawi,'' the Saudis can not afford to ignore Nasrallah's popularity. That is why the Saudis publicly asked the United States to pressure Israel into ceasefire. But the growing violence of and anti-American propaganda by Sunni radical groups worldwide funded by Saudi paymasters should serve as potent reminder for the U.S. to demand that our Saudi ''ally'' stop their own terrorist financing and the propagation of their own version of radical Islam, Wahhabism, around the world. Moreover, the United States should focus on developing alternative energy sources, consequently reducing billions of dollars now available to fund terrorism.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

AMENDMENT NO. 338

Mr. MENENDEZ. Madam President, I rise in strong support of the amendment by my distinguished colleague from Illinois. His effort is not about Illinois or any of the other significant States. His effort ultimately culminates in 34 States getting additional funds and moving far closer to the 9/11 Commission's unanimous bipartisan recommendation that funding for homeland security should follow risk and risk alone.

Having said that, he still doesn't deny to other States the opportunity to have some baseline of homeland security funding. He still preserves an element for all States. But I think here is how we determine the equation. It is very interesting that one chart says 32 States and the District of Columbia will lose, but that depends upon the factor you are using.

The reality is, under Senator OBAMA's amendment, which I am proud to cosponsor, when you include the totality of homeland security funds, 34 States receive an increase—that is a significant majority of the States—and we move closer to the public policy recommendation the 9/11 Commission made that all homeland security funding should be based on risk and risk alone.

Now, whether you were on the street below at the World Trade Center or across the river in New Jersey watching the towers burn or halfway across the country watching the horrific events unfold on television, we all experienced the blow our Nation suffered that day.

I say to my distinguished colleague from Maine who mentioned a stone—I forget exactly—a location in Georgia and some other locations in rural parts of America where supposedly some of the terrorists were, but where were their targets? Not where were they hiding, but where were their targets? Their targets are very clear.

We all suffered a blow that day, but there is something unique about the locations that were chosen by the terrorists to strike. Thousands work in the Pentagon. Roughly 50,000 people worked in what was the World Trade Center, and 200,000 visitors used to go there on any given day, including many of the people from my home State of New Jersey who perished that day. Where were the planes coming from? They were coming from major airports—Logan, Newark, Dulles. To where? To major cities in California—Los Angeles, San Francisco.

So the terrorists made calculations about where and how they could inflict the most damage on our Nation because while New York and the Pentagon were the epicenters of that act, the reality is the ripple effect came across economically as well as in terms of the loss of lives across the whole country. But they understood the unavoidable facts of where their targets were. Their targets were not in rural parts. They may have hidden there as they got ready to commit their dastardly act. Their targets were in the places they could make unavoidably the greatest impact. The fact is, these targets are consistently in some of the most densely populated areas of the Nation where the greatest risk lies.

This debate should not be about fighting to maintain a certain level of funding as general revenue sharing. At issue is how to best allocate limited resources to those parts of our Nation facing the greatest risk. Senator OBAMA does that by having 34 States enhance their position and 6 being unchanged.

We cannot deny that some States simply have more risk than others. Some States simply have more risk than others. Just as I would not argue for the same share of agricultural funding for New Jersey as Iowa, or I could not possibly make an intellectually honest fight for the same level of hurricane preparedness as Florida, neither can many of my colleagues argue that some States have the same risks as other States throughout the Nation. If we had unlimited funds, that would be different. That is not the case. The case is, we have limited funds.

Senator OBAMA's amendment clearly drives us closer and closer to risk being the determining factor. That is what the 9/11 Commission unanimously said, that is what the 9/11 families have said, that is what the Chairman and Vice Chairman of the 9/11 Commission said, that is what the amendment of the Senator from Illinois ultimately does, and that is why I am proud to be a cosponsor of the amendment and one that ultimately understands that there clearly are greater risks in certain parts of the Nation. The terrorists know that. They understand the greatest consequences they can strike at and create the greatest horror for their efforts, and that is going to be a continuing truth. It is a continuing truth I hope the Senate will acknowledge in voting for Senator OBAMA's amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. OBAMA. Madam President, I thank my distinguished colleague from New Jersey for an eloquent summation of what this amendment is about. What I would like to do is reiterate my response to some of the issues that were raised by the distinguished Senators from Connecticut and Maine.

No. 1, we are talking about real money. We don't have exact figures, but let's assume we are talking about around $80 million that would be shifted from guaranteed funding to the States and instead would be allocated on the basis of risk. That $80 million will mean firefighters are getting the equipment they need in States that have higher risks. It will mean more money will be available for interoperability systems. It means this money will be allocated to States that have chemical plants and nuclear plants in higher proportion than those States that do not. In each case, this money, under my amendment, will be allocated on the basis of the risk assessments made by experts, as recommended under the 9/11 Commission Report, and will not be allocated simply on the basis that every State gets a piece of the pie regardless of risk, threats and vulnerabilities.

To go back to the issue of how many States benefit or lose, my main point is that we all win when the money is allocated on the basis of risk. We all win. Every State wins. But in terms of the estimates of which States gain and which States lose, I reiterate, the chart that was put up by the Senator from Maine is only talking about the amount of money that is allocated on the basis of guaranteed funding, not based on risk. The additional funding, the lion's share of the funding, as the Senator from Delaware stated, will be allocated on the basis of risk, and once you factor that in, then you can be assured that the overwhelming majority of States will get more money under my amendment than they will under the underlying bill. That is the central point. Don't get confused when it is stated that 32 States stand to lose money under this amendment. They stand to lose the guaranteed money because more money goes back into risk assessment, and once it is put back into the States, then you will see a majority of States gaining under my amendment.

Madam President, there is one last point I wish to reiterate. One of the seemingly plausible arguments made by the Senator from Connecticut and the Senator from Maine was that we want an all-hazards funding approach—hurricanes, natural disasters. We want to make sure that money is fairly allocated. I reiterate, that is not the point of this program. We have another program that allocates on the basis of all hazards. That is the Emergency Management Planning Grant Program.

So if they want to make an argument that money should be allocated to all States at a certain percentage to guarantee minimum funding for all hazards funding, that is entirely sensible, but that is not what this funding stream is all about. This funding stream is supposed to address the specific risks and

threats of terrorism. So if we want to follow the recommendations of the 9/11 Commission Report, then we must protect against those particular risks for which the program is designed.

I appreciate the healthy debate. This does not always happen on the floor of the Senate. I thank my colleague from Connecticut, the chairman of the committee, for entertaining as many questions as he did, and I thank him for his patience.

I reiterate that the underlying bill is an improvement over the status quo, but the same principles that drove the Senator from Connecticut and the Senator from Maine to change and reduce the amount of minimum funding each State obtains is the same principle of my amendment. I just take it a step further.

In fact, I wouldn't be surprised that if you applied the manner of calculating funding that was up on the chart behind the Senator from Maine, it is not clear to me you wouldn't see a whole bunch of States losing under the change the Chairman has proposed as well. But what he realizes and the reason he thinks the underlying bill makes sense is because that money is going to be distributed based on risk, and in the end a lot of States will do better. This amendment is no different. It simply takes it a step further in line with what the House has done and in line with what the 9/11 Commission Report recommends.

I urge all my colleagues to join on this amendment. I believe it will be an improvement not just for some States but for the entire country.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I thank my friend from Illinois. It has been a good debate. Again, we don't have these often enough on the floor.

I hope our friends understand the difference. Again, we know we are basing our comparison of the two formulas on the guaranteed minimums, which are the only things we can be sure about. My friend from Illinois takes the risk assessment from this year and projects it forward. It happens to have underfunded the District of Columbia, which is why they lose under this proposal as well. I will leave that for the moment and simply say that we are having a good debate about how to distribute the money.

One thing I believe we all agree on—I know my friend from Illinois and I certainly do—is that the Federal Government has been underfunding the State Homeland Security Grant Program and all the others. So while we have these significant arguments about how to divide the pie, the other part of this debate—which, fortunately, we have an agreement on—is that the pie should be bigger.

In this bill, for State homeland security grants, we go back to the high level of fiscal year 2004, $3.1 billion. Quite shockingly, the administration has lowered the money in each of the years since then, though no one's estimate would say the threat to homeland security is less than it was in 2004. That agreement we have, though we have a mutually respectful disagreement about how to divide the pie.

While we are on this subject, there was a reference earlier on the question of how the money is being spent. We hear references to this now famous air-conditioned garbage truck from New Jersey. Likewise, there was apparently a police department that is purported to have purchased leather jackets for its officers. Presumably, allegedly, these items where purchased with State homeland security grant funds. If, in fact, that is what happened—although there is some suspicion that the air-conditioned garbage truck was bought with funds that came through the Department of Justice, not the State homeland security grant funding—it was, obviously, wrong and unacceptable. This has been used to undercut support for the program generally.

I assure my colleagues, however they vote on the funding formula—and, incidentally, New Jersey is one of the States, as the Senator from New Jersey indicated, that would gain under the amendment of the Senator from Illinois high-risk States can misspend money just as easily as low-risk States. In fact, they have more money to spend, so the probability is higher.

Here is what I want to assure my colleagues: S. 4, the underlying bill, is designed to make sure the money we send back to the States and localities is spent for homeland security. Under Homeland Security Presidential Directive No. 8, the Department of Homeland Security has issued target capabilities for prevention, preparedness, and response that all communities must be able to achieve. What are target capabilities? They include risk management, citizen preparedness, information sharing, intelligence gathering, and medical triage—all necessary elements of homeland security and disaster response.

Under the Post Katrina Act that stemmed from our committee's investigation of Government failures during Hurricane Katrina, the Senate and the House and the President implemented these target capabilities as statutory requirements. So S. 4 requires that all homeland security grants must be spent in a way that works to reach the specific target capabilities stipulated by the Department of Homeland Security and the national preparedness goal. Obviously, this air-conditioned garbage truck would be an illegal expenditure, as would the purported purchase of leather jackets for a police department somewhere in America. In turn, each of these expenditures, whether at the State, local, or tribal level, must be consistent with a State homeland security plan that is required by S. 4.

S. 4 authorizes specific uses for the grants; among which are the following:

Developing plans and risk assessments, which are essential for the optimal and most efficient allocation of resources;

Designing, conducting, and evaluating training and exercises, including for mass evacuations, as we learned was so essential in Hurricane Katrina;

Purchasing and maintaining equipment, such as interoperable communications devices that are critical to responding to a disaster;

Additional measures, including overtime personnel costs, when required to respond to an increase in the threat level under the Homeland Security Advisory System;

The protection of critical infrastructure and key resources; and

Establishing fusion centers that comply with specific information-sharing guidelines as described in title I of this bill.

S. 4 also ensures that the Department has the flexibility to approve activities funded by the grants, but again, all expenditures must be tied to the achievement of target capabilities.

Additionally, S. 4 contains explicit restrictions on the use of homeland security grants: We prohibit funds from being spent on recreational or social purposes.

These provisions, backed up by extensive accountability and audit requirements, will ensure that funds are spent in the most efficient and effective way possible. Some have suggested that the misuse of grant funds in the past has been a result of extraneous funds being distributed in the form of a State minimum. But, in fact, I point out that the air-conditioned garbage trucks were purchased by New Jersey—a State which my colleagues have pointed out is one of the higher-risk States, and has, in fact, received a significant portion of antiterrorism funding. Likewise, the leather jackets were purchased by the D.C. Police Department—again, one of the areas of the country with the highest risk assessments. So no State should be considered immune from such expenses, and it is wrong to imply a link to State minimums. S. 4 will ensure that each grant awarded is tied to a carefully analyzed homeland security plan, and is expended for a specific target capability.

Madam 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.

Ms. COLLINS. Madam 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. Madam President, earlier today, the Senate tabled an amendment offered by the Senator from South Carolina, Mr. DEMINT, that would have struck all of the provisions in the bill related to the employment rights of the employees of the Transportation Security Administration,

TSA. Last night, I filed an amendment on behalf of myself, Senator VOINOVICH, Senator WARNER, Senator SUNUNU, Senator COLEMAN, and Senator STEVENS that seeks to strike a middle ground in this area.

Through our committee's work on homeland security, it has become clear that the ability to respond quickly and effectively to changing conditions, to emerging threats, and to crisis situations is essential. From the intelligence community to our first responders, the key to this response is flexibility, putting assets and, more importantly, personnel where they are needed, when they are needed.

My question about giving TSA employees the right to collectively bargain is whether this additional right would hamper flexibility at this critical time.

I have been a strong supporter of Federal employees throughout my time in the Senate. I very much appreciate the work they do not only in the Department of Homeland Security but throughout the Federal Government. It is my hope that we will be able to work cooperatively to forge a compromise that preserves the needed flexibility that has been described to us in both classified sessions and open hearings while protecting the rights of TSA employees. These are employees who are working hard every day to protect us.

The TSA is charged with great responsibility. In order to accomplish its critical national security mission, the Aviation Transportation Security Act provided TSA with the authority to shift resources and to implement new procedures daily—in some instances hourly—in response to emergencies and changing conditions. This authority enables TSA to make the best and fullest use of its highly trained and dedicated workforce.

We have already seen the benefit of this flexibility. In both the aftermath of Hurricane Katrina and the thwarted airline bombing plot in Great Britain last year, TSA was able to change the nature of its employees' work and even the location of their work in response to these emergencies. Last December, when blizzards hit the Denver area and many local TSA officers were unable to get to the airport, the agency acted quickly, flying in voluntary TSOs from Las Vegas to cover the shifts and covering the Las Vegas shifts with officers transferred temporarily from Salt Lake City. Without the ability to rapidly ask for volunteers and deploy them to Denver, the Denver airport would have been critically understaffed while hundreds, perhaps thousands, of travelers were stranded. This flexibility is essential.

The legislation before the Senate is designed to implement the unfulfilled recommendations of the 9/11 Commission. Most of those recommendations were enacted in 2004, but when we look at this report we don't see recommendations about changing the employees' conditions at TSA. Before we so dramatically change the TSA personnel system, we must ensure that we do not interfere with TSA's ability to carry out its mission.

That doesn't mean the status quo is adequate. I believe we know enough now that we should proceed with providing TSA employees important protections enjoyed by other Federal employees. Let me mention two such important protections with which we should proceed. The first is to bring them under the Whistleblower Protections Act. There is simply no reason TSA employees should not enjoy the formal protections and procedures set forth in that act.

Second, these TSA employees should have the same kinds of rights as other Federal employees to appeal adverse employment actions—disciplinary actions, for example, demotions, even firings—to the Merit System Protection Board. That would give them an independent agency to review their complaints, and that is an important protection as well.

In addition to these two very important provisions, the amendment makes clear that TSOs have the right to join labor unions. My amendment also requires TSA to establish a pay-for-performance system. That already exists in the agency, but we want to codify that.

Finally, the amendment would require TSA and the Government Accountability Office, GAO, to report to Congress in 1 year to assess employment matters at TSA, indicating what further changes, if any, should be made in the TSA personnel system.

I believe this takes the right approach. This is not an all-or-nothing debate, and yet that is what we seem to have boiled it down to. I urge my colleagues to take a look at the amendment. I am very pleased to have the cosponsorship of several Senators, and I hope that we will have the opportunity to vote on it, if not today, tomorrow.

Madam 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. COBURN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

AMENDMENT NO. 294

Mr. COBURN. Madam President, I want to discuss an amendment that has been previously called up, amendment No. 294. This is an amendment on the 9/11 bill.

Mr. LIEBERMAN. Madam President, will the Senator yield for a question?

Mr. COBURN. I will be happy to yield for a question.

Mr. LIEBERMAN. I have no objection, obviously, to the Senator from Oklahoma proceeding to the discussion. I want him to know that Senator COLLINS and I are negotiating a consent agreement on votes on the funding formulas and we may, with the Senator's permission, interrupt him as he goes forward if we reach that agreement.

Mr. COBURN. I will be more than happy to be interrupted by the chairman.

Mr. LIEBERMAN. I thank the Senator.

Mr. COBURN. Mr. President, I am a member of the Homeland Security and Government Affairs Committee, as is the Presiding Officer today. We have gone through this bill—this is the second time—looking at 9/11 and what we need to do in terms of our risk, in terms of how we protect the homeland.

As this bill is drafted, its implementation authority never expires. It never stops. So what we have is approximately $4 billion a year from now on. Actually, what we say is: however much money is needed in year four of the bill to be spent on homeland security, whether or not we need to or whether it is time to relook at the priorities of the bill.

This is an amendment that I offered in committee. I got one Democratic vote for it and my own. But what this amendment does is sunset this bill in 5 years and says it is time to take a look at it again.

One of the critical things we did following 9/11 was the PATRIOT Act, and we sunset it. Last year we took it up again and we sunset a good portion of it again. So we will look at it again.

This bill is never sunset. It is like the hundreds of other bills this body has passed, that we pass and we never look at again. We never do oversight. We never make the decisions. We just let the money keep rolling out the door and charging it to our grandchildren. This is a very simple, straightforward amendment.

All this amendment says is that 5 years from now, this one goes ''time out,'' it is over, do it again with a fresh look at the problems that we face in this very dangerous world, a fresh look at the success we have made, the accomplishments today, and ask where we need to go.

The bill, as written, assumes that nothing in the future, in terms of our risk, is going to change. I would put forward 5 years from now everything will have changed in terms of the risks that we are going to face. If we have done our jobs right with this bill, many of the areas of preparedness that we are attempting to direct funds to in this bill will be solved. Why should we continue to have money going to areas that we have solved rather than redirect money to areas that we have not solved, or maybe for our children's sake, not spend any money because there is no need other than the need for politicians to tell people at home that we sent money to them.

So this is a very simple, very straightforward amendment that says improving America's security by implementing the unfinished recommendations of the 9/11 Commission

Act of 2007 will cease having an effect on December 31, 2012.

Good government is what the American people both expect and desire. They also deserve good government. They deserve the wisdom of knowing we cannot know what is in the future today, so let's limit what we do until we can relook at it again.

Having held 46 hearings with Senator CARPER in the last 18 months on the Federal Financial Management Subcommittee of the Homeland Security and the Government Affairs Committee, what we know is what Congresses have done in the past have created about $200 billion worth of waste per year in this country.

Now, sadly, the Congress refuses to address those duplications, the fraud and the waste that is associated with that $200 billion worth of waste, fraud, and abuse. We should not add to that. We should not have a program that goes on ad nauseum addressing needs of today and saying it is OK.

All I am asking with this amendment, and I think most commonsense Americans would ask, what is so hard about saying this ends and we have to look at it again in 2012? Make the decision again based on what the very real risks are and, oh, we might even consider what our financial condition is when we decide what we are going to spend on security and what else might ought not be paid for by the Federal Government as we fund homeland security and protect this Nation.

This provision will cause us to review the needed programs and authorize spending. It will cause us to make better decisions 5 years from now than we can make today.

I will draw the corollary as a primary care physician, what I know about my 55-year-old patients with hypertension and high cholesterol. And I am going to have an example today. I said: Here is what you need to do for the next 5 years. Do not come back and see me. Your risks probably are not going to change. I can predict exactly what you are going to need. Do not worry. I will just give you prescriptions for the next 5 years.

That is what we are doing on this bill. We are not doing it for just 5 years, we are doing it for the rest of the patient's life. We would never go to a physician who treated us that way. Yet that is the way this bill approaches the future.

What are the reasons to oppose this bill? One is lack of a desire to tackle the hard job of looking at this again in 5 years. One is arrogance; we know what we are going to need. There is no way we can. Political expediency, that might have something to do with it, to be able to tell the special interest groups and our campaign donors that we have got them taken care of for the next 10 years.

I quote my chairman for whom I have the utmost respect. Here is what his quote was on the PATRIOT Act.

> The best thing we did with the PATRIOT Act was to sunset it, was to say that it needs to be reauthorized or it will go out of existence. And we are going to look back and see what happened with the PATRIOT Act so we can make a better decision in the future.

I have trouble not understanding why that same wonderful logic and great common sense should not be applied to this bill.

Senator REID in 2005:

> But we are currently considering renewal of those provisions that were considered so expensive or so vulnerable that Congress wisely decided for a 4-year sunset.

The author of the act wanted Congress to reassess in a more deliberative manner with the benefit of experience. We are presented with an opportunity again now, 4 years later, to get it right. Why would we not want to sunset this bill? I have even a bigger one. Why do we not want to sunset every bill, to go back and look at it and reassess it so we get rid of the waste, the fraud and duplication, to do the very things that we were sent to do?

I will not spend a great deal more time. I recognize that the ranking member, Senator COLLINS, and Senator LIEBERMAN have some business they want to consider. I would remind Senators there is no score on this bill. CBO hasn't scored this bill. We know the one from the House was $20 billion. Should we not look at $20 billion worth of spending again in 5 years and ask if it is under our priorities? Were we wise? What have we learned? What can we do better? What worked? What did not work?

Why would we not want to do that? I think it is a no-brainer to sunset this bill so that we, in fact, can learn from our mistakes, learn from our priorities, look at the world the way it will be 5 years from now rather than the way the world is today, and also, yes, consider the fiscal situation in which we find ourselves.

I also am adamantly opposed to any piece of legislation that says, ''such sums.'' Well, does this legislation mean we want to spend $100 billion 6 years from now? That is what we are saying if we are giving to the Appropriations Committee all our power to make the decision on areas that are under our purview 6 years from now. Don't we believe we ought to do that? I believe we ought to maintain that power, and actually it is not 6 years, it is 4 years from now because in the fourth year is when we do that.

Congress needs more sunsets, not fewer sunsets. We have an inexcusable situation that we have seen today with much of the Government operating on expired authority—expired authority. Madam President, $170 billion of what was appropriated last year was under expired authority.

Congress has not done its job to reauthorize those programs. So let's look at this again in 5 years, in 2012. We can start with January 2012. By the end of that year we can have said: Here is what we need to do for 2013. We will do it with wisdom; we will be able to do it with insight. We also will be able to do it with competence that we know what is best for our country, which we cannot predict today under this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I ask unanimous consent that at 4:10 p.m. today the Senate resume debate on the following amendments, and that the time until 5:30 p.m. run concurrently: Feinstein amendment No. 335, Obama amendment No. 338, and Leahy amendment No. 333; that all time be divided and controlled between the chairman and ranking member of the Homeland Security Committee and the sponsors of the amendments; that no amendments be in order to any of the amendments covered under this agreement prior to the vote; that there be 2 minutes of debate between each vote; that the amendments be voted in the order listed under this agreement, and that at 5:30 p.m., without further intervening action or debate, the Senate proceed to vote in relation to each amendment covered under this agreement.

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

Mr. COBURN. Madam President, I would ask unanimous consent that after the three votes I be recognized on the floor for another amendment.

The PRESIDING OFFICER. Is there objection?

Mr. LIEBERMAN. I would object for the moment pending a conversation between the Senator from Oklahoma and the managers of the bill.

The PRESIDING OFFICER. Objection is heard.

Ms. COLLINS. Madam President, I suggest the absence of a quorum and ask that the time be charged equally between both parties.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Madam 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. Madam President, I yield 5 minutes of my time to the Senator from Wyoming.

Mr. THOMAS. Madam President, I want to make a comment or two about the distribution of funding for homeland security. Of course, there has been a great deal of discussion about it, but we haven't heard much from small States.

I am from Wyoming and I suggest to my colleagues that we have needs—perhaps at a different level but we have needs—like everyone else for homeland security. So I have been a little disappointed with my colleagues' comments yesterday and some today with respect to securing America. I actually hadn't heard anything about rural areas, as they are at risk as well. I know we have fewer people. But what I

did hear is that rural America doesn't need homeland security funding, and that is not the case.

Most people don't know that Wyoming, which I guess is probably at the moment our smallest populated State, is the largest exporter of energy in the United States. We have oil reserves, we have gasfields, we have coal mines, we have powerplants, we have uranium mines, all of which contribute to the rest of the country and to the security of the rest of the country. If folks don't believe our rail lines and transmission lines and refineries and pipelines are not targets, then we need to reevaluate that. We need to think about it again. As a matter of fact, if you were someone seeking to do damage, you might think it is easier to go into a rather rural area and stop some of the energy development than to go into an urban area and have to go through all the network that is involved.

This energy we talk about is the very same energy that drives our economy; it turns on the lights in Los Angeles and New York City. So there are important factors to keep in mind, to keep in perspective as we go about this idea of homeland security and as we think about where the homeland security risks are.

Certainly I will tell my colleagues that Wyoming is not as at risk as Washington and New York, but, nevertheless, there is a fairly high level of risk on rural States that provide these kinds of resources. Our State is nearly 100,000 square miles in size. It is a State of diverse topography and harsh weather. Major railroads and interstate highways that connect the east and the west coasts of this country traverse the State. Whether it is ships that come into the east and west coasts or whatever, they go through this area and therefore that makes it certainly subject to various kinds of events that could happen in terms of homeland security.

The movement of hazardous waste by train and vehicle puts the citizens I represent in harm's way every day. When homeland security grants first began, Wyoming initially received roughly $20 million. Wyoming's share has dropped to $9 million over the course of time.

Let me put this debate in context. My State stands to receive roughly $10 million out of $3 billion under the plan that has been suggested that we have. I certainly understand that cities such as New York need more than my State; no one is questioning that. I also recognize that large urban areas have more resources to draw upon than rural areas do. We have less resources to protect the things we have that are not only for our State but that are for our Nation. Congress has debated and established a fair system. Every State should be provided with baseline funding.

I fully support allowing the Department of Homeland Security to determine who has the greatest risk to qualify for the urban area security funding as current law provides. Big-city States have their own urban programs so I cannot understand the uproar and anger officials from large populated States have toward their rural neighbors.

Wyoming generally doesn't ask for a lot, of course, but my State has a lot more to offer than just wide open country for people on the coast to fly over.

Let me repeat for my colleagues that Wyoming is the largest exporter of energy in the lower 48. Protecting Wyoming's infrastructure and securing our resources is critical not only to our State but to national well being. I would remind my colleagues who have directly and indirectly criticized small States that the States they represent are not the only ones that have risks that need to be addressed.

I strongly support Senator LEAHY's amendment to put fairness back into the process. Protecting rural America is something that should be important to all of us. It is all a part of our Nation. No one wins by the current effort to pit big cities against rural America.

I hope we can come to an agreement that does deal with national security and gives us an opportunity to secure all of the resources in our Nation for national benefit.

Thank you, Madam President. I yield the floor, and 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. LIEBERMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LIEBERMAN. Madam President, I yield 5 minutes of the time allocated to me to the Senator from West Virginia, Mr. ROCKEFELLER, who will speak on another matter than the three amendments but is sympathetic to the position I am taking on the three amendments.

Mr. ROCKEFELLER. Madam President, there is a procedural process that is missing.

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.

Ms. COLLINS. Madam 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. Madam President, was the time running under the quorum call being charged equally or just to one side?

The PRESIDING OFFICER. The time for this quorum call has been counted against Senator LIEBERMAN. The Thomas quorum call counted against Senator COLLINS.

Ms. COLLINS. Madam President, I ask unanimous consent that any further quorum calls between now and the beginning of the votes at 5:30 be counted equally against both sides.

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

Ms. COLLINS. Madam President, I suggest the absence of a quorum, to be charged equally.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT REQUEST—S. 375

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 20, S. 372, the Intelligence authorization, 2007; that the Rockefeller-Bond amendment at the desk be considered and agreed to; that the bill, as amended, be read the third time and passed; that the motion to reconsider be laid upon the table; that a statement by Senator ROCKEFELLER be printed in the RECORD as if read, without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Ms. COLLINS. Madam President, on behalf of another Senator—not myself—I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. ROCKEFELLER. Madam President, let me take this opportunity to thank many people but not the particular Senator who is objecting—1 out of 100. Nevertheless, Senators REID, BOND, myself, and others have worked very hard to move this fiscal year 2007 Intelligence authorization bill forward. All parties have been enormously supportive in this effort. It is one of the more embarrassing efforts I have been associated with in my 24 years in this body. I must express my dismay, my absolute dismay. I will hold it to that.

Despite considerable efforts on the part of the chairman and Vice Chairman BOND and extensive efforts and negotiations to get agreement on this bill, there is still an objection from one Senator for its consideration. Is it just another bill? Not quite. The Senate's failure to pass this critical national security legislation for the past 2 years is remarkably shocking and inexcusable.

In 2005, the Senate failed, for the first time since the establishment of the congressional intelligence committees, to pass an annual Intelligence authorization bill. That means for 27 years we passed authorization bills for the Intelligence Committee. It is not an inconsequential committee. It instructs how intelligence is to be done. There are a number of changes that have been agreed to. All of that failure was followed by a repeat failure in 2006—in 2005 and then in 2006.

So from 1978 through 2004, the Senate had an unbroken 27-year record of completing its work on this critical legislation. You cannot move to appropriations until you go through authorization, particularly in a field such as intelligence authorization that has an unbelievably important role. The Intelligence authorization bill has been considered must-pass legislation for many years—until recently. Now, in the midst of the war on terror, with things going downhill in Iraq, going downhill in Afghanistan, and our continued military involvement in both places, when good intelligence is not just vital but a matter of life and death—and I emphasize the second—we have been prevented from passing that bill that provides the legislative roadmap for our intelligence programs.

Similar to the Defense authorization and appropriations bills, the Intelligence authorization bill is at the core of our efforts to protect America. That is why it is simply incomprehensible, shocking, and debasing that we cannot find a way to bring up and pass this critical legislation.

The result of this continued obstruction will be diminished authority for intelligence agencies to do their job in protecting America. I hope the Senator involved takes satisfaction in that. I am not sure his constituents—if it is a he—would. Yes, I am angry.

The authorization bill contains 16 separate provisions enhancing or clarifying the authority of the Director of National Intelligence. The bill includes major improvements in the way we approach and manage human intelligence, information sharing, protection of sources and methods, and even the nominations process for key intelligence community leaders.

I came to the floor several times last year to explain those provisions in detail. Today, I reiterate how important this legislation is to the war on terrorism and to every other aspect of our national security, including the ongoing fight in Iraq and Afghanistan. This should have happened years ago. Somebody objects and, of course, it cannot happen; the rules of the Senate prevail.

There is no reason the Senate cannot pass this bill quickly, so that we can confer with the House before the committee is required to turn its attention to drafting and reporting out what will be another experiment, the 2008 authorization, which we should already be halfway toward completing. If there is objection to passing this bill by unanimous consent, we have been—the vice chairman and I, who worked very well together—more than willing to negotiate a time agreement and quickly debate and pass this long-overdue national security bill.

It is essential we assist the men and women of the intelligence agencies to continue their vital work on the frontlines of Iraq and Afghanistan and something called the war on terror.

The PRESIDING OFFICER. The Senator has used his 5 minutes.

Mr. ROCKEFELLER. Madam President, I conclude by simply saying we need this bill.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Madam President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Vermont will state his inquiry.

Mr. LEAHY. Has there been time reserved for the Senator from Vermont?

The PRESIDING OFFICER. The Senator has 13 minutes.

Mr. LEAHY. Further parliamentary inquiry: Is there an order for recognition?

The PRESIDING OFFICER. There is not.

Mr. LEAHY. Further parliamentary inquiry: Does anybody else have time reserved to them?

Mrs. FEINSTEIN. I believe I do for an amendment.

The PRESIDING OFFICER. The Senator from Illinois and the Senator from California each have 13 minutes.

Mr. ROCKEFELLER. Madam President, may I just appeal to whatever reasoned and reasonable people there may be around here, and that is that the vice chairman of the Intelligence Committee has something to say on this matter which relates to what I said. There is a sequential power in that which I think deserves consideration.

Mr. LEAHY. Madam President, I reserve my time.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, in order for the Senator from Missouri to speak, would the Senator from Maine or one of the sponsors have to yield time to him?

The PRESIDING OFFICER. That is correct.

Ms. COLLINS. How much time does the Senator from Maine have remaining?

The PRESIDING OFFICER. There is 6 minutes remaining.

Ms. COLLINS. Madam President, I yield 4 minutes to the Senator from Missouri.

Mr. BOND. Madam President, I thank the ranking member of the committee.

When this committee was formed a long time ago—30 years ago—we lacked congressional oversight. Since 9/11, we found that congressional oversight had not been as good as it should have been, and one of my first acts when I was appointed vice chairman was I suggested to the chairman that passing the authorization bill was the top priority. He agreed. We have to be able to pass authorization bills if we are to have an impact on the intelligence community.

There are already a number of Rockefeller-Bond amendments on this 9/11 bill. There will be more.

There are some who say there is nothing an executive branch agency values more than a lack of congressional oversight. But I believe congressional oversight can help them do their job better.

Is this bill perfect? No. But it is largely the same bill as last year, and we have changed provisions that were objectionable. On the good side, it would ensure that the exemption of Freedom of Information Act requirements carries over to operational files. There is a specific provision creating, within the Office of the Director of National Intelligence, a National Space Intelligence Center.

In reviewing all these, we worked very closely together to deal with problems in the bill. I believe we have taken care of most of the problems people raised. What I am afraid of is that people are objecting to the bill without knowing what is in the bill, without knowing the changes we have made, the accommodations that have been made by the chairman and by the vice chairman to make this bill acceptable.

Some have said that the administration has concerns. If the administration has concerns, obviously they could exercise those concerns in a veto. But if they have concerns, I am not sure they know the changes and the provisions we have added to this bill.

I invite my colleagues who have problems with the bill to talk with me or with the chairman about the bill so we can move it. We have worked long and hard to help improve the operations of the intelligence community. Our bill is the one way we have of providing that guidance and sharing with the intelligence community the issues that the bipartisan members of this committee believe are important.

I invite anybody, all people or any person who has a hold on this bill, to come forward and find out what is in the bill. Don't judge it by what you think it may contain.

Madam President, I yield the floor.

IMPROVING AMERICA'S SECURITY ACT OF 2007—Continued

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I believe I have 13 minutes; is that correct?

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 335

Mrs. FEINSTEIN. Madam President, yesterday I spoke on an amendment we offered. It is cosponsored by the Senator from Texas, Mr. CORNYN, as well as Senators LAUTENBERG, HUTCHISON, BOXER, SCHUMER, CLINTON, OBAMA, MENENDEZ, KERRY, COBURN, and CASEY. Essentially, what this amendment does is provide that more funds will go to States and localities based on risk, threat, and vulnerability.

As you know, Madam President, the 9/11 Commission in their 25th recommendation said, ''Homeland security assistance should be based strictly on an assessment of risk and