

makes his decision—and the decision, of course, by the Constitution is solely his—as to whether that nominee would get broad acceptance or whether that nominee is likely to cause quite a stir in the Senate.

Let us hope this is not the end of the consultation process but the beginning. Let us hope there will be that kind of dialog. I reiterate my call to the President to have a summit, to call a good number of Democrats and Republicans together for a day at Camp David or an evening or dinner at the White House and have a real back-and-forth where we roll up our sleeves and really get into a serious, detailed discussion of how we all feel. Who will benefit if that happens? Who will benefit if there is real consultation? Certainly the President, certainly the Senate, certainly the Supreme Court, but, most of all, certainly the American people.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2006

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2360, which the clerk will report.

The legislative clerk read as follows:

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

Pending:

Reid (for Murray) amendment No. 1129, to provide emergency supplemental funds for medical services provided by the Veterans Health Administration for the fiscal year ending September 30, 2005.

Collins amendment No. 1142, to provide for homeland security grant coordination and simplification.

Feinstein amendment No. 1215 (to amend amendment No. 1142), to improve the allocation of grants through the Department of Homeland Security.

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

AMENDMENT NO. 1215

Mrs. FEINSTEIN. Mr. President, I rise to call up amendment No. 1215.

The ACTING PRESIDENT pro tempore. That amendment is currently pending.

Mrs. FEINSTEIN. Thank you very much, Mr. President.

Mr. President, this amendment is offered on behalf of the Senator from Texas, Mr. CORNYN, and myself. It is identical to the Homeland Security FORWARD Funding Act of 2005. That is S. 1013.

I am very pleased to be joined not only by my colleague from Texas but, as well, by Senators BOXER, HUTCHISON, KERRY, MARTINEZ, SCHUMER, CLINTON,

CORZINE, KENNEDY, LAUTENBERG, and NELSON of Florida. And, Mr. President, I ask unanimous consent to add Senator MIKULSKI to the list of cosponsors.

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

Mrs. FEINSTEIN. Mr. President, a great deal has been said about how homeland security dollars should be allocated. I think it is pretty clear that the American people, and certainly major opinionmakers such as major newspaper editorials, major mayors and major Governors, believe it is time our Nation adopt risk-based analysis to guide critical resource allocation of homeland security efforts.

This legislation will do exactly that. The Cornyn-Feinstein amendment is extremely simple in approach. Its key language, which appears at its beginning, is clear. Let me quote it:

The Secretary [of Homeland Security] shall ensure that homeland security grants are allocated based on an assessment of threat, vulnerability, and consequence to the maximum extent practicable.

This legislation will ensure that these priorities are set, and set according to analysis of risk and threat.

This bill accomplishes this through five basic mechanisms.

First, the law requires the Secretary of the Department of Homeland Security to allocate grants based on risk. The legislation will mandate that funding decisions be designed according to an assessment of risk. This is a key element of the law, which makes this clear in its very first section, entitled "Risk-Based Funding For Homeland Security," which reads—and I want to repeat it—

The Secretary [of Homeland Security] shall ensure that covered grants are allocated based on an assessment of threat, vulnerability, and consequence to the maximum extent possible.

The bill defines "covered grants" as including the four major first responder grant programs administered by the Department of Homeland Security. That is: First, the State Homeland Security Grant Program; second, the Urban Area Security Initiative; third, the Law Enforcement Terrorism Prevention Program; and, fourth, the Citizens Corps Program.

In addition to these four core grant programs, the legislation also covers grants "provided by the Department for improving homeland security," including grants for seaport and airport security.

The bottom line is that if Federal funds are going to be distributed to improve first responders' ability to "prevent, prepare for, respond to, or mitigate threatened or actual terrorist attacks," those funds should be distributed in accordance with a risk-based analysis. Al-Qaida and its allies do not attack based on a formula. This bill rejects the formula approach in favor of a framework that is flexible and risk focused.

Second, the legislation requires that covered grants be designed to meet "es-

sential capabilities." "Essential capabilities" is a concept defined in this law. It is what we get for the money spent: The ability to meet the risk by reducing vulnerability to attack and diminishing the consequences by effective response.

Third, the bill requires States to quickly pass on Federal funds to where they are needed. States should not hold Federal funds back from where they are most needed. This bill will ensure that States quickly and effectively move the funds through to the location.

And, fourth, the bill addresses the small State minimum issue. The underlying bill requires each State to get .75 percent of the grant funding. Now, what does that mean? That means that 37.5 percent of the funds go on a formula basis to areas that might not have risk, threat, or vulnerability. For instance, under the current appropriations bill, of the \$1.918 billion appropriated, \$548 million is taken right off the top, allocated to States regardless of whether they are vulnerable, whether they have risk, or whether they have threat. Thus, that \$548 million is not available to meet risk.

This legislation will significantly reduce this large set-aside. It will reduce it from 37.5 percent to the .25 percent. Now, I must admit I am uncomfortable even with the .25 percent minimum and would prefer to eliminate any impediment to risk-based funding. I believe it is the right thing to do. I would believe this regardless of what State I came from. We set up a huge Department of Homeland Security and have given them the basis and the ability to do the analyses that are required and the intelligence that has moved in to determine what is vulnerable, where it is, where the threats are, and what the risks are. And these are going to be ever changing. But I understand the realities of the Senate, so we decided to track what the President requested in his budget.

In this post-Cold-War world of asymmetric threat, there are two fundamental understandings which apply to efforts to make our Nation more secure against a terrorist attack.

The first understanding is that predicting what terrorists will do requires risk analysis. It is an uncomfortable fact that even with the best intelligence we will never know exactly how, when, and where terrorists will strike. The best we can do is to adequately assess risks and threats and make predictions.

The second understanding is that our defense resources are not infinite. The sum total of money, time, and personnel that can be devoted to homeland security is limited.

Together these two understandings define the task for our Nation: We must accurately assess the risks of an array of possible terrorist attacks, measure the vulnerability of all of these possible targets, and then divide up resources based on that assessment,

not based on some arbitrary formula that will exist regardless of what kind of threat or vulnerability may emerge in the future.

The 9/11 Commission agrees with us, finding that “nothing has been harder for officials—executive or legislative—than to set priorities, making hard choices in allocating limited resources.” The Commission concluded:

Homeland security assistance should be based strictly on an assessment of risks and vulnerabilities.

The Cornyn-Feinstein amendment is the only amendment that clearly does what the 9/11 Commission has recommended.

The New York Times has agreed. In an editorial entitled “Real Security, or Politics as Usual?” the Times wrote:

Defending places where the terrorist threat is greatest is not parochialism; it is defending America.

We think that last week’s tragic events in London underscore the point. The effectiveness of the British first response to these terrible attacks illustrates that they put their resources where the risks were: In London, not in some remote community, but where they knew the terrorists were most likely to attack.

Despite all recommendations, we find again and again that scarce resources are allocated based on factors unrelated to real security. For instance, a small State minimum in the Collins amendment is designed to ensure that every State gets a substantial portion of scarce resources, regardless of the measure of risk or vulnerability. As a result, a State such as Wyoming gets \$27.80 per capita in funding, while New York and California get \$15.54 and \$8.05, respectively.

The problem is not just in Congress. For example, a recent Department of Homeland Security inspector general report found that in the critical area of port security, grants are “not well coordinated with the Information Analysis and Infrastructure Protection.” The result: “funding of projects with low [risk and vulnerability] scores.”

Now, this is the IG of Homeland Security who is saying projects with low risk and vulnerability scores are currently being funded. Frankly and candidly, that is just plain wrong. It is a waste of money, and I think, to an extent, it enables—well, it really is a kind of deception because unless you can put your money where the intelligence indicates and the assessments indicate there is threat and risk, you are not protecting America.

A recently issued joint report from the Center for Security Studies and the Heritage Foundation found that there is:

no funding formula that is based on risk analysis and divorces from politics . . . [w]ith only limited resources available to achieve the almost limitless goal of protecting the entire United States . . . it is critical that we set priorities.

That is what we are trying to do here. This amendment, and the bill

upon which it is based, builds on efforts last year by Representatives COX and TURNER, the chair and ranking member respectively of the other body’s Homeland Security Committee. That effort passed the House of Representatives as part of the intelligence reform bill but was dropped at conference. Our amendment is similar to this House bill.

I understand and appreciate the efforts made by Senators COLLINS and LIEBERMAN to craft the bill now before us. I applaud their leadership in this area. The Collins-Lieberman bill, while it purports to be risk based, is actually not. It incorporates complex formulae with a preordained list of factors which approximate what is believed to be the risk. Candidly, I don’t think that works for the following reasons.

First, the key to responding to al-Qaida and similar organizations is flexibility. It is not a frozen formula. Al-Qaida doesn’t make decisions based on formula. While today it may seem obvious that mass transit or ports are obvious targets, tomorrow they may not be. Hopefully our intelligence community will be increasingly able to ferret out our terrorist adversaries and our analysts will be better at understanding and predicting their behavior. What are today’s targets could change and change yet again. Building a formula mechanism based on our best guess about what al-Qaida will do is simply not good policy.

Secondly, we created the Department of Homeland Security primarily to do exactly what this legislation calls for. The first mission statement for the Department stated:

[The Department will] identify and understand threats, assess vulnerabilities, determine potential impacts, and disseminate timely information to our homeland security partners and the American public.

This is what the Department is supposed to do. It cannot be done by arbitrary formula. It can only be done listening to intelligence analysts, engaging in flexible interpretation, and being willing to move the money where the risks show up to be. That is important to do, and it should be important whether you are from a small State, a middle-sized State, or a large State. The money should go where the problems are.

This is exactly what President Bush said in announcing the creation of the Department. He stated:

This new department will bring together the best intelligence information about our vulnerabilities to terrorist attack so that we can act quickly to protect America.

He didn’t talk about an arbitrary formula. He said, the Department will bring together the best intelligence information so that flexibility becomes the watchword of the day, and money can go where it is truly needed.

Senator LIEBERMAN was a leader in this effort, and we all worked with him to create the Department of Homeland Security. In my view, the biggest selling point for this new Department was, as the President said, that for the first

time, we would have a place in the Government that would map threats against vulnerability and thus allocate our defenses in an effective, efficient way. The Department of Homeland Security can be seen as a department of risk analysis. That is what it should be doing. So it is ironic that having provided the authority and responsibility to do this, the Congress then handcuffs the Secretary by restricting these resources based on geography, politics, and parochial interests. Let’s let the Secretary do the job we gave him.

Third, in addition to creating the Department of Homeland Security, the Congress, again with the leadership of Senators COLLINS and LIEBERMAN, reorganized the intelligence community. The purpose of this task was to ensure that the most important ingredient in risk analysis—good intelligence—was enough to keep America safe. So there is an irony that having gone to such trouble to improve the intelligence community, we are prepared to pass legislation which for a large percentage of funds will make intelligence irrelevant. All they need is a map, a census, and a list of important places in each State. That makes no sense to me.

I mentioned the difference in funding levels and amounts subject to risk. Last week the Congressional Research Service issued an analysis of the underlying appropriations bill, the Collins amendment, and the Cornyn-Feinstein amendment. The results are startling. If we assume that the base amount of Homeland Security grant funding contained in the appropriations bill becomes law, that means the total amount available for these programs will be \$1.918 billion. The underlying bill would allocate a considerable amount under the existing small State minimum framework, \$579.2 million, leaving \$1.3 billion to be allocated through a risk assessment process.

If the Collins-Lieberman amendment is adopted, \$762 million will be allocated according to the formula—not based on risk, not based on threat, not based on risk analysis, not based on vulnerability, but simply on population and geographical distribution. That leaves even less to be allocated based on risk, only \$1.155 billion. In other words, the Collins-Lieberman amendment reduces the risk-based funding in the underlying bill by nearly \$150 million. If this amendment is adopted, only \$251.2 million will be allocated based on the .25 small State minimum, leaving \$1.66 billion for risk-based allocation.

Here is the bottom line: Put another way, under the underlying bill, only 70 percent of available funds are allocated based on risk. If the Collins-Lieberman approach is adopted, that drops to 60 percent; under the approach embodied in Cornyn-Feinstein, 87 percent of funding to risk. So between the two amendments, our amendment, 87 percent of funding to risk, Collins-

Lieberman, 60 percent, and the underlying bill, 70 percent. The choice is clear.

What is the bottom line? The bottom line is, our Nation faces danger. We have a limited amount of resources available to defend ourselves. Those resources must and should be targeted. They should be targeted to where they can do the most good and where the risk actually is. That is the simple question which faces us today. How can we best protect our country? I believe the best way to protect America is to let the Secretary of Homeland Security do the job we appointed him to do: match resources to risk, using the best available intelligence analysis. That is the only way to safety. That is the only way to reassure our people, should there be a catastrophic event, that we have put the money in the right places. Any arbitrary formula doesn't do this.

I ask unanimous consent to print in the RECORD a letter from the High Threat Joint Working Group on Homeland Security. This is a group of large cities that has banded together. The letter is in support of our amendment. It is the city of Anaheim in California; city of Baltimore in Maryland; city of Baton Rouge in Louisiana; city of Boston in Massachusetts; the city of Charlotte in North Carolina; the city of Chicago in Illinois; the city of Cleveland in Ohio; the city of Columbus in Ohio; the city of Dallas in Texas; Jacksonville in Florida; the city of Kansas City, MO; the city of Long Beach, CA; Los Angeles, CA; Miami, FL; New York in New York; Newark in New Jersey; Oakland in California; Philadelphia in Pennsylvania; city of San Diego in California; the city of San Francisco in California; the city of San Jose in California; and the city of Santa Ana.

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

HIGH-THREAT CITY JOINT WORKING
GROUP ON HOMELAND SECURITY,

July 11, 2005.

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

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

DEAR MAJORITY LEADER AND MINORITY LEADER: As cities on the front line of the war on terrorism, we are writing to express our support for S. 1013, the "Homeland Security FORWARD Funding Act of 2005", introduced by Senators Feinstein and Cornyn, which targets first responder funds to areas of highest risk and highest threat throughout the nation and to support homeland security funding for state and local governments at least at last year's level. The recent events in London underline the importance of homeland funding for state and local governments.

The Feinstein-Cornyn legislation most closely tracks the recommendations of both the 9/11 Commission and the Administration in supporting the principle that homeland security funds should be allocated solely on the basis of risk of terrorism. According to the Congressional Research Service, S. 1013 would increase the amount of money distributed on threat to 87% of the funds, compared

to only 60% distributed based on threat under S. 21.

S. 1013 also maintains the critical partnership between the federal government, states and the nation's highest risk areas by maintaining the Urban Area Security Initiative (UASI) program. These UASI regions have for several years been aggressively working to implement comprehensive plans for terrorism prevention and preparedness approved by their States and DHS. Maintaining the UASI program will preserve and sustain the substantial planning, long-term projects, and regional decision-making processes underway.

The homeland security bill as reported by the Senate Appropriations Committee would cut homeland security funding to state and local governments by almost a half billion dollars, \$467 million less than FY 05. Please restore this funding.

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

Sincerely,

City of Anaheim, California.
City of Baltimore, Maryland.
City of Baton Rouge, Louisiana.
City of Boston, Massachusetts.
City of Charlotte, North Carolina.
City of Chicago, Illinois.
City of Cleveland, Ohio.
City of Columbus, Ohio.
City of Dallas, Texas.
City of Jacksonville, Florida.
City of Kansas City, Missouri.
City of Long Beach, California.
City of Los Angeles, California.
City of Miami, Florida.
City of New York, New York.
City of Newark, New Jersey.
City of Oakland, California.
City of Philadelphia, Pennsylvania.
City of San Diego, California.
City of San Francisco, California.
City of San Jose, California.
City of Santa Ana, California.

Mrs. FEINSTEIN. I also ask unanimous consent to print in the RECORD a letter addressed to Senator CORNYN and me, signed by Governor Rick Perry of Texas and Governor Arnold Schwarzenegger of California. What they ask is that we follow the 9/11 Commission report recommendation to better allocate Federal resources based on vulnerability.

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

MAY 12, 2005.

Hon. DIANNE FEINSTEIN,
U.S. Senator, Washington, DC.

Hon. JOHN CORNYN,
U.S. Senator, Washington, DC.

DEAR SENATOR FEINSTEIN AND SENATOR CORNYN: We are writing to thank you for your leadership in working to assure that Department of Homeland Security (DHS) counterterrorism grant programs recognize the homeland security needs of the United States. Any effective strategy to secure our nation must apply risk-based analyses to manage the threat from terrorism. We believe that the Homeland Security FORWARD Funding Act of 2005 will provide much needed changes to these programs by better recognizing the risks and vulnerabilities faced by larger states such as California and Texas.

We support the efforts of your bill to build a coordinated and comprehensive system to maximize the use of federal resources and to provide clear lines of authority and commu-

nication. Your bill will further the efforts of DHS, cities, counties and state agencies as they continue to work together to detect, deter and respond to terrorism. Specifically, we appreciate the following provisions of the bill:

Follows the 9/11 Commission Report recommendation to better allocate federal resources based on vulnerabilities;

Analyzes risks, threats, vulnerability, and consequences related to potential terrorist attacks; current programs do not give full consideration to our states' urban population centers, numerous critical infrastructure assets, hundreds of miles of coastland, maritime ports, and large international borders;

Reduces the "small state" minimum from 0.75% to 0.25%, providing each state a baseline award while allocating an increased level of funds based on risk; the current base + per capita method allocates a disproportionate share of funds to states with small populations;

Continues the Law Enforcement Terrorism Prevention Program and exempts the program from the base percentage, allocating all funds based on risk;

Continues the central role of states, building on existing systems that effectively coordinate planning efforts and insure accountability;

Allows for limited regional applications from existing UASI cities or other urban areas with at least a population of at least 500,000; and

Recognizes the importance of national standards for evaluating the "essential capabilities" needed by state and local governments to respond to threats.

Your continued support for improving the nation's ability to detect and deter and coordinate responses to terrorist events is appreciated.

Sincerely,

RICK PERRY,

Governor of Texas.

ARNOLD SCHWARZENEGGER,
Governor of California.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that a letter from the mayor of San Francisco, Gavin Newsom, be printed in the RECORD.

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

OFFICE OF THE MAYOR,
CITY & COUNTY OF SAN FRANCISCO,
San Francisco, CA, May 11, 2005.

Hon. DIANNE FEINSTEIN,
U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: I want to commend you for your continued leadership on homeland security and express the City's support for your "Homeland Security FORWARD Funding Act of 2005", which prioritizes threat and risk and improves the ability of local first responders to deter, prevent and respond to terrorism.

Your proposal goes the furthest in supporting both the 9/11 and Administration's principle that homeland security funds should be allocated on the basis of risk of terrorism. The bill corrects the major formula imbalance that exists in current law by reducing the current mandatory state minimums from 0.75 percent to 0.25 percent. The current inequity has resulted in, since 9/11, California receiving \$5 per capita compared to Wyoming collecting \$38 per capita.

Your bill also reaffirms the federal government's critical partnership with the nation's areas that are at highest risk of terrorist attack by grandfathering existing high-threat

regions under the Urban Area Security Initiative (UASI). The City and County of San Francisco has proudly, under its UASI grant, aggressively been leading the Bay Area in a ten county regional plan to help protect and strengthen the region against terrorist attacks.

I want to again express my deep appreciation for you and your staffs outreach to San Francisco and other stakeholders throughout California who are on the front lines of the war on terrorism. Thank you for your important efforts.

Sincerely,

GAVIN NEWSOM,
Mayor.

Mrs. FEINSTEIN. I ask unanimous consent that a letter from Mayor Richard Daley of Chicago be printed in the RECORD.

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

OFFICE OF THE MAYOR,
CITY OF CHICAGO,
Chicago, IL, June 28, 2005.

Hon. JOHN CORNYN,
Hon. DIANE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATORS CORNYN AND FEINSTEIN: I am writing to applaud your collective efforts to develop the Homeland Security FORWARD Funding Act of 2005. As a high threat urban area, and a UASI grantee, the Chicago region is on the front lines of our country's war on terrorism and I believe that this legislation begins to more appropriately target first responder funds to areas of highest risk and highest threat throughout the nation.

Your proposal most closely tracks the recommendations of the 9/11 Commission that call for funding to be distributed based on risk. By reducing the small state minimum from .75 percent in current law to .25 percent, your proposal more equitably distributes critical funds to states and localities that are truly at the highest risk of terrorism. Your legislation also recognizes the importance of the work that has been done at the state and local government level since September 11, 2001, by reaffirming the regional approach to terrorism preparedness and prevention and grandfathering existing UASIs. The City of Chicago has worked closely with our regional partners and the State of Illinois to develop a coordinated homeland security plan and we welcome the opportunity to build on that plan.

I again thank you for your bipartisan leadership in developing this important legislation and look forward to working with you in the future to move this bill forward.

Sincerely,

RICHARD M. DALEY,
Mayor.

Mrs. FEINSTEIN. I ask unanimous consent that a letter from the League of California Cities be printed in the RECORD.

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

LEAGUE OF CALIFORNIA CITIES,
Sacramento, CA, May 4, 2005.

Hon. DIANE FEINSTEIN,
U.S. Senate, Senate Hart Office Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: I am writing to express the League of California Cities' (League) support and appreciation for your leadership on homeland security legislation that would allocate homeland security grants on the basis of risk of terrorism. Your staff's work with our Washington staff is

very encouraging and we hope to continue this partnership.

California cities, together with the State and other stakeholders throughout California, have advocated in favor of bringing down the mandatory state minimums. Your draft bill significantly corrects the major formula imbalance that exists in current law by reducing the current state minimums from 0.75% to 0.25%. We would ask that you consider going the extra step and remove minimums altogether, but if there must be a State minimum, we urge that your bill keep it as small as possible. In addition, your bill clarifies the regional approach taken in both the pending Senate and House bills (S. 21 and H.R. 1544).

California cities are on the front lines of the war on terrorism and your legislation is very important to us. We look forward to continuing to work closely with you as you finalize your proposal, as well as providing support for your legislation upon introduction. Thank you for your important efforts.

Sincerely,

CHRISTOPHER MCKENZIE.

Mrs. FEINSTEIN. I ask unanimous consent that a letter from Laura Miller, the mayor of Dallas, TX, be printed in the RECORD.

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

CITY OF DALLAS,
Dallas, TX, May 5, 2005.

Senator JOHN CORNYN,
U.S. Senate,
Washington, DC.

DEAR SENATOR CORNYN: I would like to thank you for your work to improve Homeland Security programs. This legislation you are introducing addresses many of the City of Dallas' concerns with the Urban Area Security Initiative (UASI) and Homeland Security Grant programs. I am appreciative of your effort to include certain measures that will allow the city to receive an equitable share of Homeland Security funding and spend it as we see appropriate. Your legislation is the one which directs maximum funding to states and regions based on risk. This change is critical.

The Dallas UASI has received approximately \$35 million in the last three years from the UASI program. This funding has been used to enhance the metro area's first responder capabilities to protect our citizens and critical infrastructure. Unlike other proposed legislation, this new bill allows for cities that are currently receiving Homeland Security funds through the UASI program to be grandfathered for future UASI funding. There are no provisions in the legislation before the House or Senate to maintain current UASI planning and the city greatly appreciates your concern for our needs. The other bills could require a complete revision of the approaches and strategies we have adopted.

Your proposal gives local governments a degree certainty and ensures that we can make long-term plans. It also includes provisions to ensure that state money will be passed down to local governments quickly and efficiently. Your legislation is the only measure that ensures that federal funds reach first responders more expeditiously.

Thank you for your work this important legislation and for including these important provisions. It will help the City of Dallas and the nation as a whole to prepare.

Cordially,

LAURA MILLER,
Mayor.

Mrs. FEINSTEIN. I ask unanimous consent that a letter from the mayor of Long Beach, CA, Beverly O'Neill, be printed in the RECORD.

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

CITY OF LONG BEACH,
Long Beach, CA, June 28, 2005.

Hon. DIANE FEINSTEIN,
U.S. Senate, Hart Office Building, Washington,
DC.

DEAR SENATOR FEINSTEIN: On behalf of the City of Long Beach, I am pleased to support your Homeland Security FORWARD Funding Act of 2005 (S. 1013). This bill would target scarce Homeland Security dollars to areas of highest threat and need, rather than maintaining the current system that allocates dollars through a non-risk based minimum guarantee formula. This legislation will truly benefit urban areas, such as the City of Long Beach, that have a high terrorist risk by targeting federal funds to help mitigate potential threats.

The House has passed the Cox-Thompson Bill (H.R. 1544), which is similar to S. 1013. While the City of Long Beach supports the direction of H.R. 1544, we believe your legislation is superior because it addresses two critical local concerns.

First, under the Cox-Thompson definition of an eligible funding region, effective and proven governance structures such as the Long Beach Urban Area Security Initiative (UASI) would no longer be eligible for federal Homeland Security Funds. The member cities that comprise the Long Beach UASI are Long Beach, Bellflower, Carson, Compton, Hawaiian Gardens, Lakewood, Paramount, and Signal Hill, as well as the County of Los Angeles. Long Beach is regarded as a model because it has formed an effective partnership with its other UASI member cities to implement the Department of Homeland Security's regional approach to security needs. Under the Cox-Thompson definition, this proven governance structure would not be large enough to qualify for funding. Senate Bill 1013 would grandfather-in existing UASI structures, allowing our effective model to continue to qualify for Homeland Security funding.

Second, the Cox-Thompson bill would require a local match of 25 percent after the first two grant years. This would create a tremendous burden on cities across the nation that are already struggling with difficult financial circumstances. By directing cities to become more secure while only providing 75 percent of the resources, the Federal government would be creating an unfunded mandate that cities would not be able to meet without reducing core services to their communities. Long Beach already devotes more than 60 percent of its General Fund budget to public safety such as Police and Fire first response, which helps contribute to national Homeland Security goals. Senate Bill 1013 would ensure that Homeland Security funding remains 100 percent grants, and that cities would not have to sacrifice local service to their communities in order to fund national Homeland Security needs.

Finally, Long Beach is concerned with the dwindling Homeland Security resources dedicated to state and local governments. Funding for state and local agencies through the Office of State and Local Government Coordination and Preparedness (SLGCP) decreased this year for the second straight year by 10.5 percent or \$420 million. Over the past two years, there has been an overall decrease of 15 percent and \$627 million. Last year, the Long Beach UASI experienced a 40 percent decrease in UASI funding from \$12 million to \$7.3 million.

For the next fiscal year, both the Senate and House Appropriations Committees are contemplating reduced funding on the premise that state and local governments

have not spent prior year's funding. The Senate Appropriations Committee recommends reducing funding by 12.5 percent, while the House Appropriations Committee recommends reducing funding by 7.5 percent. Many of the delays in spending are not due to lack of need; rather they are due to the multi-level approval process, the time-consuming purchasing requirements, and the low-supply of sought-after equipment and other delays. For example, the Long Beach UASI received its UASI 05 allocation in December, yet as of the end of June, the authority to begin spending it has not yet been received.

In regards to funding, one of the City's biggest issues is providing Homeland Security resources for staff, particularly to support training requirements, exercise requirements, planning requirements, inventory management, as well as enhanced capabilities. To put this into perspective, the recent interagency security exercise, Operation Lead Shield, cost Long Beach approximately \$100,000 in non-UASI refundable staffing costs. Costs for ongoing maintenance will also become a growing concern as the contracts that were funded for the life of a particular grant are now coming to a close with the costs being born by the City's General Fund.

We applaud you and your colleagues for proposing bold new changes to how Homeland Security funds are distributed. Senate Bill 1013 provides a rational blueprint for the effective risk-based distribution of Homeland Security dollars, while remaining cognizant of the needs of cities that rely on this important grant program. We hope you are also able to protect the current level of funding for these important programs, and work on the funding issues mentioned above.

Cordially,

BEVERLY O'NEILL,
Mayor.

Mrs. FEINSTEIN. All these letters are in support of this amendment which earmarks money based on intelligence analysis of risk and threat.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, just to bring my colleagues up to speed as to what the hoped-for game plan is, there has now been agreement reached between the parties which will allow us at 11:30 to turn from the debate on the formula proposal, offered by Senators COLLINS and FEINSTEIN, to the issue of the veterans amendment offered by Senator REID on behalf of Senator MURRAY. We will debate that for half an hour equally divided. Then we will vote on that at 12:00. Then we will return to the debate on the Collins amendment and the Feinstein amendment, and that debate will continue, so that the entire debate will encompass approximately 3 hours which would mean it would wrap up somewhere around 3:30, 3:45. At that point, there will be a window because we can't have a vote then due to outside circumstances. So there will be a window of an hour, an hour and 45 minutes, during which Members can bring amendments forward or, if they wish, during the debate time maybe come and be recognized to set these amendments aside for purposes of offering amendments.

In any event, there will be hopefully two votes occurring somewhere around 5 o'clock. This evening there is a joint Senate event for families. That is where we stand. We haven't reached that agreement yet.

Mr. DURBIN. If the Senator will yield for a question, it is my understanding we are working on a unanimous consent request, and we hope to get it agreed to momentarily. To reiterate for my side of the aisle and yours, if you have a pending amendment on this bill, there is a window from about 3:30, 3:45 until 5 o'clock, if the UC is adopted, to come to the floor and speak to your amendment and have it pending or at least considered.

I think what I am hearing from the chairman is what we would give as advice to all, and that is waiting until tomorrow or the next day is not the wisest course. There are too many pending amendments, and there is a lot to be done on this bill. This bill is urgent and is a priority. I think that is good advice to both sides of the aisle.

Mr. GREGG. I think the assistant Democratic leader's counsel is very appropriate and hopefully will be listened to.

The debate we have is a large State/small State debate over a formula. This is authorizing language being put on an appropriations bill, which we in the Appropriations Committee try to avoid. As a practical matter, this bill allocates funds. I hope Members will take a look at the allocation we did in this bill because this program has not been authorized.

Our theory in this allocation process was to have a threat-based allocation. I feel very strongly that this whole bill has been redirected with the work of Senator BYRD—I note that this is his belief also—we reworked the bill to be a threat-based bill. We did it in the area of border security, weapons of mass destruction, and we did it in the area of this formula. We protected and grandfathered all the States so the States going through upgrades of trying to get their first responder house in order will not see a devastating cut in what they are receiving. Everything over the grandfathered amount essentially moves on the basis of threat. So the actual appropriation in the bill falls about halfway between the two theories being put forward here by the competing interests relative to how this formula should be designed on the authorizing side. I just note that for my colleagues' edification.

At this time, I yield the floor and suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GREGG. Mr. President, I ask unanimous consent that at 11:30 today

the Senate resume consideration of the Reid for Murray amendment regarding veterans health; provided further, that the time until 12 noon be equally divided in the usual form, and that at noon the Senate proceed to a vote in relationship to the Murray amendment, with no second degrees in order prior to the vote. I further ask that the pending Feinstein-Cornyn amendment be modified in order to become a first-degree amendment. I further ask that the time for Senator FEINSTEIN's statement until 11:30 be divided equally between Senator FEINSTEIN or her designee, and Senator COLLINS or her designee to debate the Collins and Feinstein amendments concurrently; provided further, that at 2:15, there be an additional 90 minutes divided as stated above; finally, I ask that at 5 p.m. today the Senate proceed to a vote in relation to the Collins amendment, to be followed by a vote in relation to the Feinstein amendment, with no amendments in order to either amendment prior to the votes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DURBIN. Mr. President, reserving the right to object, and I don't object, I only make two points, and one perhaps the Senator from California can help us clarify. Again, that is reiterating what the chairman has said. We urge Members who have pending amendments to be here in the neighborhood of 3:30 or 3:45 to call up their amendment and make sure they are pending on the bill, so we can keep this moving along. This is a very important bill. It is all the more compelling because of the events of last week.

Second, relating to the Senator from New Jersey and how his time is going to be credited to this unanimous consent request, it is my understanding that the Senator from California has said that the time used by the Senator from New Jersey was to be taken from the time allocated to her amendment with Senator CORNYN; is that correct?

Mrs. FEINSTEIN. That is correct.

Mr. DURBIN. Otherwise, I have no objection to this unanimous consent request.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. GREGG. I thank the Senators.]

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I rise today to voice strong opposition to the amendment being offered by Senator COLLINS to this Homeland Security appropriations bill. It is the wrong approach at a critical time in the war on terror. Need any of us here be reminded that it wasn't Portsmouth, England, that was attacked last week? I will tell you that the odds are that it won't be Portsmouth, ME, that is going to be under terrorist threats or that it compares in any way to the most inviting targets in the country—one of which is in the State of New Jersey,

where 12 million people could be killed if there is a raid on the chemical plant that is very close to the New York border and within our State.

Mr. President, I am a member of the Homeland Security Committee. For the record, the Collins legislation didn't pass without dissent in the committee. I strongly opposed the Collins bill offered by the chairman in committee, and I strongly oppose it here as an amendment to this appropriations bill.

The Collins amendment flies in the face of the recommendations of the 9/11 Commission. Everybody says they worked hard. As a matter of fact, Senator COLLINS was a leader in getting the legislation done to reform the intelligence operation. I commend her for that. But they are very clear in the 9/11 Commission report that distribution should be made on the basis of risk. And it also, by the way, defies the wishes of President Bush and Secretary Chertoff.

The Commission stated in no uncertain terms that homeland security funding should be allocated on the basis of risk, not political pork.

Unlike the Collins amendment, the underlying appropriations bill and the Feinstein amendment move toward the goal of more risk-based funding.

I salute the senior Senator from New Hampshire, Senator GREGG, and the ranking member, Senator BYRD, for their efforts to move us toward more risk-based funding in this appropriations bill. Their bill greatly improves the confusing status quo by allocating 70 percent of homeland security funding based on risk and threat. Very frankly, we ought to be at 100 percent, if we were consistent with the report produced by the 9/11 Commission. I checked this again directly with former Governor Kean from New Jersey. He reaffirmed his belief that you ought to put the money where the risk is. But the Collins amendment before us today is a step backward, not forward. The Collins amendment would change the appropriations bill by reducing the amount of risk-based funding to just 60 percent.

This is an affront to the 9/11 Commission. What they said about how homeland security funds should be distributed is clearly stated here. Their recommendation No. 25 said this:

Homeland security assistance should be based strictly on an assessment of risks and vulnerabilities.

Federal homeland security assistance should not remain a program for general revenue sharing.

That is clear. They went on to make the point in very blunt language:

Congress should not use this money as pork barrel.

It is not just the 9/11 Commission that said that. Homeland Security Secretary Michael Chertoff has stated numerous times the need for homeland security funding should be based more on risks, threats, and vulnerabilities.

This past Sunday on "Meet the Press," Secretary Chertoff said:

We have to be risk-based in our funding.

He went on to define "risk-based" funding this way:

It means we look not at the question of political jurisdiction, we look at where the consequences would be catastrophic, where the vulnerabilities would be, where the threats are.

He is right. We need to protect our Nation where the risks and vulnerabilities are. If we want to peel off pork, then we have to go to some other bill to do it. I am not saying these are casual programs that are being funded by a reduction in risk-based grants, but it is the wrong thing at the wrong time, and everybody knows that. We are all in a semistate of shock as a result of the bombing in London.

Mr. President, 700 of my fellow New Jerseyans lost their lives on September 11, 2001. Families, in many cases, are ruined forever, with the lack of a daddy, a husband, a brother, a sister or a mother.

Throughout that tragic day, people in northern New Jersey could see the smoke rising from the Trade Center, where many of our friends, neighbors, and loved ones worked. It could be seen from my house. The New York-New Jersey region bore the brunt of the attacks on 9/11, and it continues to be the area of our Nation that is most at risk. But I don't plead for this on a parochial basis. I plead for it for the safety of our country as a whole.

In fact, the FBI determined that the 2-mile stretch in New Jersey, between the Port of Newark and Newark Airport, is the most at-risk area in the country for a terrorist attack.

The New York Times recently reported that an attack on just one particular chemical plant in this area could kill or harm millions of people.

I ask my colleagues to think about that. With the potential loss of life in the millions, this is no time for putting parochial interests before the security of the Nation.

The tragic attacks in London only reinforce the need to protect the high-threat areas. As I said earlier, it is not Portsmouth, England, or Portsmouth, ME, that was attacked. That is not where the principal focus of the terrorist is. We have to protect our entire country, but there ought to be a system of priority that says this is the most important area. We should not casually dismiss an area that is one of the largest population centers of our country or of the world, in fact.

Mr. President, I pose the question: How can we, in the wake of the London attacks, with all of the alerts that we have around the country, now move to take funding away from where the threats are? It makes no sense. We ought to have more funding, not less, and we ought to have it directly aimed at the area of highest risk.

Under the amendment proposed by the Senator from Maine, 40 percent of homeland security funds will be distributed not based on risk, but simply distributed to every State and terri-

tory, regardless of the risks they face. The Congressional Research Service has analyzed how the Collins legislation would change the amount of funding going out based on risk under this bill. They concluded that the Collins approach would reduce risk-based funding by over \$183 million—\$183.53 million—compared to the underlying appropriations bill.

It is absolutely critical that the Senate reject the Collins amendment. In the wake of the London attacks, we need to show the American people we are serious about protecting the country and not just interested in another back-home project.

In addition to opposing the amendment, I urge my colleagues to support the Feinstein-Cornyn-Lautenberg amendment. Our amendment moves us much closer to the goal of risk-based funding as called for by the 9/11 Commission and the President of the United States.

The issue before us is bigger than politics. We are talking about the best way to protect fellow Americans from another terrorist attack but also, in protecting our ability to function in the event of an attack, making sure we have the communications link and the transportation link. We ought to make certain that we pay attention to securing those areas that are most likely to be inviting targets for terrorism. This is not about regional rivalries. It is about protecting our most vulnerable communities.

With our votes on these two amendments, we are going to decide whether we are going to follow the guidance of the 9/11 Commission or simply ignore their recommendations. I do not know how we do that. It is fairly simple. I urge my colleagues to reject the Collins approach and support the Feinstein-Cornyn-Lautenberg amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time? The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, it is my understanding that Senator CORNYN, who is the prime cosponsor of the amendment of the Senator from California, wishes to go next. If he is not going to go next, I will be happy to speak on my time. But it was my understanding he wanted to speak first.

Mrs. FEINSTEIN. Mr. President, if I may respond.

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

Mrs. FEINSTEIN. I thank the Senator for her courtesy. It is my understanding we have 45 minutes this afternoon at 2:15 and Senator CORNYN will lead off at 2:15. I thank the Senator.

Ms. COLLINS. Mr. President, I thank the Senator from California for that clarification.

Mr. President, the Collins-Lieberman amendment has picked up a number of cosponsors, so I want to bring my colleagues up to date by reading the full list of the cosponsors of the Collins-

Lieberman amendment. They are as follows: Senators VOINOVICH, DEWINE, COBURN, AKAKA, CARPER, SALAZAR, COLEMAN, BEN NELSON, PRYOR, SNOWE, and DAYTON. I ask unanimous consent that all of those cosponsors be added to the Collins-Lieberman amendment.

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

Ms. COLLINS. Mr. President, my friend from California, as well as the Senator from New Jersey, have both referred to a memo the Congressional Research Service put together for Senator LAUTENBERG. First, let me say I have not seen this memo despite my staff repeatedly requesting a copy from Senator LAUTENBERG's office. The memo appears to have been widely distributed to the press but, unfortunately, the Senator has chosen not to share it with the two sponsors of the amendment.

Why would that be? Perhaps it is because the last time my colleague from New Jersey asked CRS to put together a memo attacking S. 21, we quickly discovered it was based on fatally flawed assumptions.

The memo purported to show that S. 21 would lead to less risk-based funding than under current law, but that was just plain wrong. And CRS, once the analysts talked with my staff, agreed they had made a mistake. In fact, CRS issued the memo I hold in my hand correcting the flawed conclusions of the Lautenberg memo.

I ask unanimous consent that the CRS analysis be printed in the RECORD.

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

To: Honorable Susan M. Collins, Attention: Michael Bopp

From: David C. Huckabee, 7-7877, Specialist in American National Government Government and Finance Division

Subject: Homeland Security Minimum Allocation Comparisons: Figures From FY 2005 Appropriation Act, and S. 21, As Reported

This memorandum responds to your request for a comparison of S. 21, as reported, and the FY 2005 Department of Homeland Security (DHS) appropriations act with regard to the allocation of funds in three homeland security assistance programs: the State Homeland Security Grant program (SHSG); the Law Enforcement Terrorism Prevention Program (LETPP); and the Urban Area Security Initiative (UASI) grant program.

You asked for comparisons of percentage change figures between funds that were guaranteed to be distributed to the 50 states, the District of Columbia, and specified U.S. possessions. For the purpose of this analysis I used the \$2.303 billion that DHS distributed in FY 2005 using the rules in place for that year, and procedures included in S. 21, as reported. Comparisons of funding to jurisdictions in FY 2005, and what would occur if S. 21 (as reported) were enacted, are complicated by several factors:

S. 21's guaranteed minimum funding to states (0.55% of the total) is computed on a larger base (\$2.303 billion, the entire aggregate appropriation for SHSG, LETPP, and UASI) as compared to the FY 2005 appropriation where states' 0.75% base is applied to \$1.448 billion (after excluding UASI funds), and;

The FY 2005 appropriation act required DHS to allocate all the funds remaining after the required minimum percentages were distributed among the states and territories (excluding VASI funds) in the same manner as in FY 2004, i.e., by population.

The addition of the population distribution requirement in FY 2005 increased state "guaranteed minimum" funds for that fiscal year. If the S. 21 distribution formula were to be adopted and appropriations remain at the FY 2005 level for the SHSG, LETPP, and UASI programs in FY 2006, "guaranteed" funding would decline by 39% (from \$1.488 billion to \$906 million), and risk-based funding would increase by 71% (from \$815 million to nearly \$1.4 billion).

TABLE 1. PERCENT CHANGE IN GUARANTEED, AND RISK-BASED FUNDING BETWEEN S. 21 AS REPORTED, AND FY 2005 APPROPRIATIONS ASSUMING A \$2.385 BILLION APPROPRIATION

[Figures are in millions of dollars]

Description	FY 2005 funding ¹	S. 21, as reported	Percent change
"Guaranteed" funding	\$1,488.40	\$906.36	-39.1
Risk-based funding: For FY 2005, figure included only UASI; S. 21 would include UASI and funds not allocated by "sliding scale" formula	814.80	1,396.84	71.4
Total	2,303.20	2,303.20	

¹ "Guaranteed" funding included all SHSG and LETPP funds in FY 2005 because the FY 2005 DHS appropriations act required population to be used to distribute funds not allocated by the PATRIOT act formula in 2005.

Congressional Quarterly's coverage of the Senate Homeland Security and Governmental Affairs mark-up of S. 21 cited information from the Congressional Research Service (CRS) indicating that risk-based funding "would fall by 19 percent" under the S. 21 formula. The earlier CRS analysis had compared funding levels required in authorizing legislation. Thus the FY 2005 appropriation language requiring DHS to do a population-based distribution of the remaining funds after each state received its 0.75% base amount was not included in the analysis.

The FY 2005 DHS appropriations act required all SHSG and LETPP funds to be distributed by a combination of a guaranteed base, with the remaining funds allocated by population. Thus, no SHSG or LETPP funds were available to be allocated by risk in FY 2005 (or any other method DHS could have chosen to use) because the PATRIOT act does not specify how remaining funds will be distributed.

If the funding formula is not changed for FY 2006, and the DHS appropriations act omits the requirement that "formula-based and law enforcement terrorism prevention grants . . . shall be allocated in the same manner as fiscal year 2004," funds guaranteed to states in 2006 would only include the PATRIOT Act minimums.

I trust that memorandum will meet your needs in this matter. Please feel free to call me if I can further assist you.

Ms. COLLINS. Mr. President, as I understand it, the latest CRS analysis—as I understand it from press accounts since, again, the Senator has not been willing to share it with my office—is once again flawed. It does not take into account the sliding scale minimum allocation that is included in the Collins-Lieberman amendment.

This sliding scale minimum distributes 10.7 percent of the funds in our bill based on population and population density. Those are two risk factors that are used by the Department of Homeland Security to distribute risk-based funds.

I note, because I want to give credit where credit is due, that the proposal for this sliding scale minimum came from our colleague, a senior member of the committee, Senator LEVIN of Michigan.

Let's look at the real numbers. The fact is there is a doubling in the amount of money that is based on risk under our amendment. The legislation before us emphasizes risk-based funding and doubles the amount of money compared to current law that would be allocated based on risk.

The Committee on Homeland Security has done a great deal of work on this formula. I think we see today the problems that occur when we try to write a formula not in committee, not based on careful hearings, input from all interested parties, two markups, 3 years of deliberations by the committee, but instead try to cobble together an amendment on the Senate floor.

I have heard again today the comparison that Wyoming gets more money on a per capita basis. The Senator from California, my friend and colleague, made that argument. Over and over again we hear the argument that homeland security dollars are unfairly allocated because less populous States generally get more per capita than more populous States. But the truth is, that argument does not hold water.

What is the point of that argument? That homeland security dollars should be distributed on a per capita basis rather than risk and a minimum free each State? The fact is, risk-based allocations lead to per capita disparities as well.

Let's take the District of Columbia as an example. I think every single Member of this distinguished body would agree that the District of Columbia, despite its relatively small population, is an extremely high-risk area. In fact, the District of Columbia gets by far the most on a per capita basis, nearly \$217 per resident, because it is a small population, high-risk area.

Taken to its logical conclusion, the argument of these advocates is fewer dollars to the national capital region. The fact is, distributing funds based on risk does not necessarily lessen the per capita disparities among recipients.

We took a look at the distribution of fiscal year 2005 urban area security initiative funds which are allocated based on risk. What we found were the same or even greater levels of per capita disparities compared to an analysis of the urban areas and State grant funds combined. For example, Boston received nearly \$48 per capita, where Houston, with over three times the population, received under \$10 per person. Los Angeles received about \$18 per capita; Pittsburgh, \$29.

The point is, moving from a formula to a risk-based distribution does not necessarily bridge those per capita divides.

Second, let's look at what this is really all about. Under S. 21, the

amount the small States would be guaranteed beyond their per capita shares amounts to less than 3 percent of the funds that are allocated—3 percent. Let's use the real example.

S. 21 would authorize \$2.9 billion for homeland security grants. The total that small States are guaranteed in excess of their per capita share is just \$85.4 million out of that \$2.9 billion. Here is the chart that demonstrates what this allocation is all about.

In contrast, the 19 most populous States receive some \$619 million in guaranteed funds under the bill, seven times more than the less populous States are guaranteed beyond their per capita share.

In short, we are not talking about a major redistribution of homeland security dollars.

The fact is also that the potential of terrorist attacks against rural targets is increasingly recognized as a national security threat. I quoted yesterday the Harvard study that talked about rural areas facing unique and profound homeland security challenges. Bioterrorism, an attack on our food supply, where would those most likely occur? The food supply is outside our urban areas. A great many power grids, water supplies, nuclear plants—all of those are outside of urban areas.

Likewise, a report from the RAND Corporation, prepared for the National Memorial Institute for the Prevention of Terrorism, assessed how prepared State and local law enforcement is. It noted that homeland security experts and first responders have cautioned against an overemphasis on improving the preparedness of large cities to the exclusion of small communities or rural areas.

The report recognized that much of our Nation's infrastructure and potential high-value targets is located in rural areas.

The Department of Homeland Security said that it is well known that terrorists choose to live and train in small and rural communities.

Communities that my friends from California and New Jersey would say are at no risk, they are low risk, they should not receive risk money. These small and rural communities are where the terrorists live, train, and hide.

That is why law enforcement has overwhelmingly endorsed the Collins-Lieberman amendment. We have letters from the National Troopers Coalition, the Grand Lodge Fraternal Order of Police, the National Association of Police Organizations, the International Union of Police Associations, the International Association of Chiefs of Police, the United Federation of Police Officers, the International Brotherhood of Police Officers, the National Organization of Black Law Enforcement Executives, the International Association of Fire Chiefs.

All of these groups representing law enforcement and representing our fire-

fighters are endorsing the approach taken in the Collins-Lieberman amendment. One reason they do is for the first time we are going to have standards, we are going to tie spending to standards, and we recognize that the first responders in each and every State deserve our support.

We need to bring every State up to a minimum level of preparedness, and we are not there now. That is why the National Governors Association and the National Emergency Management Association strongly endorse our approach.

Over and over again we hear from these organizations that the funding formula proposed in the Collins-Lieberman amendment "promotes a better level of preparedness and brings some predictability to States for planning purposes." That is from the National Troopers Coalition.

The Fraternal Order of Police says our legislation—this is the Collins-Lieberman legislation—recognizes the fact that the majority of Federal funds have been previously directed toward recovery response operations, too often at the expense of the efforts to prevent future attacks. Ensuring that all communities achieve and maintain the appropriate response-and-recover capacity for terrorist incidents is a critical component. However, it is the goal of law enforcement to ensure that we never have a terrorist incident to respond or recover from. We want to stop the attack before it even occurs.

Those are important advantages of the Collins-Lieberman approach. The accountability measures in our bill are absolutely critical and are missing from the Feinstein-Cornyn-Lautenberg approach.

We know there has been wasteful funding. We cannot tolerate inappropriate and wasteful spending of critical homeland security funds. That is why we have strong accountability measures in the Collins-Lieberman proposal, measures that are lacking completely from the alternative put before us today. These accountability measures will ensure that no longer will homeland security funds be spent to purchase air-conditioned garbage trucks in the State of New Jersey—that is the kind of wasteful spending that we want to guard against—or leather jackets for the District of Columbia. Instead, spending would be tied to achieving essential capabilities for our first responders to meet national preparedness goals.

This is a carefully thought out bill. It is a comprehensive bill. It reflects many hearings and input from the first responder community.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mrs. FEINSTEIN. I yield such time as he may consume to the Senator from New Jersey.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I will be very brief. We just heard a reference to an investment made by the city of Newark. Newark Airport and the Port of Newark have been identified as the two most dangerous miles for a terrorist attack in the United States, and they chose to use the money to make sure their access ways would be clear of debris. That was their choice. We are not going to talk about what any other State does with their money. That is not the argument. The argument is, what is the truth? The truth is, CRS, in a phone call just now, for the information of the Senator from Maine, confirmed exactly what they gave us as being correct. Under the Collins amendment, they come down with a conclusion that the percentage allotted for the risk would be 60 percent, and the percentage allotted for a guarantee, 40 percent. That is not what we are going into. Anything that we try to do to confuse the figures to say that oh, no, in fact we are getting more, well, New Jersey may get a couple more dollars under the Collins formula, but we have to look at where the bulk of the danger is to our country.

Sure, rural States are entitled to be protected, but that is not done at the expense of having the most inviting targets in the country not get more money to protect themselves.

The Senator from Maine asked for it. We are going to send over for her review the report from CRS, and we have clarified a couple of things. But at 60/40, we are far worse off than we were when we left the committee, and I do not understand why that is. Perhaps the Senator from Maine does not see threats in the country in the same way that the 9/11 Commission or the Secretary of Homeland Security does. Dismiss that and make sure that everybody gets a little bit of the pie, that is not where we are.

This is the second front in a war against terrorism, and we ought to make sure we put plenty of funding here. We spend over \$200 billion a year in maintaining our fighting force in Iraq, and I want to do it as well as anybody else, but we sure do not say we ought to distribute funds throughout the Army, whether they are based in Georgia or some other State. No, we want to take care of them in the area where the risk is greatest, and that is the same thing we ought to be doing, and not trifling with this and trying to defend the numbers as not really saying what they say.

They say what they say, and I ask unanimous consent that the report from CRS be printed in the RECORD.

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

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, July 8, 2005.
MEMORANDUM

To: Honorable Frank Lautenberg, Attention: David Garten.

From: Shawn Reese, Analyst in American National Government, Government and Finance Division.

Subject: "Guaranteed" Base Homeland Security Grant Amounts in S. 21 and Senate Reported H.R. 2360.

This memorandum responds to your request for information on homeland security grant base amounts that would be distributed in FY2006 to the states, U.S. possessions, and territories ("guaranteed amounts") in S. 21, as reported by the Senate Homeland Security and Governmental Affairs Committee on May 24, 2005, and H.R. 2360, as reported by the Senate Appropriations Committee on June 16, 2005. Specifically, you requested a chart (see Table 1) that depicts allocations to the states, U.S. possessions, and territories assuming an appropriation of \$1.918 billion, the amount recommended by the Senate Appropriations Committee in H.R. 2360, and you requested the percent of funds that S. 21 and H.R. 2360 would allocate for such base amounts, as well as the percent that would remain to be allocated through risk assessments conducted by the Department of Homeland Security Secretary. The first column of Table 1 depicts S. 21 base amount allocations, and the second column depicts H.R. 2360 allocations. Additionally, you requested a third column to the chart depicting a 0.25% guaranteed base.

H.R. 2360. Of the \$1.918 billion appropriated in H.R. 2360 (\$1.518 billion for state and local grants and \$400 million for law enforcement terrorism prevention grants), \$580 million would be distributed through the same distribution process applied in FY2005. From the total of \$580 million, each state, DC, and Puerto Rico would receive \$10.86 million, and each U.S. possession and territory \$3.62 million. After the distributions, roughly \$1.3 billion would be available to be distributed through the risk assessment process.

S. 21. The bill would allow states, U.S. possessions, and territories to select either of two options that yields the highest funding level. First, funds would be divided among the states, the District of Columbia (DC), and U.S. possessions and territories as follows: Puerto Rico and specified U.S. possessions and territories 0.055%; these total 28.62%. Second, states could alternatively choose to receive an amount based on a "sliding scale baseline allocation" calculated by multiplying 0.001 times (1) a state's population ratio and (2) a state's population density ratio. After the funds are distributed (\$763 million as shown in Table 1), the remainder is distributed through the risk assessment process, with a maximum of 50% to be distributed to high-threat urban areas, and the remainder to the states.

I trust that this memorandum meets your needs; please contact me if you need further information.

TABLE 1.—S. 21 AND SENATE REPORTED H.R. 2360
GUARANTEED BASE AMOUNTS—Continued

[All amounts in millions]

State	S. 21	Senate Reported H.R. 2360	0.25% Base
Georgia	15.29	10.86	4.80
Hawaii	10.55	10.86	4.80
Idaho	10.55	10.86	4.80
Illinois	22.12	10.86	4.80
Indiana	11.57	10.86	4.80
Iowa	10.55	10.86	4.80
Kansas	10.55	10.86	4.80
Kentucky	10.55	10.86	4.80
Louisiana	10.55	10.86	4.80
Maine	10.55	10.86	4.80
Maryland	15.15	10.86	4.80
Massachusetts	19.39	10.86	4.80
Michigan	17.55	10.86	4.80
Minnesota	10.55	10.86	4.80
Mississippi	10.55	10.86	4.80
Missouri	10.55	10.86	4.80
Montana	10.55	10.86	4.80
Nebraska	10.55	10.86	4.80
Nevada	10.55	10.86	4.80
New Hampshire	10.55	10.86	4.80
New Jersey	27.03	10.86	4.80
New Mexico	10.55	10.86	4.80
New York	34.17	10.86	4.80
North Carolina	15.11	10.86	4.80
North Dakota	10.55	10.86	4.80
Ohio	28.80	10.86	4.80
Oklahoma	10.55	10.86	4.80
Oregon	10.55	10.86	4.80
Pennsylvania	22.21	10.86	4.80
Rhode Island	13.75	10.86	4.80
South Carolina	10.55	10.86	4.80
South Dakota	10.55	10.86	4.80
Tennessee	10.70	10.86	4.80
Texas	35.40	10.86	4.80
Utah	10.55	10.86	4.80
Vermont	10.55	10.86	4.80
Virginia	13.61	10.86	4.80
Washington	10.58	10.86	4.80
West Virginia	10.55	10.86	4.80
Wisconsin	10.55	10.86	4.80
Wyoming	10.55	10.86	4.80
DC+MCR	10.55	10.86	4.80
Puerto Rico	6.71	10.86	4.80
U.S. Virgin Islands	1.05	3.62	1.60
Guam	1.05	3.62	1.60
American Samoa	1.05	3.62	1.60
Northern Marianas	1.05	3.62	1.60
Guaranteed Base Total	762.73	1,579.20	251.20
Remainder to Be Allocated Based on Risk	1,155.27	1,338.80	1,666.80
Total	1918.00	1918.00	1918.00
Percentage Allocated for Guaranteed Base	40%	30%	13%
Percentage Allocated for Risk	60%	70%	87%

¹ Due to rounding in CRS calculations, this amount is \$800 thousand less than \$580 million.

Source: CRS calculations based on formulas in S. 21 and Senate reported H.R. 2360.

Mr. LAUTENBERG. We will see that the Senator from Maine gets a copy immediately.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, the Senator from New Jersey is mistaken in saying this bill provides less risk-based assistance than the legislation reported from the committee in April. It does not. The Senator is in error. It is exactly the same as the committee-reported bill, which was reported without dissent on a voice vote.

The fact is, the Collins-Lieberman amendment doubles the funds that would be distributed based on threat, risk, and consequences while maintaining a predictable and meaningful level of funding for each State.

For the Nation to be prepared, all States must achieve a baseline level of essential capabilities. The Federal Government is a partner with our State and local governments and with our 9 million first responders in this regard. Unfortunately, what we are seeing today is a regrettable and corrosive argument that is pitting urban centers against rural States. Our bill does not

do that. We have carefully crafted a compromise that ensures that every State receives a baseline level in order to recognize that every State has homeland security needs and vulnerabilities and that first responders throughout the country need to be properly equipped, trained, and supported.

We know the terrorists traveled through, trained in, and stayed in rural States. Two of them left from my home State of Portland, ME, to begin their journey of devastation and death on September 11. A predictable stream of funding is essential to achieving the goals, but the fact is, S. 21 doubles the amount of money for risk-based funding compared to the current law. If one looks at this chart, the Senator from New Jersey repeatedly ignores the 10.7-percent distribution, which was Senator LEVIN's proposal, which means that risk-based factors account for more than 70 percent of the funding. That is more than double what is involved in current law.

So we have doubled the amount of money that would be allocated based on risk factors while maintaining a steady, predictable base line funding so that all States can achieve a level of preparedness. Again, the Senator from New Jersey—

Mr. LAUTENBERG. Will the Senator yield?

Ms. COLLINS. I will be happy to yield once I conclude my explanation.

The Senator from New Jersey again ignores the amount of money in this bill that would go to the law enforcement terrorism prevention program, which would be authorized for the first time in this legislation. Prevention takes a back seat to responding to a terrorist attack, and that is why virtually every police association in this country has endorsed the Collins-Lieberman bill, virtually every one, because of our emphasis on prevention as well.

The National Association of Police Organizations wrote: Unlike other homeland security grant proposals, S. 21 ensures that the prevention of terrorist attacks, not just response efforts, receives a significant share of homeland security funds.

I would be happy to yield to the Senator from New Jersey on his time or on the time of Senator FEINSTEIN.

I yield the floor but reserve the remainder of my time.

Mr. LAUTENBERG. I thank the Senator from Maine.

Mr. KENNEDY. Mr. President, I strongly support the Feinstein amendment which is a sensible and vital reform of the way our homeland security dollars are distributed.

The 9/11 Commission wrote in its report that:

Homeland security assistance should be based strictly on an assessment of risks and vulnerabilities.

All communities, large and small, need to be prepared for the worst. However, with limited and, frankly, inadequate resources, we have to make

TABLE 1.—S. 21 AND SENATE REPORTED H.R. 2360
GUARANTEED BASE AMOUNTS

[All amounts in millions]

State	S. 21	Senate Reported H.R. 2360	0.25% Base
Alabama	\$10.55	\$10.86	\$4.80
Alaska	10.55	10.86	4.80
Arizona	10.55	10.86	4.80
Arkansas	10.55	10.86	4.80
California	57.59	10.86	4.80
Colorado	10.55	10.86	4.80
Connecticut	13.82	10.86	4.80
Delaware	10.55	10.86	4.80
Florida	30.38	10.86	4.80

choices about how to prioritize homeland security spending.

The 9/11 Commission stated in its report:

Federal homeland security assistance should not remain a program for general revenue sharing. It should supplement state and local resources based on the risks or vulnerabilities that merit additional support.

That is exactly what the Feinstein amendment does. It requires homeland security grants to be allocated based on an assessment of threat, vulnerability, and impact on the Nation.

According to the Congressional Research Service, under the Feinstein amendment, 87 percent of homeland security spending would be based on risk.

Today, by comparison, fully 37.5 percent of homeland security funds are allocated for distribution before any risk analysis is done.

A Washington Post editorial of May 17 asked the question:

What, exactly are Federal "first responder" grants supposed to do? Are they intended to give extra financial help to firefighters and police officers who work in places where the risk of a terrorist attack is highest? Or are they meant to spread Federal pork evenly around the country?

This is not an attempt, however, to deny any Federal homeland security funding to those areas that we know are the least likely to be targets.

Under the Feinstein amendment, \$251 million in Federal homeland security aid would still be spread evenly across the States.

However, the vast majority of funding—over \$1.6 billion—would be allocated based on actual risk.

In practical terms, the amendment will guarantee \$300 million more than the underlying bill for high-risk areas.

It means that cities like Boston, with its dense concentration of high-risk targets, will get the support it needs and deserves.

The city is a major financial hub with more than 130,000 people employed in the securities, banking and insurance sectors. Any interruption in the ability of these industries to function would undoubtedly reverberate far beyond the city, and be felt across the Nation.

The city was also a major part of the high-tech boom years of the 1990s. Today, it remains one of the Nation's most innovative high-tech corridors. It employs over 100,000 professionals whose inventiveness is not limited to the city, but is a major component of the Nation's economic recovery.

The \$7 billion tourism industry is also a major driver of economic growth. September 11 had an acute impact on Boston's ability to attract visitors. Undoubtedly, if another attack were to happen, a similar chilling affect would occur.

The danger is not theoretical. In 2001, an Algerian citizen, who later joined al-Qaida entered Boston as a stowaway on an Algerian gas tanker.

Security experts said that if the tanker's hull and cargo tanks had been

successfully breached, the result could have been a disastrous fire in the port of Boston.

Another key aspect of the Feinstein amendment is its preservation of the Urban Area Security Initiative, which has funded preparedness and prevention efforts in 56 of the most likely target regions that are home to more than 75 million people.

Yesterday, the mayors of 22 cities, including Boston, wrote the distinguished majority and minority leaders expressing their support for the Feinstein amendment. They wrote:

It maintains the critical partnership between the Federal government, States and the Nation's highest risk areas by maintaining the Urban Area Security Initiative program. These Urban Area Security Initiative regions have for several years been aggressively working to implement comprehensive plans for terrorism prevention and preparedness approved by their States and the Department of Homeland Security. Maintaining the Urban Area Security Initiative program will preserve and sustain the substantial planning, long-term projects, and regional decision-making processes underway.

Without the Feinstein amendment, we could see a funding cut in the Urban Area Security Initiative.

We all agree that every community in America deserves to receive its fair share of Federal homeland security assistance. No community should be left unprotected. But it makes no sense to use limited resources to provide maximum preparedness in the least at-risk communities, when we still have not yet achieved even the minimum level of preparedness in our most high-risk areas. The Feinstein amendment reflects that obvious priority for communities across the country, and I urge my colleagues to support it.

Mr. PRYOR. Mr. President, I rise in support of the Collins amendment to the Homeland Security appropriations bill before this body. I want to thank Homeland Security and Governmental Affairs Committee Chairwoman COLLINS and Ranking Member LIEBERMAN for the diligent and considerate effort they have made to bring this legislation forward.

Also, I would like to thank Jeffrey Highley, a civil engineering fellow in my office, for all of his hard work on this issue. He has been a valuable asset to my office.

I know there will always be more that we can do to prepare for and prevent against the threats to our security. Yet the Homeland Security appropriations bill before this body continues to reduce the level of State funding that began as a response to an attack on our Nation.

That is why this amendment is so necessary. It restores threat-based funding to the level States received in 2004 and increases the amount in the underlying bill by more than \$1 billion. Furthermore, it provides a smart and responsible approach to funding.

In order for our State and local emergency response teams to plan a long-term strategy of preparedness, they

need to have a level of predictable funding. States are required to submit plans to DHS 3 years in advance. This amendment will establish a fair and stable funding formula that States such as Arkansas can use to plan ahead.

Furthermore, this amendment will ensure that critical prevention efforts receive funding. The National Association of Police Organizations agrees, "[this amendment] ensures that the prevention of terrorist attacks—not just response efforts—receive a significant share of the homeland security funds."

I know there are some in Congress who believe that the funding formula for homeland security grants should solely reflect perceived threat and risk. While I understand these concerns, I respectfully disagree with my colleagues on the merits of their arguments.

Conventional wisdom might suggest that another terrorist attack will involve a target-rich environment—a big bustling city with skyscrapers and millions of people. Conventional wisdom suggests that terrorists might strike at a location or at a symbol that personifies America. I say, however, that to only rely on conventional wisdom sets ourselves up for unforeseen but certain tragedy down the road.

I ask my colleagues: Four years ago could we have fathomed 19 terrorists hijacking American airliners with box cutters no less? Could we have fathomed these hijackers using those airliners to conduct suicide missions? Could we have fathomed watching as two airplanes struck the World Trade Center and yet another crashing into the Pentagon?

And as you ponder those questions, I also ask: Just 1 month after that, as America was pulling itself out of the ashes, still recovering from the horrific acts of September 11, 2001, did anyone foresee an envelope being sent to Senator Tom Daschle's office that would cause the largest biological attack on American soil and effectively shut down the Senate Hart Building for several months?

We look back at these events now in hindsight and I think we have learned a lot about our enemy and what it will take for us to both win the war on terror and defend our homeland.

But let us remember: we must be prepared for the next terrorist attack, not the last. And that terrorist attack could come in many shapes and sizes.

I understand how some might think that big cities on the east and west coasts are those most vulnerable, most at risk for another horrific attempt. But I think it is obtuse to write off a large section of this country because of conventional wisdom.

I think it is naive to believe terrorists would never strike at our heartland, that they would not attempt to attack our food supply or our nuclear and chemical plants located in both large and small States.

I think it is shortsighted to think that the next attack will be similar to the first and to prepare with such narrow vision.

In order for America to be protected from terrorism, we need all parts of the country to be prepared.

Local and State entities and first responders across the Nation have worked doggedly to make our Nation safer, and they have. Our civilian authorities must be able to respond to whatever may confront them in the future. But how can they properly respond when they are not given adequate resources?

With the amendment offered by Senators COLLINS and LIEBERMAN, State homeland security will be based on the essential capabilities necessary to prepare for potential terrorist attacks, major disasters, and other emergencies—no matter where they might occur.

September 11 made us acutely aware that there are vulnerabilities in our homeland but it also made us acutely aware of the need of genuine partnerships that involve all segments of our communities and all levels of government—we all have a role in keeping our community safe.

So I submit that part of our job of the Federal Government must be to ensure that local governments are given the resources to protect their citizenry and that we all share the responsibilities for homeland security wisely and fairly.

This is why I urge my colleagues from States small and large to support the Collins amendment. It strikes a fair balance between the critical need to provide a baseline of protection and providing risk-based funding.

Mr. GRASSLEY. Mr. President, While I support the underlying amendment and hope my colleagues will support it, I rise to strongly object to a provision in this amendment which lies within the jurisdiction of the Senate Finance Committee. Section 1808 requires the Bureau of Customs and Border Patrol to conduct a study on the screening of municipal waste. The Bureau is then required to ban the importation of such waste 6 months after the report is submitted unless certain certifications are made.

I have been in consultation with the Office of the United States Trade Representative and believe that this provision raises serious international trade concerns. In fact, this provision could violate trade responsibilities under both the World Trade Organization and the North American Free Trade Agreement. If that is the case, our exporters are likely to face retaliation. I don't want that to happen. Furthermore, it could also provoke similar restrictive actions by our trading partners against U.S. waste exports. According to the Environmental Protection Agency, approximately 250 U.S. companies in over 30 States sent hazardous waste shipments to Canada in 2003 alone.

I am especially disappointed that this provision was reported out by the

Committee on Homeland Security. Last year we engaged in significant debate regarding appropriate jurisdictional responsibilities of each committee. The Senate determined that provisions relating to Customs and border protection and international trade clearly lie within the jurisdiction of the Finance Committee.

Just a cursory reading of the scope of the Finance Committee's jurisdiction under Rule 25 of the Standing Rules of the Senate provides that:

The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

Committee on Finance, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects: Customs, collection districts, and ports of entry and delivery; reciprocal trade agreements; revenue measures generally; and tariffs and import quotas, and matters related thereto.

An elaboration of the scope of the Finance Committee's jurisdiction can be found on our web site where it is clearly explained that:

The Senate Finance Committee's jurisdiction is defined by subject matter—not by agency or Department.

As a consequence of the committee's broad subject matter jurisdiction, the Finance Committee has sole or shared jurisdiction over the activities of numerous agencies and offices: the Office of the United States Trade Representative; the Department of Agriculture Foreign Agricultural Service on matters relating to foreign barriers to U.S. agriculture goods; numerous divisions within the Department of Commerce; and Broad Jurisdiction over the Department of Homeland Security.

This provision of this amendment clearly falls within the jurisdiction of the Finance Committee. And there is a reason for committee jurisdiction. We need to ensure that those committees with appropriate expertise have an opportunity to weigh the implications of these provisions before they become law. Otherwise, we end up exactly where we are today—exposing our exporters to unnecessary trade retaliation due to ill conceived and shortsighted provisions.

I urge the conferees to reject this provision during conference consideration.

Mr. CORZINE. Mr. President, I rise today to speak about the need for risk-based homeland security funding. This concept is as urgent as it is simple.

Homeland security grants related to terrorism prevention and terrorism preparedness should be allocated based strictly on an assessment of risk, threat, and vulnerabilities.

The best approach is to ensure that all homeland security funds are allocated to States based on the vulnerabilities of each State. Earlier this year, Senator LAUTENBERG and I introduced a bill to ensure that the distribution of Homeland Security funds would be 100-percent risk based. This is

the right way to ensure that our homeland is truly protected. It is not an issue of believing that larger, more populous States deserve more funding; it is simply a question of believing that the places with the greatest need deserve the most resources.

The Department of Homeland Security appropriations bill on the Senate floor includes a 70-percent risk-based formula that would ensure that \$1.3 billion in funding would be allocated based on risk. Senators FEINSTEIN and CORNYN have proposed an amendment to improve this and ensure that 87 percent of the funds—\$1.9 billion—would be allocated based on risk. While I would still prefer 100 percent, I support the Feinstein-Cornyn amendment.

New Jersey and the rest of the country will be much safer under the Feinstein-Cornyn proposal than under the Collins-Lieberman amendment, which would only allocate 60 percent of the funds based on risk. Under the Collins-Lieberman amendment, all of the homeland security grant money would be combined into one fund; of that, 40 percent would be allocated as guaranteed funding for the States and would be distributed either on the basis of .55 percent per State or on a sliding scale baseline allocation, which would be determined by a State's population and population density. Even given the enhanced funding allowance for densely populated States, New Jersey and other high-risk States would still fair worse under the Collins-Lieberman amendment. That is because the amendment combines all funding sources into one fund and allocates too much funding, 40 percent of the total allocation, as minimum, guaranteed grants to each State. Under a more risk-based formula, New Jersey would receive greater homeland security funds to handle the substantial risks that face my State.

Mr. President, those of us who live in high-risk areas are acutely aware of the threat of terrorism. But protecting our homeland is not something that can, or should, be looked at as an exclusively "local" issue. Experts throughout the Nation support a risk-based approach. Protecting America, in the places where we are most vulnerable, in places where we know that terrorist want to inflict the greatest harm, is in fact a national issue—which is why the 9/11 Commission recommended pure risk-based allocation.

To quote the Commission:

Homeland security assistance should be based strictly on an assessment of risks and vulnerabilities. . . . [F]ederal homeland security assistance should not remain a program for general revenue sharing. It should supplement state and local resources based on the risks or vulnerabilities that merit additional support. Congress should not use this money as a pork barrel.

Mr. President, one of the reasons this is such a national priority is because of the economic issues at stake. An attack on our Nation's economic assets, our capital markets, or our financial institutions would have a ripple effect

throughout the country and have a serious long-term effect on our Nation's economy.

Protecting these assets has to be part of our national strategic considerations. In my State, New Jersey, we have many such targets. We have areas like the Port Newark. Eighty percent of the cargo containers that come into the east coast arrive at that port.

Then there is the 2-mile stretch, from the port to Newark Airport, a stretch of terrain the FBI has called the "most dangerous 2 miles in America."

And Mr. President, Newark Airport is not only the busiest airport in the tri-state area, it is, depending on the time of year, the third or fourth busiest airport in America. A terrorist attack on Newark Airport, or on any of these other possible targets, would have a wide-ranging, long-term effect on our national economy. Protecting these critical national assets must be a national priority.

Regrettably, the current homeland security grant system results in funding allocations that fail to adequately consider the risk, vulnerability and threats posed to specific communities. And that is just plain wrong.

To understand why, we need to look at the practical realities of homeland security.

My home State of New Jersey is on the front lines of terrorism. We lost 700 people on September 11, 2001. Two of the 9/11 terrorists were based in New Jersey and the anthrax that hit this institution originated in New Jersey.

In addition to Port Newark and Newark Airport, the Ports of Philadelphia and Camden are critical vulnerabilities.

New Jersey is home to rail lines, bridges, and tunnels to New York City, as well as chemical plants and nuclear facilities.

Atlantic City has the second highest concentration of casinos in the country.

Wall Street and other financial services firms house important front and back office operations, including clearance and settlement services, and other operations essential to functioning of America's capital markets in Newark, Jersey City, and Hoboken.

To underscore those risks, in the summer of 2004 Newark was one of three locations—including New York City and Washington, DC—that was put on Orange Alert for a possible terrorist attack as intelligence suggested that the Prudential building in downtown Newark could be a target.

And Mr. President, the costs associated with protecting Newark during that period of heightened security alert were very real.

Last year wasn't the first time that New Jersey has incurred substantial costs because of its unique vulnerability.

The post office in Hamilton, NJ, where the anthrax was sent, has had to be cleaned up. The costs are expected to be \$72 million for decontamination

and \$27 million for the refurbishment of the facility.

Yet despite these growing threats to New Jersey—from anthrax to the Orange Alert, and the ever-expanding costs associated with protecting the most densely populated State in the country, remarkably homeland security grants to New Jersey were cut in 2005.

Funding was reduced from \$93 million in 2004 to \$61 million in 2005. Newark has seen a 17-percent reduction in funds, from \$14.9 million to \$12.4 million. And, incredibly, Jersey City's homeland security funds have dropped by 60 percent, from \$17 million in 2004 to \$6.7 million in 2005.

These cuts leave New Jersey—home of countless businesses and people that keep our economic engine moving; home of one of the most active and exposed ports in the country; home of one of the busiest airports in America; home of our Nation's new Homeland Security Secretary—36th in the Nation in per capita homeland security funding.

That, Mr. President, is a travesty.

We must allocate assistance to cities, municipalities and communities according to risk and vulnerability.

Mr. President, it is hard for the people of New Jersey to live through what they have and then see cuts in homeland security. This is an extremely important issue to them and they want and expect change.

I am not seeking to deprive other parts of the country of the homeland security funding they need. But I believe that we must leave it to the Department of Homeland Security to make the determination of what States should receive funding based on need, vulnerabilities, and threats.

The Department of Homeland Security was created to stop terrorism. It is responsible for analyzing intelligence on threats to our Nation and for protecting our people and our infrastructure.

Mr. President, directing our homeland security funding toward those areas that are most at risk is especially critical in times of shrinking budgets. And let me note that the President understands the need for risk-based funding and suggested an approach similar to the Feinstein-Cornyn amendment in his budget for 2006 when he proposed the allocation of \$251 million to each State and \$1.7 billion, or 87 percent of total funds, for higher risk areas based upon need.

By passing the Feinstein-Cornyn amendment, we will continue the critical work of post-9/11 reform that included the creation of the Department of Homeland Security itself, the establishment of the 9/11 Commission, and the passage of the intelligence reform bill.

Mr. President, we need to deal with homeland security as we do national security. That means directing our resources toward making us safer by targeting need, vulnerability, and threat

to address the Nation's homeland security funding needs.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The Senator from California has 4 minutes 10 seconds remaining. The Senator from Maine has 14 minutes remaining.

Mrs. FEINSTEIN. I yield, then, to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I had asked to be yielded to for a question, but if there is no yielding, if the time is charged to me, I do not need consent from anybody. If it is our time, we are going to use it.

I thank the Senator from Maine but would say no thank you, and I will take this brief minute because what we are looking at is what has passed through the committee and what is actually on the floor as an appropriations bill.

Under the appropriations bill—this is CRS—it very simply says \$1.338 billion for the underlying bill creates a shortage for the risk-based of \$183.53 million. We can turn the table, we can play with the numbers, but we are looking at an appropriations bill. And if we do not believe CRS, then I do not know to whom we ought to turn for advice and for understanding.

When the Senator from Maine suggests that my numbers are incorrect, do not take my numbers, please. Just take CRS and see what they say. It makes it all very clear. It is a 60/40 relationship, far different than that which we intended when the amendment passed the committee.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from California.

Mrs. FEINSTEIN. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from California has 2½ minutes remaining.

Mrs. FEINSTEIN. I will use the time, if I might, then. The distinguished chairman of Homeland Security and Governmental Affairs mentioned something which affected me a little bit, and I would like to respond to it respectfully, that our amendment was cobbled together on the Senate floor. I point out that our amendment was introduced as a bill on May 12. I also point out that prior to that we worked on this amendment for at least 6 months with high-risk areas, with cities, with States, and with law enforcement.

This amendment is born in the belief that just as terrorists in Great Britain did not go to Stratford-on-Avon, they went to London; just as 9/11 did not take place in Milpitas, CA, it took place in the financial center of America; and just as the bombers in Spain did not go to a rural Spanish community, they went to Madrid.

Now, I can only use my experience as a member of the Intelligence Committee to say whether it is advisable to have a fixed formula or advisable to give those people who have access to all of the intelligence—intelligence from CIA, intelligence from counterterrorism people, intelligence from the FBI, and all of those who do the risk analysis, whether they should have the flexibility to determine where the moneys go. From my perspective, that is the way to go. From my perspective, America is best protected if we give the people with the knowledge and the intelligence the maximum flexibility to allocate funds based on quality of grants to areas that are likely targets. Nothing can change my mind on this. If you review intelligence, you get an idea of what might be a target and what is not a target.

That is just today. It could change in 6 months. It could change in 2 years. There are many of us who believe we are in this war, this asymmetric, terrible, non-state-actor war, for a long period of time. For me, just as you would give the Joint Chiefs of Staff the ability to mount a battle plan, I think we should give Homeland Security the ability to mount the risk analysis that enables the distribution of grants in the most effective way.

We have tried to do this in our bill. The underlying bill has 70 percent of the funds based on risk; the Collins-Lieberman amendment, 60 percent on risk; and Feinstein-Cornyn, 87.5 percent on risk.

The choice is clear. People who believe differently will vote differently. There is always a question because we know the composition of this body, we know the number of small States, and we know the likelihood that people are going to vote their State. I say to them, whether they do the best thing, if something happens and people look back as to how the money was allocated, I would much prefer to be able to say that the best experts we have made the decisions on the allocation of funds, rather than that I would doing it on any other basis, whether that basis is population, whether it is geography, whether it is based on whether you produce food or whether you produce high tech or anything else. The money must go where the threat and risk is, the money must go where the vulnerabilities in the eyes of the terrorists are, and no formula can know where those vulnerabilities are.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. FEINSTEIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Maine has 14 minutes remaining.

Ms. COLLINS. Mr. President, before the Senator from California leaves the floor, let me say I admire the Senator from California, who is one of the most careful, thorough Members of this body.

The point that I was trying to make, and perhaps not as artfully as I should

have, is that the Homeland Security Committee has held extensive hearings on the Homeland Security Grant Program. I am not aware of other committees in the Senate having done that. We have held extensive hearings over 3 years. We drafted a bipartisan bill. We received input from a number of groups. We have had two different markups, and the bill was reported unanimously last year, with only Senator LAUTENBERG in dissent this year. So our bill has had a great deal of consideration. That was the only point I was trying to make.

As the Senator knows, I have a great deal of admiration for what a careful legislator she is.

Mrs. FEINSTEIN. If I might say, Mr. President, I have great admiration for the Senator from Maine in the way she has conducted herself and the leadership she has shown.

Ms. COLLINS. Mr. President, let me clear up a couple of misperceptions surrounding this debate. First of all, this debate is not about big States versus small States, although it certainly sounds that way.

Our amendment, for example, is cosponsored by both Senators from Ohio and, in fact, was heavily influenced by and contributed to by the Senator from Michigan, Mr. LEVIN. I ask unanimous consent he be added as a cosponsor.

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

Ms. COLLINS. One reason our amendment bridges the small State-big State divide is that unlike the alternative amendment, the underlying bill, or current law, our amendment breaks away from a one-size-fits-all approach by establishing this sliding scale minimum allocation. Does a more populous State require more funds to achieve adequate levels of preparedness and prevention? The answer is yes, which is why the 19 most populous and densely populated States would get a higher baseline allocation than the .55 percent that other States would achieve. That includes the State of New Jersey, I would note, which receives considerably more.

Second, the underlying bill is not a middle point between the amendment that Senator LIEBERMAN and I have offered and the Feinstein-Cornyn amendment. In fact, the underlying bill in our amendment includes substantially the same type of baseline allocation for most States. The difference is that under our amendment, the 19 most populous and densely populated States would receive a greater baseline allocation.

If you take into account the sliding scale minimum, which neither of my friends on the other side of the aisle have taken into account when they look at our bill, our amendment and the underlying bill allocates substantially the same amount of funds based on risk.

When we talk about the significance of preventing the next terrorist attack, it is important to note that terrorists

have been proven to use staging areas away from the most obvious targets. So while New York City, Los Angeles, and Washington, DC, are clearly targets, let us not forget that opportunities to catch terrorists, to stop them, exist in places such as Portland, ME; Norman, OK; and Norcross, GA.

As a recent publication of the International Association of Chiefs of Police notes:

Several of the terrorists involved in the September 11 attacks had routine encounters with State and local law enforcement officials in the weeks and months prior to the attack. If State, tribal and local law enforcement officers are adequately equipped and trained, they can be invaluable assets in efforts to identify and apprehend suspected terrorists before they strike.

Let's again look at some of the facts. As the 9/11 Commission report notes, terrorists trained and operated in different parts of the country to prepare for and carry out the September 11 attacks. For example, two of the terrorists were pilots and visited the flight school in Norman, OK. Norman is also where Moussaoui and another terrorist resided while attending school. Two of the terrorists stayed in Georgia, visiting such small communities as Norcross and Decatur before living in Stone Mountain, GA.

Although the 9/11 Commission found no explanation for these travels, the terrorists' mobility reveals an unpredictable pattern that shows that their presence was not confined to large cities. Over and over again, if you look at the list from the 9/11 Commission, you will see that the terrorists trained and lived in rural America, in small communities. As I have said earlier, this issue is very real to us from the Northeast, from the State of Maine in particular, because two of the terrorists started their day on 9/11 from the Portland, ME, airport.

Over and over again, we have seen, from law enforcement, warnings that we need to pay attention to prevention, and that is exactly what this bill does. Local police departments and sheriff's offices provide the bulk of law enforcement services to rural communities, and they are severely constrained by a lack of resources. That is why so many law enforcement groups have endorsed the Collins-Lieberman proposal.

There are other challenges; for example, to our food supply. But I see the Senator from Connecticut is now on the floor, so I yield to him the remaining time before we return to the Reid amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend and colleague from Maine. I regret I had other commitments that did not allow me to join with her in defense of our very worthy amendment. I look forward to being back here at 2:15 when we return to it.

Yesterday, I explained why I believe that our amendment is the right thing to do. It is balanced. It increases the funding based on risk to those areas

that have been deemed to be highest risk. But it recognizes a reality that terrorists strike at vulnerable targets. Because they struck Washington and New York on September 11, 2001, doesn't mean that they are not going to strike smaller areas of our country, less populated, in the years ahead. In fact, one of the great fears people have had is of a coordinated series of terrorist attacks on public places outside of large urban areas.

The fact is, those places in America need to have some support from us as well for their first responders and to serve also as first preventers. That is exactly what our amendment does.

The amendment introduced by the Senators from California and Texas would all but eliminate the minimum amount of Homeland Security funding guaranteed to each State and would give the Secretary of Homeland Security almost unfettered discretion over more than 90 percent of Homeland Security grant funds. This amendment that Senator COLLINS and I have introduced dedicates significantly more funding to purely risk-based grants than has been the case in previous years. Under our amendment, it is fair to say that everybody gets more support to protect their citizens against the terrorist threat, including those areas that are deemed to be the highest risk, but at the same time we, in the Collins-Lieberman amendment, strike a judicious balance that would allow each State to achieve basic preparedness.

Further, substantial reductions in the minimum would make it more difficult for States to achieve those essential capabilities, as outlined in the National Preparedness Goals that the Department of Homeland Security has set out for our Nation.

I want to very briefly outline, in the minute or two left before we go to another matter, several reasons why I think we should stick with the balanced approach in S. 21, which is the Collins-Lieberman amendment that came out of the Homeland Security Committee with overwhelming bipartisan support—only one vote against it. While there is a need for more risk-based funding, risk-based methodology is an art, not a science. The bottom line is that while we think we know where terrorists wish to attack based on past experience, the fact is we don't know for sure. They strike hard targets, they strike soft targets.

Risk-based methodology is an art the Department of Homeland Security is still struggling to develop. So let's not talk about it as if it is science. It is prediction. It is a probability. If we focus all of our funding on where those probabilities lead, it will leave most of the country undefended.

Terrorists have demonstrated a willingness to attack a wide variety of targets in a wide variety of places. In 2001, a plot was uncovered by intelligence agencies to attack an American school in Singapore. In 2002, in Bali, terrorists

targeted a discotheque. In 2003, terrorists struck a residential compound in Riyadh. In 2004, terrorists targeted a school in Beslan, Russia. Most of these may not have been considered to be high-risk areas, but nonetheless they were targets of terrorists.

Our own distinguished FBI Director Bob Mueller has said America is awash in desirable targets for the terrorists throughout this country. Funding provided to States outside of the so-called high-risk areas could well be the key to preventing an attack in another State, which I will speak to later in the day.

The Collins-Lieberman amendment will assure that every State can achieve the level of preparedness the Department of Homeland Security has defined for the Nation. It will be a predictable, reliable stream of funding. The bottom line is more States have more to gain from our amendment in defense of our homeland security.

I thank the Chair. Noting the hour, I yield the floor.

AMENDMENT NO. 1129

The PRESIDING OFFICER. Under the previous order, the time until 12 o'clock will be equally divided in the usual form for debate on the Murray amendment.

The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, would you state the pending amendment?

The PRESIDING OFFICER. Under the previous order, there is 30 minutes of debate on the amendment offered by Senator REID on behalf of Senator MURRAY of Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent to add Senators CORZINE, DAYTON, CONRAD, BINGAMAN, and SALAZAR to my amendment.

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

Mrs. MURRAY. Mr. President, 2 weeks ago the Senate came together, not as Republicans and Democrats, but as Americans, to do what is right for our Nation's veterans. By a vote of 96-0, we all agreed to increase veterans funding by \$1.5 billion. We agreed to fill the appalling shortfall the VA faces this year by agreeing to that amendment for \$1.5 billion. It was a very clear message that we will be there for the people who have served our country. I was very proud of the Senate when we passed that amendment to do the right thing.

Shortly following that unanimous vote, the majority leader stood on the Senate floor and moved to have the Senate yield to the House of Representatives' lower figure of \$975 million. That would have gone against what this Senate had just agreed to. That proposal by the majority leader also went against what the Senate Appropriations Committee had agreed to earlier that very same day. On a bipartisan and unanimous basis, the Senate Appropriations Committee members reaffirmed that the Senate should approve the full \$1.5 billion in immediate funding for the VA. The Appropriations

Committee and the full Senate unanimously agreed that America's veterans deserve the full \$1.5 billion for this fiscal year. Then there was an attempt to accept a lower number.

We need to make sure in this Senate there is no backtracking and that veterans in this country who have served us honorably do not get shortchanged. To make it clear to our Nation's veterans and to the American public, I am here with my colleague Senator AKAKA and others in the Senate, offering an amendment that clears up this confusion. It clearly says the Senate stands firmly behind our unanimous vote of \$1.5 billion in emergency spending for veterans health care.

If we backtrack, if we walk away from the \$1.5 billion we promised this year for our veterans, our men and women who have served this country honorably will be hurt. If we yield to the House's \$975 million, the VA hiring freeze will remain in place. That means no new mental health specialists will be hired to help our veterans who are dealing with posttraumatic stress disorder.

If any of my colleagues went home as I did last week and talked to returning soldiers from Iraq and Afghanistan, they will know as I do that these mental health specialists are absolutely needed for our men and women who are serving America today.

If we yield to the House's \$975 million, the VA will not be able to build any of the new clinics our veterans have been promised. That means inconvenience and less access to care for the people who have sacrificed for our country. That is not what we promised our veterans. This is a critical priority.

We have a huge problem right now in this fiscal year 2005. Secretary Nicholson has made it very clear that the VA is at least \$1 billion short this year. My colleagues know I have been here since the beginning of the year warning that this problem goes much deeper. Go out to any of your VA facilities and talk to any veterans who are trying to get access and Members will know as I do that veterans are waiting today 3 years for surgery.

The Associated Press reported in the papers today that the Army National Guard is having trouble recruiting the soldiers it needs.

I ask unanimous consent to have that article printed in the RECORD.

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

[From the Associated Press]

NATIONAL GUARD MISSES RECRUITING GOAL AGAIN

WASHINGTON (AP).—The Army National Guard, a cornerstone of the U.S. force in Iraq, missed its recruiting goal for at least the ninth straight month in June and is nearly 19,000 soldiers below its authorized strength, military officials said Monday.

The Army Guard was seeking 5,032 new soldiers in June but signed up only 4,337, a 14% shortfall, according to statistics released Monday by the Pentagon. It is more than 10,000 soldiers behind its year-to-date goal of

almost 45,000 recruits, and has missed its recruiting target during at least 17 of the last 18 months.

"The recruiting environment remains difficult in terms of economic conditions and alternatives," the Army said in a statement released Monday. "We are concerned about meeting the fiscal year 2005 recruiting missions, but we are confident that our recruiting initiatives will take hold and the American public will respond."

Jack Harrison, a spokesman for the National Guard Bureau, said that despite the shortfall, the service is still able to meet its commitments to the Pentagon as well as to state governors, who call on the Guard during disasters and other emergencies.

Some governors have complained about shortages of troops and equipment in their Guard units, prompting the Guard to set a goal of keeping half of each state's Guard forces at home at any given time.

The Pentagon has already significantly reduced its use of all Guard and reserve forces in the last two years. In April 2003, during the height of the Iraq invasion, some 224,000 of them across all the services were mobilized for all federal missions both at home and overseas; that figure now stands at 138,000, according to Pentagon statistics.

Harrison acknowledged the heavy use of the Guard in missions in Iraq and Afghanistan has affected recruiting efforts, but noted that the service is ahead of its goals in retaining soldiers who have the option to get out.

"We have folks that are coming back from long periods of time in Iraq and Afghanistan who are reenlisting," he said.

Guard troops make up more than one-third of the soldiers in Iraq, numbering six brigades plus a division headquarters. In the next rotation of troops, to take place over the next two years, the Guard's portion of the total force in Iraq is expected to drop substantially as newly reorganized active-duty Army units come online and take up more duties there, officials said.

In total, the Army Guard has about 331,000 soldiers, 94.5% of its authorized strength of 350,000, officials said.

Pentagon spokeswoman Lt. Col. Ellen Krenke said the Army Guard last made its monthly goal in September 2004, when it exceeded its target by 27 recruits. The last time it made its goal before that was December 2003.

Harrison, however, said the Army Guard had not met its monthly recruiting goal for 20 straight months, since October 2003. Officials could not immediately explain the discrepancy. The Army Guard also missed its annual recruiting goals for 2003 and 2004, Krenke said. The entire Army is suffering from recruiting problems, but the other components of the service—the active-duty force and the Reserve—made their goals for June. Both, however, remain well behind their annual goals, which they measure from October 2004 to September 2005.

The regular Army has recruited 47,121 soldiers, or 86% of its goal of 54,935 for this point in the year. It is trying to reach 80,000 by the end of September. Officials are becoming less hopeful they will make it, even though the summer is considered the high season for recruiting, as recent high school graduates look for jobs.

To deal with the problem, the Army has increased the number of recruiters in its ranks, and augmented incentives for those signing up.

"We think these adjustments will begin to take hold in the upcoming months," the Army statement said.

The Army Reserve has recruited 15,540 soldiers, or 79% of its goal of 19,753 at this point in the year.

All three components of the Army are ahead on their efforts to retain current soldiers. Officials credit that to a desire on the part of the troops to finish the mission of making Iraq a stable democracy.

The only other arm of the military that missed its June recruiting goal was the Navy Reserve, which fell 8% short and remains the same percentage behind its annual goal of 8,733 recruits. The active Navy, Air Force and Marines made their monthly goals, and are at or ahead of their year-to-date targets, the Pentagon said.

The Air National Guard, Air Force Reserve and Marine Corps Reserve made their June goals; of those, the Air Force Reserve and Marine Reserve are at or ahead of their year-to-date goals. The Air National Guard is 17% behind its year-to-date goal of 7,619 recruits.

The Air Force and Navy are seeing far less action in Iraq and Afghanistan than their counterparts in the ground combat forces of the Army and Marines, who have suffered most of the casualties.

Mrs. MURRAY. Mr. President, that article states:

The Army National Guard . . . missed its recruiting goal for at least the ninth straight month in June and is nearly 19,000 soldiers below its authorized strength, military officials said Monday.

Further, the Army Guard:

. . . is more than 10,000 soldiers behind its year-to-date goal of almost 45,000 recruits and has missed its recruiting target during at least 17 of the last 18 months.

Many factors, as we all know, affect recruiting, but how we care for our veterans is absolutely one of them. As George Washington said:

The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive the Veterans of earlier wars were treated and appreciated by their country.

That was George Washington back in 1789. It is still true today.

We need to show our veterans—today's veterans and those considering military service—we will be there for them. If the Senate retreats from what we agreed to 2 weeks ago, it will tell potential recruits the VA will have a hiring freeze and the VA will not have new clinics and we will not be there for them. That is the wrong message to send.

The Senate agreed our veterans need \$1.5 billion. We agreed on a bipartisan basis. I am offering this amendment today to make sure there is no backtracking and that our veterans get the help they need, they deserve, and they were promised. This is a basic American issue we can and must all support.

If Members vote for this amendment, we are giving the VA money to lift the hiring freeze to hire the medical staff it needs and to open new clinics. We are telling today's soldiers and tomorrow's recruits we will be there for them. But if members choose to vote against my amendment, they are simply voting to keep their local VA hospital overwhelmed and understaffed, telling veterans in your State that they will not get the new clinics they were promised. This vote will send a strong message to today's veterans and tomorrow's recruits.

This Senate needs to make sure we will show those who serve our country that we will be there for them just as they have been there for us.

My colleague from Hawaii is here. He has been a tremendous advocate for veterans. I thank him for all his work.

I yield 5 minutes to the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. AKAKA. I thank my colleague for her efforts today.

Mr. President, I rise today to once again address the tremendous funding crisis in the VA. I thank my colleague, the Democratic leader, Senator REID, for his determination at this time to ensure that \$1.5 billion is provided without delay. Again, I thank my colleague Senator MURRAY for her efforts as a member of the Committee on Veterans' Affairs.

While we have consensus in both bodies of Congress that VA is facing a tremendous funding shortfall this year, we are lacking consensus on how much should be provided this year. The Senate clearly believes that \$1.5 billion is needed.

The House, on the other hand, has taken the administration's view that only \$975 million is needed.

While I am delighted that the administration has admitted that there is a shortfall, I don't believe that we can now put our faith in their estimate of what VA needs.

As I said last night, judging by the supplemental sent forward by the President, VA officials are less than generous and, frankly, less than accurate.

The \$975 million now proposed by the administration—and carried forward by the House—falls way short of addressing all of VA's problems. Just examine one part of their estimate—their new costs associated with returning service members.

VA now believes that 103,000 more veterans will be treated this year. The cost of treating this kind of patient is \$5,437 a year—as documented by VA data.

Yet, the administration wants to now convince Congress that, in fact, the cost of treating a patient is less than half of this amount. Again, using VA data, the cost of caring for an additional 103,000 returning veterans is \$560 million and not the \$273 million suggested by the administration. And other key programs such as readjustment counseling and dental care were ignored by the House in the VA supplemental.

It is imperative that the Senate again send the House a message that we intend to provide adequate funds.

The Senate has already spoken in a clear and bipartisan manner on this issue.

Given the House's work to provide less than the full amount needed, it is clear that we have more work to do for this year. This amendment reiterates that point.

The battle for next year's funding will be upon on us shortly, but we need to shore up hospital and clinic operations today.

I am hopeful that we all learned a clear lesson from this experience, that talking with health care providers in VA hospitals and with the veterans service organizations is invaluable. They told us what was really going on months ago. They are continuing their call for full funding for VA now.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Texas is recognized for the time in opposition.

Mrs. HUTCHINSON. Is there a time limit?

The PRESIDING OFFICER. Each side controls 15 minutes. There is 2½ minutes remaining controlled by the Senator from Washington and 14 minutes remaining controlled by the majority leader.

Mrs. HUTCHINSON. Mr. President, I commend Senator MURRAY, Senator AKAKA, and all Members who have worked together with Senator FEINSTEIN and myself on this veterans issue.

I spent last Thursday with Veterans' Administration Secretary Nicholson. I am very pleased Secretary Nicholson has done so much to address this issue once he determined from an audit of the agency that we were not going to get through 2005 for the Veterans' Administration without taking from maintenance funds and other funds to cover our operating expenditures. The Secretary could have tried to put this Band-Aid on, but he did not. Secretary Nicholson came right out and said we do not have enough for 2005. We have models that show us what the growth rate for service in the Veterans' Administration would be. The models show about 2.3 percent. That has been the norm throughout the last number of years. But in fact the growth rate is 5 percent. So Secretary Nicholson, Josh Bolton, at the Office of Management and Budget, and the President himself said we are not going to put a Band-Aid on the Veterans' Administration.

Senator MURRAY saw this coming early on. She did believe there were more veterans coming into the system from what she was hearing in the field, and the Veterans' Administration at that time did not see the model that was not working. But when they did, they stepped up to the plate. They have now come back with numbers that are higher than the \$975 million that has been put in an emergency appropriation on the House side just for 2005. Now, our \$1.5 billion that I intend to support is to be spent this year or going into next year if necessary. I am going to support this amendment and, in fact, Mr. President, I ask unanimous consent to be added as a cosponsor of the Murray amendment.

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

Mrs. HUTCHINSON. I do want to say we are continuing to push the ball, but this is not where I want it to end. What I hope we would be able to do, once we talk in a little more detail to the Veterans' Administration Secretary and to Mr. Bolton at the OMB, is to go ahead and pass the emergency supplemental for 2005 that will be more than \$975 million, probably more in the range of \$1.2 billion or \$1.27 billion for 2005, and then come in with another supplemental from OMB to the budget that we would put into our 2006 appropriation, because Senator FEINSTEIN and I are the chairman and ranking member of Veterans Appropriations. Senator MURRAY sits on that committee as well. And we want to do 2006 the right way. We already, through the cooperation of the chairman of the Appropriations Committee and the ranking member, Senator COCHRAN and Senator BYRD, added \$1.3 billion to what was in the President's original request. I believe the President will agree to come in with another add to that of \$1.6 billion or so. So I think if we can continue to work together as we have been, we will have a more definitive answer, but I do not think we ought to stop with what Senator MURRAY is trying to do until we do come to the agreement to solve this problem both for 2005 and for 2006 in the most responsible way.

So I am very happy to cosponsor the amendment knowing we hopefully will finish the emergency supplemental before this bill actually makes it to the President. That would be the goal of all of us, I believe—to have the emergency for 2005 passed this week or at the earliest possible moment and send it to the President so that money becomes available.

In the meantime, I know the Veterans' Administration is not turning anyone away. They are not stopping any dirt from flying for the clinics that are in the process of being built and the hospitals that are on the drawing boards. I know the sincerity of Secretary Nicholson, having traveled with him on Thursday and seeing how much he cares about our veterans getting the best care. This is a decorated Vietnam war veteran. He is a man who graduated from West Point and knows the veterans community very well.

So with that, Mr. President, I am very appreciative of Senator MURRAY bringing this matter to everyone's attention. With Senator AKAKA, we all serve on the Veterans' Affairs Committee as well as the Veterans Appropriations Committee. And speaking of that, Senator CRAIG, the chairman of the Veterans' Affairs Committee, has been a real leader here as well in trying to work this through. I think all of us intend to work on a bipartisan basis, Senator FEINSTEIN and myself on the appropriations side, Senator CRAIG and Senator AKAKA on the Veterans' Committee side, Senator MURRAY as the leader in bringing this to everyone's attention before it became a fact.

I think we have the nucleus here, working with the administration, to do

the right thing and to do it in the right way. I think Secretary Nicholson is to be commended for stepping up to the plate and working with Josh Bolton to do that right thing. There will be no dollar, no dime spared in treating our veterans. It is a part of our war on terror, to make sure those coming home do have the care and service they need. In this war we are seeing many more injuries. That is one of the reasons the tables were skewed, the models that have been used for the future. We have fewer deaths in this kind of conflict on a normal basis, but we have more injuries. And that means we are going to have to take care of these people because they have been taking care of us. We intend to do that and we need to do it on a bipartisan basis. I thank Senator MURRAY, Senator AKAKA, Senator CRAIG, and Senator FEINSTEIN for taking the lead on the Senate side, working with the administration, and I think the veterans can be assured the right thing will be done and this is one more step to make that happen.

I thank the Chair. I yield the floor.

Mrs. FEINSTEIN. Mr. President, I want to thank the Senator from Washington for raising this issue again. Before the Fourth of July recess, the Senate passed this amendment 96 to 0 showing this body's united commitment to our Nation's veterans.

We worked hard with our colleagues across the aisle to ensure that the Veterans' Administration's shortfall in Fiscal Year 2005 was addressed by passing a \$1.5 billion emergency supplemental.

I was disappointed that the House of Representatives did not follow our lead and instead passed a nonemergency \$975 million supplemental appropriations.

I understand that the administration will be submitting a Budget amendment, shortly to address the Fiscal Year 2006 needs of the Veterans' Administration and I look forward to working with Chairman HUTCHINSON to ensure that adequate resources are available for veterans health care next year.

In the meantime, I would urge my colleagues to support the Murray amendment which addresses this year's shortfall and reaffirms our commitment to our veterans.

The PRESIDING OFFICER. Who yields time? The Senator from Washington.

Mrs. MURRAY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Washington controls 2½ minutes.

Mrs. MURRAY. How much does the other side control?

The PRESIDING OFFICER. Five minutes.

Mrs. MURRAY. Mr. President, I would ask if the other side would mind, if they have no other speakers, yielding Senator DURBIN 2½ minutes of their time or if they want to continue.

Mrs. HUTCHINSON. I would give some time away, but I would like to be

able to respond. I don't know, because I haven't been on the floor, what the Senator's comments are going to be. If I could reserve a couple of minutes also for rebuttal if I need to, the other side is welcome to go forward.

The PRESIDING OFFICER. Without objection, the Senator from Illinois is recognized for 2 minutes.

Mr. DURBIN. I say to the Senator from Texas, she will not have to rebut any of these remarks because we agree completely. The good thing is we are talking about money for the Veterans' Administration. This is not a hard call. We have veterans returning who need help. Millions of Americans have been promised they will have a helping hand once they serve our country and need assistance in the VA system, and so we try to guess how many dollars will be needed to meet that obligation. It is a very tough calculation, tougher still because we have soldiers coming back from Iraq and Afghanistan and other places who are seriously wounded, as the Senator from Texas has just mentioned, and they, of course, are our high priority.

Senator MURRAY came to the floor months ago and said the administration is not making an appropriate calculation of how much money this is going to cost. We are going to end up having more veterans needing assistance than money to take care of them. For a long time she was a lonely voice, offering amendments to appropriations bills that were being defeated. It turns out 2 or 3 weeks ago she was proven right and the Veterans' Administration came forward and said, We need more money; we don't have enough.

The most positive thing that occurred was immediately Senator LARRY CRAIG, the Republican chairman of the committee, and Senator MURRAY came together and said, Now let's deal with this on a bipartisan basis, and the Senate did, putting \$1.5 billion in emergency funding for the Veterans' Administration.

That is the good news. The bad news is the message did not get across the Rotunda to the House. They decided they were going to cut that amount to \$900 million, almost in half.

You think to yourself: What are they doing here? Aren't they hearing the same things we are hearing? The Veterans' Administration needs the money, the veterans need the money.

So our message is not just to the veterans that we stand behind you. Our message is to the House of Representatives: Stand behind us, join us in the battle for \$1.5 billion to make sure we keep our promise to veterans.

What we are doing, when we are not debating this, is the Homeland Security bill in light of terrorism and threats to the United States. As Senator STABENOW of Michigan has said, we need to be prepared and protected both at home and around the world. If we are going to be protected, we need the best military in the world with our support. This money for the Veterans'

Administration keeps that promise to our soldiers and to our veterans.

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

The Senator from Washington.

Mrs. MURRAY. I thank my colleague from Illinois, and I also thank my colleague from Texas.

Mr. President, I saw the Washington Post article yesterday on "VA Hospital in Texas Fights to Stay Open."

I ask unanimous consent that the article be printed in the RECORD.

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

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

[From the Washington Post, July 11, 2005]

VA HOSPITAL IN TEXAS FIGHTS TO STAY OPEN
(By Sylvia Moreno)

WACO, TX.—Building 7 on the campus of the Veterans Affairs Medical Center here is called Blind Rehab, a special unit for aging vets who have macular degeneration or diabetes-induced vision problems.

But this past year, Blind Rehab began to see a new type of patient: veterans barely past their 20th birthdays, blinded by gunshot wounds and bombs in Afghanistan and Iraq.

"These soldiers now have flak jackets and armor that protect their bodies and keep them alive, but we see traumatic limb injuries and traumatic head injuries," said Stan Poel, chief of Blind Rehabilitation Services at the Waco hospital. "Those are the things that are presenting a challenge to the VA."

These are also the kinds of patients the Department of Veterans Affairs now projects will flood an already overtaxed and underfunded health care system that treated more than 5 million veterans last year.

"Our number one priority is returning service members from the combat theater . . . and to provide world-class health care to veterans, as well as benefits," Veterans Affairs Secretary Jim Nicholson said after a tour late last week of the 127-acre Waco campus, whose neighbors to the west include the huge Army base of Fort Hood, with 41,000 soldiers, and President Bush's ranch in Crawford.

"The increase in demand for our services from what we projected is up 126 percent," he said. "We have to obviously be prepared to ramp up."

The Waco hospital, with its well-kept pre-World War II red-brick, red-roof-tiled buildings, has provided health care for veterans in central Texas for 73 years. Now it is on the chopping block, scheduled along with 17 other VA hospitals to be closed or downsized as part of an agency plan to restructure the health care system. A 1999 government study found the VA was spending \$1 million a day on buildings it did not need, and in 2003 a government commission recommended closing older, underused hospitals, including the one in Waco. The Waco facility is part of the Central Texas Veterans Health Care System, which also includes a hospital in Temple and outpatient clinics in Austin and five other communities.

For the past two years, Waco officials, residents and veterans groups have been fighting back, emphasizing the importance of the facility's specialized blind rehabilitation, psychiatric and post-traumatic stress disorder units; the large and aging veteran population (Texas has the third-largest population of veterans in the country with 1.7 million, a third of whom received VA health care last year); and, now, the wave of veterans from the wars in Afghanistan and Iraq who will need its services.

"They guaranteed so many years ago that they will take care of [veterans], and I would say they're pretty much going back on their word," said Ron Peterson, 35, an engineer with the 91st Engineer Battalion, 1st Cavalry Division at Fort Hood. Peterson used a day off last week to provide a motorcycle escort for Nicholson's visit to Waco and to register his support for keeping the hospital there open.

Peterson was deployed to Iraq from January 2004 to this February. He was wounded twice, receiving the Bronze Star, two Purple Hearts and an Army Commendation Medal for valor in combat.

"They're not ready for everybody coming back," Peterson said. "They're trying to shut everything down and they're going to need PTSD units. The guys aren't seeing the things they saw in Vietnam, but they're seeing a lot of stuff."

This year, the post-traumatic stress disorder in-patient unit in Waco has seen more than 75 new cases of veterans from Operation Iraqi Freedom. The 15-bed blind rehab unit, which has helped 106 blind veterans this year learn skills such as how to use a walking cane, cook and negotiate e-mail, has a wait list of 73.

"This is the best PTSD facility in the union, and these [guys] are trying to close it down," said Bill Mahon, a Vietnam War veteran and the McLennan County veterans service officer. In the past two years, Mahon has organized several motorcycle rides to the gate of Bush's nearby ranch to protest the proposed closing. "This is not their hospital; it's our hospital."

Nationwide this fiscal year, 250,000 new patients—40 percent of them veterans from Afghanistan and Iraq and 60 percent of them veterans from other eras—have entered the VA health care system, Nicholson said.

As Congress works to eliminate an emergency funding shortfall this year of at least \$1 billion and a projected shortage in the VA health care budget of more than \$1 billion in the coming fiscal year, VA hospitals have felt the impact nationwide.

According to documents released at recent meetings of the House and Senate Veterans Affairs committees, the VA hospital in White River Junction, Vt., was forced to shut its operating rooms temporarily because of a lack of maintenance funds to repair a broken heating, ventilation and air conditioning system. Hospitals in Arkansas, Oklahoma, Mississippi, Louisiana and eastern Texas stopped scheduling appointments for many veterans. The VA medical center in San Diego, with a waiting list of 750 veterans, diverted \$3.5 million in maintenance funds to partially cover operating expenses and delayed filling 131 vacancies for three months to cover operating expenses. The Portland, Ore., hospital delayed non-emergency surgery for at least six months, and 7,000 veterans who use the VA facility in Bay Pines, Fla., are waiting longer than 30 days for a primary care appointment.

"I'm going to go to a civilian doctor rather than wait 70 to 90 days," Douglas McKee, 63, of Chilton, Tex., said as he left the Waco facility on Thursday afternoon. McKee, who said he was disabled by a mine explosion in Vietnam while serving with the 173rd Airborne Brigade, had just learned that his regular doctor was on duty in Iraq and that he could not get an appointment with a new physician until mid-October. He would also have to wait for some of his prescription refills, he said.

"We laid our life on the line and then got blown up and then you come here and you get turned away. That ain't fair," said McKee, who suffers from a variety of ailments and uses a walker to get around. "And then they got all the kids coming back from Iraq."

Nicholson assured hospital employees and veterans gathered for his visit that no decision had been made about the facility's fate and that he had "no predispositions about this at all."

Nicholson, who visited the facility at the request of Sen. Kay Bailey Hutchison (R-Tex.), said he was concerned about the 300,000 square feet of vacant space at the Waco VA. A local advisory group suggested filling the space with nonprofit organizations such as the Salvation Army, which could tailor their services to veterans' needs.

Nicholson will make his decision about the Waco VA early next year, including a proposal to transfer its psychiatric and post-traumatic stress disorder services to Austin and Temple. He warned those gathered that his visit should not be interpreted as "an interception of the process." And he complimented the hospital for its track record. "This is the way the American people want veterans to be taken care of," he said.

As for the hospital's fate, Nicholson said, "the binding question is what's going to be the best for our vets? . . . They did what was best for us and for our country."

Mrs. MURRAY. I know the Senator from Texas was there and was quite startled to hear about the blind rehab unit at the Veterans Affairs Medical Center in Texas and how they have been serving older veterans, but in fact this year they are beginning to see a new type of patient—veterans in their early 20s with macular degeneration or diabetes-induced vision problems. I think it goes to the point of exactly why we are seeing such a tremendous shortfall in the VA today—because of the types of injuries our returning soldiers are having.

I welcome my colleague's cosponsorship, and I agree we do need to look at 2006. We will work with her and the VA Secretary and all Senators on making up the shortfall. But we are here today with the Murray amendment because there has been some confusion in the Senate about how much aid we are going to send to the Veterans Department. We have heard a lot of numbers thrown around and a lot of discussion, but I think why I am here today and why it is so critical is because in the early morning hours just before our July 4 recess, some Senate leaders moved we lay down in deference to the House of Representatives' lower number.

I think in the Senate we need to say there is no confusion. On a unanimous vote we supported \$1.5 billion. The Appropriations Committee, hours after the House tried to limit funding for veterans, unanimously affirmed our support for \$1.5 billion and now the Senate has an opportunity before us to tell our veterans we will do all we can, all we promised, to support and care for them when they return home.

Make no mistake, this Department needs the money. Even before the dramatic, unconscionable shortfall at the Department was revealed, veterans around the country were facing long lines and crumbling facilities. We know the promised clinics are not there, and we know the soldiers returning with posttraumatic syndrome are not being served. The money is critical. I ask the

Senate this morning to say we are sticking with the \$1.5 billion shortfall.

Mr. President, I ask unanimous consent that Senator FEINSTEIN be added as a cosponsor.

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

Mrs. HUTCHISON. Mr. President, I would be happy to yield the remainder of our time to Senator MURRAY.

Mrs. MURRAY. How much time remains?

The PRESIDING OFFICER. There is a total of 2 minutes remaining.

The Senator from Washington is recognized.

Mrs. MURRAY. I thank my colleague from Texas.

I remind all of our colleagues we should not be nickling and diming the Department of Veterans Affairs today. For all of us who have been out on the ground visiting our VA clinics, talking to our soldiers who are returning, it is very clear this war has created a need and demand for us to be there. When we call up our soldiers, we promise them we will be there for health care. It is not right that we sit in hearings and community meetings as I did last week and hear veterans saying: I finally gave up; I went and paid for health care out of my own pocket. That is not what we promised them and that is not a way to get new soldiers which we obviously need to do today.

A train wreck is coming in 2006. I will work with all of my colleagues. I know the administration is looking at sending over a budget amendment and I agree we need to find the money. But for right now we need to pass an emergency supplemental. This Senate has gone on record in the full Appropriations Committee and in this full body and we should have no backtracking. That is why we are voting on this amendment today, once again, to reaffirm our commitment and tell all the men and women who have served us both in this war and in previous wars that we will be there for them.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Mr. BURR). The Senator from Texas has 30 seconds remaining.

Mrs. HUTCHISON. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not been ordered.

Mrs. HUTCHISON. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The yeas and nays are ordered.

All time having expired, the hour of 12 o'clock having arrived, the question is on agreeing to the Murray amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Mississippi (Mr.

LOTT), the Senator from Alabama (Mr. SESSIONS), and the Senator from South Dakota (Mr. THUNE).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER), and the Senator from Alabama (Mr. SESSIONS) would have voted "yea."

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

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

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 174 Leg.]

YEAS—95

Akaka	Dodd	Lugar
Allard	Dole	Martinez
Allen	Domenici	McCain
Baucus	Dorgan	McConnell
Bayh	Durbin	Murkowski
Bennett	Ensign	Murray
Biden	Enzi	Nelson (FL)
Bingaman	Feingold	Nelson (NE)
Bond	Feinstein	Obama
Boxer	Frist	Pryor
Brownback	Graham	Reed
Bunning	Grassley	Reid
Burns	Gregg	Roberts
Burr	Hagel	Rockefeller
Byrd	Harkin	Salazar
Cantwell	Hatch	Santorum
Carper	Hutchison	Sarbanes
Chafee	Inhofe	Schumer
Chambliss	Inouye	Shelby
Clinton	Isakson	Smith
Coburn	Jeffords	Snowe
Cochran	Johnson	Specter
Coleman	Kennedy	Stabenow
Collins	Kerry	Stevens
Conrad	Kohl	Sununu
Cornyn	Kyl	Talent
Corzine	Landrieu	Thomas
Craig	Lautenberg	Vitter
Crapo	Leahy	Voinovich
Dayton	Levin	Warner
DeMint	Lieberman	Wyden
DeWine	Lincoln	

NOT VOTING—5

Alexander	Mikulski	Thune
Lott	Sessions	

The amendment (No. 1129) was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent to speak as in morning business for 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Massachusetts is recognized for 6 minutes.

Mr. KENNEDY. I thank the Chair.

SELECTING A SUPREME COURT JUSTICE

Mr. KENNEDY. Mr. President, President Bush met this morning with the leaders of the Senate and the Judiciary Committee, and I am sure we all have the same questions. Was this really the first step in a serious consultation process that will be meaningful and will continue in the days and weeks ahead? Will the process result in an effort to select nominees who can bring