

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

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

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

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

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

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

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

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

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

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Madam President, parliamentary inquiry.

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

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

The PRESIDING OFFICER. The Senator has 13 minutes.

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

The PRESIDING OFFICER. There is not.

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Maine.

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

The PRESIDING OFFICER. That is correct.

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

The PRESIDING OFFICER. There is 6 minutes remaining.

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

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

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

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

There are some who say there is nothing an executive branch agency

values more than a lack of congressional oversight. But I believe congressional oversight can help them do their job better.

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

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

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

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

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

Madam President, I yield the floor.

#### IMPROVING AMERICA'S SECURITY ACT OF 2007—Continued

The PRESIDING OFFICER. The Senator from California.

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

The PRESIDING OFFICER. That is correct.

#### AMENDMENT NO. 335

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

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

vulnerabilities.” “And Federal homeland security assistance should not remain a program for general revenue sharing.”

In current law, 40 percent of the money goes to a guaranteed minimum allocation—in other words, revenue sharing—and 60 percent is allocated based only on risk and effectiveness. The Lieberman-Collins bill—and I thank them—changes that. Twenty-four percent of the money goes to satisfy this minimum revenue-sharing requirement, and 76 percent is allocated on risk and effectiveness. That is a major step forward. There is no question about that. However, Senator CORNYN and I and our cosponsors believe that in this day and age, we have to give more money to risk, vulnerability, and threat. Therefore, the formula we present in this amendment will give 87.5 percent of the dollars based on risk and effectiveness, regardless of where that risk and effectiveness is, and 13 percent will go to satisfy guaranteed minimum allocation.

The second point I wish to make is that 35 States would benefit under this amendment: Alabama, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Missouri, Nebraska, Nevada, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, Texas, Vermont, Virginia, Washington, West Virginia, and Wisconsin.

I believe this is the right way to allocate homeland security dollars.

Do you have the risk? Is there a threat? The President, in his State of the Union Message, mentioned how a threat and a terrorist plot against the tallest building on the west coast was eradicated. That tallest building on the west coast is shown in this picture. It happens to be the Library Tower building in Los Angeles—now under a new name, but nonetheless “Library Tower” is its historic name. This is the largest tower on the west coast. There was reportedly a second strike by al-Qaida devoted to the west coast. So it seems to me that if there is this kind of a threat, the money should go where the threat is.

States such as New York, California, and Texas have vast infrastructures. Terrorists go where the hit is going to be greatest, where the infrastructure is—big ports, big petroleum reserves, big buildings, big congregations of people—and where they can do the most psychological damage.

So we feel very strongly that this money should have an even stronger formula that puts money where the risk and threat actually are.

I do wish to correct one thing. Someone on the floor, and I don't know who, but somebody said Washington, DC, would receive less money under this amendment. We do not alter the risk-based distribution of the Urban Area Security Initiative Funds—which are

called, in the vernacular of Washington, UASIF—and that comprises the lion's share of homeland security preparedness received in our Capital. Washington received nearly \$50 million in UASIF funds last year alone. So we do not believe Washington would be negatively affected.

I know Senator LAUTENBERG wishes to come to the Chamber to speak. May I inquire how many minutes of the 13 I have remaining?

The PRESIDING OFFICER. The Senator has 6½ minutes remaining.

Mrs. FEINSTEIN. Madam President, I reserve the remainder of my time and yield the floor. I thank the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, would that it were that easy, as my friend from California has said, I would be eager to vote for her amendment, but she is assuming that rather than following what the law now says, the head of the Department of Homeland Security will use discretion always to benefit everybody's State—something we saw does not always work, as the people suffered after Katrina.

Under the amendment of the Senator from California, States that will substantially gain are California, Florida, Georgia, Illinois, Louisiana, Massachusetts, Michigan, Missouri, New York, North Carolina, Ohio, Pennsylvania, Texas, and Washington. The States, however, that lose or break even by lowering the all-State minimum for homeland security formula grants are these. I hope Senators are listening because they are going to be called upon to vote. These are the States which lose or break even. They don't receive an additional amount. The States that lose or break even by lowering the all-State minimum are Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Oklahoma.

Madam President, I haven't used my 13 minutes yet, have I? I still have a lot more States to name.

The PRESIDING OFFICER. The Senator has 11 minutes.

Mr. LEAHY. I may need it.

Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

In case anybody missed that, these are the States which will lose if my colleagues do not adopt the Leahy-Thomas, et al amendment. These States will lose if my colleagues adopt the amendment of the Senator from California: Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New

Mexico, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming. The Senators from those States, of course, feel free to vote any way they want, but should anybody be checking back home, they should know what their vote means.

I hope my colleagues will support the Leahy-Thomas amendment, No. 333, to restore the minimum allocation for States in the State Homeland Security Grant Program from .45 percent, which is proposed by the underlying bill, and bring it back to current law. We are not asking for an increase but bring it back to current law, which is .75 percent. If you don't, the proposed changes in the formula result in the loss of millions in homeland security funding for the fire, police and rescue departments in small- and medium-sized States. It will also deal a crippling blow to dozens of States' efforts to fulfill federally mandated multiyear plans to build and to sustain their terrorism preparedness.

What I am saying is, the Federal Government has said: Here, small States, cities, communities. Here is what we are saying you have to do. Initially, they said: We will give you some money to help. But now we are going to say: You still have to do it, but tax your people to do it. We don't have the money. We are going to send it to the Iraqi fire departments and to the Iraqi police departments. We are going to send it to the Iraqi homeland security. We can't spend it on your State.

As with current law, the State minimum under our amendment would continue to apply—and this is important—only to 40 percent of the overall funding under this program. The majority of the funds would continue to be allocated based on risk assessment criteria, which are the funds of several separate discretionary programs the Congress has established for solely urban and high-risk areas. A lot of these smaller States have voted for these extra amounts for these urban and high-risk areas. I think it is a good idea. The majority of the funds are not allocated to these smaller States or to areas based on risk assessment requirements. The underlying bill now before the Senate would reduce the all-State minimum. The House bill reduces it even further.

We know, however, that this is a matter that is going to face the conference anyway, and because of these formula differences, there is no guarantee that the minimum will not even further be slashed during conference. Small- and medium-sized States face enormous cuts. With appropriations for formula grants already being cut by 60 percent since 2003—\$2.3 billion in 2003 to \$900 million in fiscal year 2007—further reductions to first-responder funding would hamper even more these States' efforts. The cuts would be even deeper should the President's budget request for next year be approved,

since he has requested only \$250 million for these two important first responder grant programs.

I am almost tempted to tell some of these small States and towns to change their names to Baghdad or northern Iraq or something similar to that and they will get all the money they want but not if they want to defend their own people here in the United States. I have heard the argument from urban States, arguing that Federal money to fight terrorism is wasted in smaller States. They seem to forget that the attacks on 9/11 added to the responsibilities and the risks of all the State and local first responders nationwide. The Federal Government has called on all of them, and the portion that is allocated to all States—again, only a portion of these funds—is part of the Federal Government's fulfillment of that directive.

I hope my colleagues will support my amendment to restore the .75-percent minimum base and ensure continued support and resources for our police, fire, and ambulance services in every State. Homeland security is a new responsibility entrusted to our first responders, and this program, along with this assurance of basic help—not the special help that goes to the large States but the special help that goes where we see special needs—but this basic help will make a big difference.

Madam President, how much time do I have?

THE PRESIDING OFFICER. Four minutes.

Mr. LEAHY. Very quickly. Vote against my amendment, and here are the States that lose: Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming. If you want to vote for my friend from California, the States that do gain are: California, Florida, Georgia, Illinois, Louisiana, Massachusetts, Michigan, Missouri, New York, North Carolina, Ohio, Pennsylvania, Texas, and Washington.

Madam President, I reserve the remainder of my time.

Mrs. FEINSTEIN. Madam President, I believe I have 6 minutes, and I would like to use 2 of them.

I very much disagree with the figures of the distinguished Senator from Vermont. We wrote to the Congressional Research Service and asked them to compute the grant numbers. They gave us back a document, dated February 27, that relates to the two programs funded in this bill. One of them is the State Homeland Security Grant Program and the other is the Law Enforcement Terrorism Prevention Program, and these are the num-

bers that CRS presents. Actually, Vermont, according to CRS, benefits \$72,250, according to the Congressional Research Service, as do 35 States. I didn't make up these numbers.

Madam President, I ask unanimous consent to print in the RECORD the memorandum from the Congressional Research Service, which is a straight mathematical computation.

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

CONGRESSIONAL RESEARCH SERVICE,  
Washington, DC, February 27, 2007.

#### MEMORANDUM

To: Senator Dianne Feinstein, Attention: Ahmad Thomas.

From: Steven Maguire, Analyst in Public Finance, Government and Finance Division.

Subject: DHS Grants to States and Insular Areas Under H.R. 1, S. 4, and S. 608.

This memorandum responds to your request for a comparison of three legislative proposals: H.R. 1, S. 4 as approved by the Senate Homeland Security Committee, and S. 608. In particular, you asked CRS to estimate how much each state would receive through two programs under each proposal: (1) the State Homeland Security Grant Program (SHSGP) and (2) the Law Enforcement Terrorism Prevention Program (LETPP). All three proposals would lower the minimum grant award that states could receive under current law. S. 608, unlike H.R. 1 and S. 4, only sets a minimum for funds authorized for SHSGP. You asked CRS, for comparative purposes, to include LETPP funds in the minimum when calculating the state-by-state allocations.

Note that a third related DHS grant program, the Urban Areas Security Initiative (UASI), is not considered in this memorandum. The total grant amount to each state would change if UASI grant awards were included. However, the information needed to estimate UASI grant awards to each state under the three legislative proposals is not publicly available.

A question that immediately arises is how proposed changes to the minimum grant awards would affect the aggregate SHSGP and LETPP grant amounts awarded to each state, the District of Columbia, Puerto Rico, and the insular areas. Answering that question precisely, however, is problematic because DHS does not disclose the risk and effectiveness scores it assigns to grant applications. Accordingly, we relied on three basic assumptions to generate what we consider responsible "rough justice" estimates of grant amounts under the aforementioned approaches:

Assumption 1. DHS Risk and effectiveness scores for each applicant under the three proposals will equal those for FY2006. This assumption is valid only to the extent that the determinants of risk and effectiveness that pertain to each applicant and the DHS scoring system do not significantly vary from one year to the next.

Assumption 2. A proxy for each grant recipient's risk and effectiveness score in FY2006 can be found in the ratio of (a) the amount of the recipient's FY2006 total grant that was based on risk and effectiveness to (b) the sum of risk and effectiveness amounts for all recipients. In other words, if one assumes that if a recipient received 5 percent of the total funds available for allocation on the basis of risk and effectiveness in FY2006, then that recipient will receive 5 percent of the total funds available for allocation on the basis of risk and effectiveness under S. 608, H.R. 1, and S. 4.

Assumption 3. The total authorization for S. 608 and H.R. 1 will match the amount authorized in S. 4, to wit: \$913,180,500.

#### CAVEAT

The estimates presented in the following discussion are intended for illustrative purposes only. Actual grant allocations will almost certainly differ from the estimates presented here. In addition, estimates for S. 608, which do not include funds for LETPP in the minimum, are based on the assumption that LETPP funds are included.

#### CALCULATING THE ESTIMATES

Estimating grants for each eligible recipient involves the following steps, the results of which are shown in Table 1:

1. Establish the proxies for risk and effectiveness.
2. Allocate the total available \$913,180,500 in proportion to the proxies.
3. When a recipient's risk and effectiveness allocation is less than the statutory minimum, allocate an additional amount to reach the minimum.
4. Because this results in a total greater than \$913,180,500, proportionally reduce the grants of all recipients in excess of the minimum to prevent exceeding the authorization.
5. Display the resulting adjusted estimated allocations.

Establishing Proxies for Risk and Effectiveness Scores. In FY2006, Congress appropriated a total of \$912 million for the SHSGP and LETPP programs—40 percent (\$365 million) was allocated to satisfy the minimum grant award requirements for eligible recipients and the remaining 60 percent (\$547 million) was allocated based on risk and effectiveness. Examination of column (b) in Table 1 shows, for example, that California received 15.18 percent of the \$547 million; New York, 8.52 percent; Texas, 8.05 percent; and Florida, 6.82 percent. These percentages and the corresponding percentage for each grant recipient serve as a proxy for each jurisdiction's risk-and-effectiveness score for the CRS estimated allocations under S. 608, H.R. 1, and S. 4.

Estimating Risk and Effectiveness. H.R. 1 and S. 4 would allocate total SHSGP and LETPP amounts by risk and assessment subject to statutory minimums—lower than under existing law. In order to estimate the risk and effectiveness allocations for each eligible jurisdiction, we multiply the proxy percentage discussed above by the total authorization of \$913,180,500. For comparative purposes, as you instructed, CRS used the same methodology for S. 608.

Meeting the Minimums. As noted earlier, existing law sets two minimum amounts based on the total appropriation: 0.75 percent per state, the District of Columbia, and Puerto Rico, 0.25 percent for other U.S. insular areas. S. 608 would ensure a minimum of 0.25 percent per state, the District of Columbia, and Puerto Rico and 0.08 percent for other insular areas. In contrast, S. 4 would ensure a minimum of 0.45 percent per state, the District of Columbia, and Puerto Rico. The other U.S. insular areas would be guaranteed the same 0.08 percent. Under H.R. 1, however, there would be three minimum amounts based on the total appropriation: 0.45 percent for international border states (18 states); 0.25 percent for states without an international border (32 states), the District of Columbia, and Puerto Rico; and 0.08 percent for the other U.S. insular areas. With an authorization of \$913,180,500, these minimums would be \$4,109,312 and \$2,282,951 for the two categories of states, respectively, and \$730,544 for insular areas.

The last column of Table 1, column (f), compares S. 608 to S. 4. A positive amount in column (f) indicates that the state would receive more under S. 608 than under S. 4.

For a complete explanation of the methodology used to redistribute funds so that all jurisdictions receive the required minimum, and the total authorization is not exceeded,

see CRS report RL33859, Fiscal Year 2007 Homeland Security Grant Program, H.R. 1 and S. 4: Description and Analysis, by Shawn Reese and Steven Maguire.

If you have any questions about this memorandum, please call me on extension 7-7841 or send an e-mail to [smaguire@crs.loc.gov](mailto:smaguire@crs.loc.gov).

TABLE 1.—COMPARISON OF S. 608, H.R. 1, AND S. 4 ASSUMING A \$913,180,500 AUTHORIZATION FOR SHSGP AND LETPP

Jurisdiction	FY2006 share of risk and effective- ness (Percent)	Estimated post-adjustment allocations			S. 608* less S. 4
		S. 608*	H.R. 1	S. 4 as amended Feb. 15, 2007	
Alabama .....	1.37	\$12,319,320	\$12,173,119	\$11,988,972	\$330,348
Alaska .....	0.15	2,282,951	4,109,312	4,109,312	(1,826,361)
Arizona .....	1.48	13,336,170	13,232,207	12,961,248	374,922
Arkansas .....	0.19	2,282,951	2,282,951	4,109,312	(1,826,361)
California .....	15.18	136,342,240	134,446,429	130,575,288	5,766,952
Colorado .....	1.61	14,533,429	14,354,975	14,106,024	427,405
Connecticut .....	1.13	10,154,413	10,039,748	9,918,964	235,449
Delaware .....	0.60	5,414,579	5,368,960	5,386,903	27,676
D.C. ....	0.10	2,282,951	2,282,951	4,109,312	(1,826,361)
Florida .....	6.82	61,308,537	60,448,703	58,830,723	2,477,814
Georgia .....	3.28	29,474,566	29,078,462	28,392,210	1,082,356
Hawaii .....	0.17	2,282,951	2,282,951	4,109,312	(1,826,361)
Idaho .....	0.86	7,776,296	7,753,324	7,645,093	131,203
Illinois .....	5.56	49,959,177	49,264,671	47,978,868	1,980,309
Indiana .....	1.66	14,910,648	14,726,698	14,466,707	443,941
Iowa .....	1.12	10,121,611	10,007,425	9,887,601	234,010
Kansas .....	1.23	11,056,458	10,928,653	10,781,467	274,991
Kentucky .....	1.46	13,139,360	12,981,213	12,773,065	366,295
Louisiana .....	2.54	22,865,040	22,565,218	22,072,415	792,625
Maine .....	0.14	2,282,951	4,109,312	4,109,312	(1,826,361)
Maryland .....	1.31	11,827,296	11,688,262	11,518,515	308,781
Massachusetts .....	2.76	24,816,737	24,488,484	23,938,558	878,179
Michigan .....	3.69	33,164,749	32,771,939	31,920,631	1,244,118
Minnesota .....	0.26	2,396,830	4,109,312	4,109,312	(1,712,482)
Mississippi .....	0.22	2,282,951	2,282,951	4,109,312	(1,826,361)
Missouri .....	3.06	27,506,469	27,139,035	26,510,385	996,084
Montana .....	0.17	2,282,951	4,109,312	4,109,312	(1,826,361)
Nebraska .....	1.08	9,711,591	9,603,377	9,495,554	216,037
Nevada .....	1.00	8,973,555	8,876,092	8,789,870	183,685
New Hampshire .....	0.11	2,282,951	4,109,312	4,109,312	(1,826,361)
New Jersey .....	1.80	16,222,713	16,019,650	15,721,257	501,456
New Mexico .....	0.18	2,282,951	4,109,312	4,109,312	(1,826,361)
New York .....	8.52	76,512,088	75,487,831	73,367,819	3,144,269
North Carolina .....	2.47	22,176,206	21,886,418	21,413,777	762,429
North Dakota .....	0.69	6,234,620	6,234,105	6,170,997	63,623
Ohio .....	2.73	24,587,125	24,319,267	23,719,012	868,113
Oklahoma .....	1.43	12,844,146	12,690,299	12,490,791	353,355
Oregon .....	0.23	2,282,951	2,282,951	4,109,312	(1,826,361)
Pennsylvania .....	3.11	27,949,291	27,632,456	26,933,796	1,015,495
Rhode Island .....	0.11	2,282,951	2,282,951	4,109,312	(1,826,361)
South Carolina .....	1.33	12,007,705	11,866,043	11,691,016	316,689
South Dakota .....	0.13	2,282,951	2,282,951	4,109,312	(1,826,361)
Tennessee .....	0.26	2,364,029	2,362,848	4,109,312	(1,745,283)
Texas .....	8.05	72,264,278	71,301,900	69,306,214	2,958,064
Utah .....	0.17	2,282,951	2,282,951	4,109,312	(1,826,361)
Vermont .....	0.71	6,431,429	6,428,048	6,359,179	72,250
Virginia .....	1.50	13,516,579	13,352,937	13,133,748	382,831
Washington .....	2.77	24,882,340	24,610,182	24,001,285	881,055
West Virginia .....	1.14	10,269,219	10,152,882	10,028,738	240,481
Wisconsin .....	1.50	13,483,777	13,377,664	13,102,384	381,393
Wyoming .....	0.12	2,282,951	2,282,951	4,109,312	(1,826,361)
U.S. ....	99.24	904,815,934	904,861,958	903,128,069	1,687,865
Puerto Rico .....	0.11	2,282,951	2,282,951	4,109,312	(1,826,361)
U.S. & P.R. ....	99.35	907,098,886	907,144,910	907,237,381	(138,495)
Virgin Islands .....	0.07	730,544	730,544	730,544	0
Am. Samoa .....	0.43	3,889,981	3,843,957	3,751,486	138,495
Guam .....	0.07	730,544	730,544	730,544	0
N. M. Islands .....	0.07	730,544	730,544	730,544	0
All Areas Total .....	100.00	913,180,500	913,180,500	913,180,500	0

Source: Estimates calculated by CRS. Caveat: for illustrative purposes only; other estimating methods based on different assumptions would yield different results.

Note: \*S. 608, as introduced, includes only the SHSGP funds for purposes of calculating a minimum. For comparative purposes, the calculations in this table assume S. 608 would include LETPP in the minimum when allocating an authorized amount of \$913,180,500 to each state, territory, and other insular area.

Mrs. FEINSTEIN. As I say, I understand there is a basic conflict here between small States and big States. There is a basic conflict between those who think the money should be spread around and those who believe this money should be used based on risk, vulnerability, and threat. I am in the latter. If the big threat is in Vermont, I am all for the money going to Vermont. I have no problem with that.

I look at the intelligence and I see the threats as they come in and I think the agencies that make the decisions should send the money based on their analysis of the intelligence and the threats.

I do wish to at least give my source, which is the Congressional Research

Service, for these numbers which show 35 States as beneficiaries.

I know Senator LAUTENBERG should be here momentarily. I reserve the remainder of my time, and I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). Who yields time?

Ms. COLLINS. Mr. President, I ask unanimous consent that a letter from the National Criminal Justice Association, in support of the formulas in the underlying bill, be printed in the RECORD.

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

NATIONAL CRIMINAL  
JUSTICE ASSOCIATION,  
Washington, DC, March 2, 2007.

Hon. JOSEPH LIEBERMAN,  
U.S. Senate,  
Washington, DC.  
Hon. SUSAN COLLINS,  
U.S. Senate,  
Washington, DC.

DEAR SENATORS LIEBERMAN AND COLLINS: On behalf of the National Criminal Justice Association (NCJA), I write to express our support for a number of important provisions in the Improving America's Security by Implementing Unfinished Recommendations of the 9/11 Commission Act of 2007, or S. 4. NCJA members administer justice assistance grant funding in the states and tribal nations, and state and local criminal justice practitioners from all parts of the criminal and juvenile justice systems. In addition, NCJA provides direct technical assistance

and training to state and local homeland security grant administrators for all U.S. states and territories.

First, thank you for maintaining the Law Enforcement Terrorism Prevention Program (LETPP) in your bill. The LETPP provides needed support to public safety agencies across the country for terrorism prevention, training and information sharing. As a direct result of the LETPP funding over the past several years, state and local law enforcement agencies have become stronger partners with other homeland security disciplines in the effort to prevent, not just respond to, a terror attack. In addition, the LETPP provides invaluable financial assistance to our state and local law enforcement partners as they address the country's homeland security priorities outlined in the National Preparedness Goal. One of the most successful initiatives undertaken by state and local first responders has been the all-source, Intelligence Fusion Centers, funded primarily through the LETPP program. Clearly the LETPP has been a tremendous mechanism by which state and local public safety programs have been built to address the new requirements for all-hazards and terrorism prevention and response.

Second, we commend the Committee's creation of an Office for the Prevention of Terrorism. As described in the bill, this new office would be a useful point of coordination and support for law enforcement within the Department of Homeland Security. Coordination and information sharing among the federal, state and local law enforcement and public safety agencies is critically important. This new office would serve as a point of liaison and as an advocate for prevention and law enforcement activities, thereby increasing coordination, focusing funding and, ultimately, increasing the safety of our citizens.

Third, we ask for your continued support for a minimum guarantee for State Homeland Security Grant Program (SHSGP) funds. The primary goals of any national homeland security strategy should be to: increase preparedness in our largest urban areas; protect our targets of international significance; and, to increase overall national preparedness. An attack or disruption of our power or water or food supply could occur anywhere. Core foundations of our economy could be crippled from outside one of our major urban areas. States are working hard to protect assets of national importance within their borders and the safety of all our citizens. Only by continuing a fair, balanced and substantial state minimum guarantee can we be assured that all states reach a threshold of preparedness under a national preparedness plan.

We thank you for your work on this important piece of legislation.

Sincerely,

CABELL CROPPER,  
*Executive Director.*

Ms. COLLINS. Mr. President, I wish to make sure my colleagues recognize that under the amendment offered by my distinguished colleague and friend from California, that States would have absolutely no guarantee at all of minimum funding under the Law Enforcement Terrorist and Prevention Program. This is a very important program. It has provided needed support to public safety agencies across the country for terrorism prevention, training, and information sharing. As the direct result of the LETPP funding over the past several years, State and local law enforcement agencies have

become strong partners with homeland security.

I wish to point out one of the most important uses of funds under this program has been to establish with State and local first responders all-source intelligence fusion centers that have been funded primarily through the LETPP program. Clearly, it has been a very successful program, and one of my concerns about the amendment offered by my friend from California is she eliminates the minimum under this program. That means that potentially a State could receive no funding at all under this program.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

The time will be charged equally to all controlling time.

Mr. LIEBERMAN. Mr. President, I will proceed and yield myself time.

The first two amendments, one offered by the Senator from California and the second offered by the Senator from Illinois, are an attempt to get more funding for the large States at the expense of the smaller States, and there is a myth around about the fact that the larger States are not being adequately funded. The fact is that under the fiscal year 2006 homeland security grant funding, five States—California, Texas, New York, Florida, and Illinois—received 42 percent of the antiterrorism funds, while 20 States received less than 12 percent cumulatively.

California received in fiscal year 2006 as much money as the 22 States at the bottom in funding.

I wish to thank my staff members for their humility in holding up that chart.

What I am saying is, somebody said the money is being spread across the country like peanut butter. No way. There is a lot of peanut butter and jelly going to the larger States. They deserve it, but they would, by these two amendments, the Feinstein and Obama amendments, would take even more money, as the Senator from Vermont quite movingly demonstrated in his rollcall of the losing States. Why do the smaller States deserve something? Because that is the nature of the enemy. Everybody is vulnerable to this terrorist enemy to some degree. We are not making this up.

Mr. President, I ask unanimous consent, since we yielded 6 or 7 minutes to the Intelligence chairman and vice chairman, to add 4 minutes to the time I was allocated under the initial proposal. It may be that we will still be able to vote at 5:30.

The PRESIDING OFFICER. Is there objection?

Mr. LAUTENBERG. Reserving the right to object. The Senator from California, I believe, still has time remaining.

Mr. LIEBERMAN. Yes, indeed. This will not interfere with the time she has reserved for the Senator from New Jersey.

Mr. LAUTENBERG. All right. The Senator from California is giving her time to me, so I wanted to be sure that time remains.

Mr. LIEBERMAN. Yes, indeed.

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

Mr. LIEBERMAN. Here is the point. We know the terrorists on 9/11 struck New York, Washington, and Washington was probably intended again—the plane went down in Pennsylvania. But what was the single most devastating terrorist attack in the United States before 9/11? It was the bomb at the Murrah Federal Building in Oklahoma City, but Oklahoma City would not benefit from these amendments from the Senators from California and Illinois.

Let's go around the world. In 2001, a plot was uncovered by intelligence agencies to attack an American school in Singapore. In 2002, in Bali, Indonesia, terrorists targeted a discotheque. In 2003, terrorists struck a residential compound in Riyadh. In 2004, terrorists targeted a school in Beslan. In October 2004, computer disks were discovered in Iraq at a known insurgent's home containing detailed floor layouts and evacuation routes for plans in various States in the United States of America.

This is the nature of the enemy. This is an inhumane but thinking enemy. They will strike where they determine we are most vulnerable. That is why we think, as a matter of elemental fairness but also sound and strong homeland security, that most of the money ought to go to the large States with the most visible, potential terrorist targets, but that some minimal amount ought to go to all States.

Senator LEAHY would do that beyond what the bill does. Senator FEINSTEIN and Senator OBAMA would reduce the amount most of the States would get under this proposal from what the committee bill recommends. That is why I strongly oppose the first two amendments that will come before us at around 5:30.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I come to the floor to support the Feinstein-Cornyn amendment and tell you I must say I do not get it. We are talking now about the security of our country. We are talking about whether we put the fences up around the most susceptible targets or whether we put fences, protective fences, around places in the country where there is no threat.

To every place there is a threat. No matter where you go, you can see a place that can be a threat. But where the disease is, that is what the hospital is there for. Take those who have the potential for the disease. If you use an analogy, you don't start putting the antidote in places where the likelihood of catching this disease is not very strong.

We are looking at this amendment and this bill. Thirty-four States, besides New Jersey, will have resources

taken away. In my State, the FBI has determined the 2-mile stretch between the airport, Newark-Liberty International Airport and Port Newark, is America's most at-risk area for a terrorist attack. We know that in a moment of an orange alert the Prudential Building in Newark has been a specific target of terrorists. In fact, in the summer of 2004 only three specific areas were identified as potential targets under the orange alert: northern New Jersey, New York, and Washington, DC. Yet I have listened to my colleagues, and it disturbs me that they trivialize this purchase of some trucks in New Jersey. If those trucks were used to take debris out of an exploded or damaged area, they would be pretty valuable trucks. If there were snow on the ground when an attack took place, it would be absolutely essential that we have those trucks.

We were struck and 700 people from New Jersey died, as did 2,400 others from other places around the area. We know where the heat is when it gets hot. We ought not be dealing out pork. This is not a restaurant. We are not talking about pork. We are not talking about putting money out there in case there is an attack here or there. We know where the attacks take place. They take place in places with high density populations such as London or Spain. We know New Jersey is at risk. New York is at risk. We know other major cities are at risk. They have been identified, and homeland security funds to fight terrorism should go to those places.

Recommendation 25 of the 9/11 Commission report said homeland security grants should be distributed based solely on risk. We are having a debate here, saying no, the fact that there are risks should not count because everybody is at risk. Everybody is at risk but not at the same degree.

I hope our colleagues will respond in a way that is recommended by the 9/11 Commission, supported by Secretary Chertoff of the Department of Homeland Security, and logic. Logic is on this side.

I encourage my colleagues to embrace a risk-based approach and support the Feinstein-Cornyn-Lautenberg amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, how much time is left to the proponents of the various amendments?

The PRESIDING OFFICER. The Senator from Connecticut has 2 minutes remaining, the senior Senator from Vermont has 2½ minutes remaining, and the junior Senator from Illinois has 13 minutes remaining.

Mr. LEAHY. I thought we were voting at 5:30. That time has slipped or is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. Mr. President, using part of my remaining time, again I

would tell my friends, my dear friend, the senior Senator from New Jersey and others, we have set aside nearly 60 percent of these funds for special purposes, high-threat areas, areas that we determine need that money. We are talking about the all-State minimum going to what is remaining.

Again, I hope someone is listening to this debate. You can vote for these next two amendments and a few States will gain from them, but if you vote for these next two amendments, here are the States that will lose or at best break even: Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Oklahoma—Mr. President, I haven't used my 13 minutes yet, have I, because I still have a lot of States to name here—

The PRESIDING OFFICER. The Senator has 11 minutes.

Mr. LEAHY. I may need it—Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

Without sounding like a poor rendition of Johnny Cash's song "I Have Been Everywhere, Man"—one of my favorites, I might say; he actually mentions Brattleboro, VT. If you vote for my amendment, which will be the third one, here are the States that do not lose or break even. These are the States that will be protected under current funding: Alabama, Alaska—these are States I hope will support the amendment of the Senator from Vermont, because it is to their State's benefit: Alabama, Alaska, Arizona, Colorado, Connecticut, Delaware, District of Columbia, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, West Virginia, Wisconsin, Wyoming—I realize the District of Columbia can't vote, but if they could, they would vote with us.

Mr. President, how much time is remaining to the Senator from Vermont or is any time remaining?

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

Who yields time?

The Senator from Nevada.

AMENDMENT NO. 363

Mr. ENSIGN. Mr. President, I ask unanimous consent to be allowed to send an amendment to the desk, so it becomes pending. I already cleared it with both the ranking member and the chairman.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 363 to amendment No. 275.

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

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

The amendment is as follows:

(Purpose: To establish a Law Enforcement Assistance Force in the Department of Homeland Security to facilitate the contributions of retired law enforcement officers during major disasters)

On page 389, after line 13, add the following:

#### SEC. 15. LAW ENFORCEMENT ASSISTANCE FORCE.

(a) ESTABLISHMENT.—The Secretary shall establish a Law Enforcement Assistance Force to facilitate the contributions of retired law enforcement officers and agents during major disasters.

(b) ELIGIBLE PARTICIPANTS.—An individual may participate in the Law Enforcement Assistance Force if that individual—

(1) has experience working as an officer or agent for a public law enforcement agency and left that agency in good standing;

(2) holds current certifications for firearms, first aid, and such other skills determined necessary by the Secretary;

(3) submits to the Secretary an application, at such time, in such manner, and accompanied by such information as the Secretary may reasonably require, that authorizes the Secretary to review the law enforcement service record of that individual; and

(4) meets such other qualifications as the Secretary may require.

(c) LIABILITY; SUPERVISION.—Each eligible participant shall—

(1) be protected from civil liability to the same extent as employees of the Department; and

(2) upon acceptance of an assignment under this section—

(A) be detailed to a Federal, State, or local government law enforcement agency;

(B) work under the direct supervision of an officer or agent of that agency; and

(C) notwithstanding any State or local law requiring specific qualifications for law enforcement officers, be deputized to perform the duties of a law enforcement officer.

(d) MOBILIZATION.—

(1) IN GENERAL.—In the event of a major disaster, the Secretary, after consultation with appropriate Federal, State, and local government law enforcement agencies, may request eligible participants to volunteer to assist the efforts of those agencies responding to such emergency and assign each willing participant to a specific law enforcement agency.

(2) ACCEPTANCE.—If the eligible participant accepts an assignment under this subsection, that eligible participant shall agree to remain in such assignment for a period equal to not less than the shorter of—

(A) the period during which the law enforcement agency needs the services of such participant;

(B) 30 days; or

(C) such other period of time agreed to between the Secretary and the eligible participant.

(3) REFUSAL.—An eligible participant may refuse an assignment under this subsection without any adverse consequences.

(e) EXPENSES.—

(1) IN GENERAL.—Each eligible participant shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United



States Code, while carrying out an assignment under subsection (d).

(2) **SOURCE OF FUNDS.**—Expenses incurred under paragraph (1) shall be paid from amounts appropriated to the Federal Emergency Management Agency.

(f) **TERMINATION OF ASSISTANCE.**—The availability of eligible participants of the Law Enforcement Assistance Force shall continue for a period equal to the shorter of—

- (1) the period of the major disaster; or
- (2) 1 year.

(g) **DEFINITIONS.**—In this section—

(1) the term “eligible participant” means an individual participating in the Law Enforcement Assistance Force;

(2) the term “Law Enforcement Assistance Force” means the Law Enforcement Assistance Force established under subsection (a); and

(3) the term “major disaster” has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(h) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section.

Mr. ENSIGN. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

AMENDMENT NO. 335

Mr. LIEBERMAN. Mr. President, we have a few moments before the vote will go off. I gather Senator OBAMA is going to yield back the time remaining to him. I say to my friends, the committee bill reported out on a bipartisan vote, 16 to 0, with one abstention, has a balanced formula in it that overall would increase homeland security funding to all States. We recognize with respect, and I think a sense of reality, that all of the States and all of the people of the United States are vulnerable in the war against terrorism, and there ought to be some minimum amount for our first responders at each State level.

The two amendments we are going to vote on, therefore, I oppose, because they would alter the formula in the bill. Under the Feinstein amendment, 34 States lose homeland security funding as compared to the formula in the bill. I repeat, we understand there are, based on subjective risk assessments, visible targets that appear particularly in larger States that one might say were probably more likely to be targets of terrorists. We acknowledge that. Our formulas give most of the money to these areas.

I repeat a number that struck me. In this fiscal year, 42 percent of the homeland security grant funding goes to 5 States: California, Texas, New York, Florida, and Illinois. It should go to these states. But I do not think, insofar as the first two amendments that are sponsored by colleagues from California and Illinois, they should want more of the money, and take it from 34 States—in the case of the first amendment by Senator FEINSTEIN from California; that they should take from the other States which have needs as well.

This is a balanced formula in the underlying bill that gives the overwhelming amount of money out to the

States based on risk, but says each State deserves some minimum because of the nature of the threat we face.

The first amendment will be the one offered by the Senator from California. I urge my colleagues to oppose that amendment.

May I ask the Chair, has all time been used up except for the time of the Senator from Illinois?

The PRESIDING OFFICER. The Senator is correct.

Mr. LIEBERMAN. I understand through the staff of the Senator from Illinois that he is prepared to yield back his time.

Mr. President, I think, consistent with the spirit, if not the exact letter, of the unanimous consent we agreed to, there should be a minute given to the Senator from California in support of the amendment, and perhaps a minute to my ranking member in opposition.

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

The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, the point of this amendment is to produce a bill that, as nearly as possible, mirrors the recommendations of the 9/11 Commission. Those recommendations were clear and distinct. Money should go to communities based on risk, threat, and vulnerability. This should not be a revenue-sharing program. Yes, the big States have more infrastructure, more highways, more tunnels, more subways—the kinds of things that are attractive to terrorists. If that is in fact the case, as judged not by us but by the experts, then that money should be able to go where there is risk, threat, and vulnerability.

That is all this amendment does. We did not pull our figures out of the clear blue that concluded that 35 States are benefitted. These are the products of the Congressional Research Service analysis. We sent them the facts, and what they say is, assuming a \$913 million authorization for the State Homeland Security Grant Program and the Law Enforcement Terrorist Program, this would be the result.

You cannot say whether someone is going to get a grant, but these are their nearest computations of who would benefit on that list. Yes, some States do lose; there is no question.

Please vote “yes” on this amendment.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, this amendment is virtually identical to a proposal we voted on last July during the Homeland Security appropriations bill. In fact, we have repeatedly voted on this formula issue. We need to bring all States up to a certain baseline level of preparedness. That does not mean we do not figure in the risk; we do. Indeed, under our bill 95 percent of the State Homeland Security Grant Program funds and 100 percent of the Urban Area Security Initiative funding will be allocated based on risk.

The Senator’s analysis does not look at the impact she would have on all four of the programs included in our bill, yet her amendment does affect all four, and that is the reason our analysis is different.

We cannot assume a precise calculation of risk. A Federal building in Oklahoma City was not an obvious target for a terrorist bombing, and yet we know the tragic attack that occurred in that city.

Rural flight schools were not obvious training grounds for terrorists, and yet we know that terrorists trained in Norman, OK.

Portland, ME, was not an obvious departure point for the terrorist pilots as they began their journey of death and destruction on September 11, and that is exactly what occurred.

My point is that terrorists can and do shelter, train, recruit, plan, prepare, and attack in unlikely places. That is one reason our bill puts so much emphasis on prevention, an emphasis that would be lost in the Senator’s amendment.

I urge opposition to the amendment.

The PRESIDING OFFICER. All time is expired.

The question is on agreeing to the Feinstein amendment No. 335.

Mr. LIEBERMAN. Mr. President, I move to table the Feinstein amendment No. 335 and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHN-SON) is necessarily absent.

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

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 61 Leg.]

YEAS—56

Akaka	Dodd	Murkowski
Alexander	Domenici	Nelson (NE)
Baucus	Dorgan	Pryor
Bayh	Ensign	Reed
Bennett	Enzi	Roberts
Biden	Feingold	Rockefeller
Bingaman	Grassley	Salazar
Bond	Hagel	Sanders
Brownback	Harkin	Sessions
Bunning	Hatch	Shelby
Byrd	Inouye	Snowe
Carper	Klobuchar	Stevens
Cochran	Kohl	Sununu
Coleman	Leahy	Tester
Collins	Lieberman	Thomas
Conrad	Lincoln	Thune
Corker	Lott	Whitehouse
Craig	Lugar	Wyden
Crapo	McConnell	

NAYS—43

Allard	Clinton	Gregg
Boxer	Coburn	Hutchison
Brown	Cornyn	Inhofe
Burr	DeMint	Isakson
Cantwell	Dole	Kennedy
Cardin	Durbin	Kerry
Casey	Feinstein	Kyl
Chambliss	Graham	Landrieu

Lautenberg	Murray	Stabenow
Levin	Nelson (FL)	Vitter
Martinez	Obama	Voinovich
McCain	Reid	Warner
McCaskill	Schumer	Webb
Menendez	Smith	
Mikulski	Specter	

## NOT VOTING—1

Johnson

The motion was agreed to.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote.

Mr. LEAHY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## AMENDMENT NO. 338

The PRESIDING OFFICER. Without objection, there will now be 2 minutes of debate equally divided on Obama amendment No. 338.

The Senator from Illinois is recognized.

Mr. OBAMA. Mr. President, this amendment aims at moving us closer to a risk-based allocation of resources. It takes us a step closer to the 9/11 Commission report. I want to let everyone know that 34 States actually potentially do better under this amendment. Six States are held harmless, and there are some States that would get less money. But keep in mind the whole goal of this particular program is to ensure that money is allocated on the basis of risk. It would still be .25 percent of the money allocated to every State. It would still be a minimum, and there would still be money through other programs that would ensure that money is allocated to States for all-hazard purposes.

So I strongly urge all in this Chamber to take a look at this bill and look at the chart that we passed out. There have been arguments from my good friend, the Senator from Connecticut, as well as the Senator from Maine, suggesting that somehow States get less money. That is only the baseline; it does not include the money that would be allocated on the basis of risk.

I urge a "no" vote on this motion to table.

Mr. LIEBERMAN. Mr. President, I rise to oppose the amendment by the Senator from Illinois, and in that sense to support the very balanced formula in our underlying bill which gives most of the money in homeland security grant funding based on risk but acknowledges that every State faces the threat of terrorism and therefore deserves some minimum amount of funding. This amendment essentially raises the same points that the amendment offered by the Senator from California did, which my colleagues were just good enough to table. The amendment of the Senator from Illinois would leave 32 of our States with less guaranteed funding than the underlying bill, S. 4.

I urge my colleagues to support the committee bill and oppose this amendment.

Mr. President, I ask unanimous consent that the next two votes be 10-minute votes as opposed to 15.

The PRESIDING OFFICER (Mr. MENENDEZ). Is there objection? Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I now move to table the amendment offered by the Senator from Illinois and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHN-SON) is necessarily absent.

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

The result was announced—yeas 59, nays 40, as follows:

## [Rollcall Vote No. 62 Leg.]

## YEAS—59

Akaka	DeMint	McConnell
Alexander	Dodd	Murkowski
Allard	Dole	Nelson (NE)
Baucus	Ensign	Pryor
Bayh	Enzi	Reed
Bennett	Graham	Reid
Biden	Grassley	Roberts
Bond	Hagel	Salazar
Brownback	Harkin	Sanders
Bunning	Hatch	Sessions
Byrd	Inhofe	Shelby
Carper	Inouye	Snowe
Chambliss	Isakson	Stevens
Coburn	Klobuchar	Sununu
Cochran	Kohl	Tester
Coleman	Leahy	Thomas
Collins	Lieberman	Thune
Corker	Lincoln	Whitehouse
Craig	Lott	Wyden
Crapo	Lugar	

## NAYS—40

Bingaman	Feinstein	Murray
Boxer	Gregg	Nelson (FL)
Brown	Hutchison	Obama
Burr	Kennedy	Rockefeller
Cantwell	Kerry	Schumer
Cardin	Kyl	Smith
Casey	Landrieu	Specter
Clinton	Lautenberg	Stabenow
Conrad	Levin	Vitter
Cornyn	Martinez	Voinovich
Domenici	McCain	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	
Feingold	Mikulski	

## NOT VOTING—1

Johnson

The motion was agreed to.

Mr. LIEBERMAN. I move to reconsider the vote.

Ms. COLLINS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## AMENDMENT NO. 333

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided on the Leahy amendment No. 333. The Senator from Vermont.

Mr. LEAHY. Mr. President, this is the Leahy-Thomas amendment. The Senate has rejected the last two amendments. This is the amendment that protects small and medium States. The Leahy-Thomas amendment would protect Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Idaho, Indiana, Iowa, Kansas,

Kentucky, Maine, Maryland, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

I am not suggesting people should vote from a parochial interest, but I want my colleagues to know the vast majority of States—small and medium—in this country would be protected by the Leahy-Thomas amendment.

The PRESIDING OFFICER. Who yields time?

Mr. THOMAS. Mr. President, I think this is a very equitable and timely distribution of these funds. I urge my colleagues to support this amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 333. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHN-SON) is necessarily absent.

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

The result was announced—yeas 49, nays 50, as follows:

## [Rollcall Vote No. 63 Leg.]

## YEAS—49

Akaka	Feingold	Reid
Baucus	Grassley	Roberts
Bayh	Hagel	Rockefeller
Bennett	Harkin	Salazar
Biden	Hatch	Sanders
Bingaman	Inouye	Sessions
Brownback	Klobuchar	Shelby
Byrd	Kohl	Smith
Carper	Leahy	Specter
Cochran	Lincoln	Stevens
Coleman	Lott	Tester
Conrad	Lugar	Thomas
Craig	McConnell	Thune
Crapo	Murkowski	Whitehouse
Dodd	Nelson (NE)	Wyden
Dorgan	Pryor	
Enzi	Reed	

## NAYS—50

Alexander	Dole	Martinez
Allard	Domenici	McCain
Bond	Durbin	McCaskill
Boxer	Ensign	Menendez
Brown	Feinstein	Mikulski
Bunning	Graham	Murray
Burr	Gregg	Nelson (FL)
Cantwell	Hutchison	Obama
Cardin	Inhofe	Schumer
Casey	Isakson	Snowe
Chambliss	Kennedy	Stabenow
Clinton	Kerry	Sununu
Coburn	Kyl	Vitter
Collins	Landrieu	Voinovich
Corker	Lautenberg	Warner
Cornyn	Levin	Webb
DeMint	Lieberman	

## NOT VOTING—1

Johnson

The amendment (No. 333) was rejected.

Mr. REID. Mr. President, I move to reconsider the vote.

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



The motion to lay on the table was agreed to.

Mr. REID. Mr. President, that was the last vote for tonight. I have been in contact with the two managers of the bill and the distinguished Republican leader, and we are trying to work out some votes in the morning prior to King Abdullah. What we would like to do is have a vote on McCaskill and Collins, and then we also have some non-germane amendments we have been given by the minority that they would like to dispose of, and we have a couple of nongermane amendments on this side we would like to dispose of. The staff, during that hour or two, will work to see if we can come up with some kind of agreement toward completion of this bill.

I want all Senators to know, as I announced at the Democratic caucus today, that I am going to file cloture tomorrow on this bill. I hope we can have a good, full day of trying to complete this bill, and I also hope we can work something out where we may not have to have a cloture vote on Friday. If we do, we have to finish this bill this week. We could have some votes late into Friday. Everyone should be put on notice now that it may be necessary to have some Friday votes.

Mr. COBURN. Mr. President, I ask unanimous consent that I be recognized, following the Senator from Arizona for 3 minutes and the Senator from Connecticut for 5 minutes, for such time as I might consume on an amendment on this bill.

The PRESIDING OFFICER. Is there objection?

Mr. AKAKA. Mr. President, I will not object, but I would like to receive the President's assurance that this matter will continue to be debated tomorrow.

Mr. COBURN. I have no problem agreeing to debate this again tomorrow.

Mr. AKAKA. No objection.

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

#### AMENDMENT NO. 357, AS MODIFIED

Mr. KYL. Mr. President, first I have a modification of my amendment No. 357 I would like to send to the desk. That amendment has already been offered.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

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

“(1) DATA-MINING.—The term “data-mining” means a query or search or other analysis of one or more electronic databases, where—

(A) a department or agency of the Federal Government is conducting the query or search or other analysis to find a pattern indicating terrorist or other criminal activity on the part of any individual or individuals;

(B) the search does not use personal identifiers of a specific individual or does not utilize inputs that appear on their face to identify or be associated with a specified individual to acquire information, to retrieve information from the database or databases; and

(C) at least one of the databases was obtained from or remains under the control of a non-Federal entity, or the information was acquired initially by another department or agency of the Federal Government for purposes other than intelligence or law enforcement.

(2) DATABASE.—The term “database” does not include telephone directories, news reporting, information publicly available via the Internet or available by any other means to any member of the public, any databases maintained, operated, or controlled by a State, local, or tribal government (such as a State motor vehicle database), or databases of judicial and administrative opinions.

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

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

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

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

(B) A thorough description, without revealing existing patents, proprietary business processes, trade secrets, and intelligence sources and methods, of the data mining technology that is being used or will be used, including the basis for determining whether a particular pattern or anomaly is indicative of terrorist or criminal activity.”

#### AMENDMENT NO. 317

Mr. KYL. Mr. President, at this point I wish to briefly address another amendment, amendment No. 317, which is already pending. This is an amendment which would prohibit rewarding families of suicide bombers for such attacks and stiffen penalties for other terrorist crimes. This is one we can hopefully adopt on a bipartisan basis. It would create the new offense of aiding the family or associates of a terrorist with the intent to encourage terrorist acts. It is targeted at those individuals who give money to the families of suicide bombers after such bombings. The amendment would make it a Federal offense to do so if the act can be connected to the United States and if the defendant acted with the intent to facilitate, reward, or encourage international acts of terrorism.

Let me offer an example of why this amendment is necessary. In August of 2001, a Palestinian suicide bomber attacked a Sbarro pizza parlor in Jerusalem. Among those killed was an American citizen, Shoshana Greenbaum, who was a schoolteacher and who was pregnant at the time. Shortly after this bombing took place, the family of the suicide bomber was told to go to the Arab Bank. The bomber's family began receiving monthly payments through an account at that bank and later received a lump payment of \$6,000.

According to press accounts, this is not the only time Arab Bank has funneled money to the families of suicide

bombers. One news account describes a branch of the bank in the Palestinian territories whose walls are covered with posters eulogizing suicide bombers.

According to other news accounts, these suicide bombers in the Palestinian territories are recruited with the promises that their families will be taken care of financially after the attack. Saudi charities, the Palestinian Authority, and even Saddam Hussein have rewarded suicide bombers' families for their acts. According to one account, Saddam Hussein paid \$35 million to terrorists' families during his time. Obviously, his actions are no longer of concern, but we should all be deeply concerned about other wealthy individuals and financial institutions that continue to pay out these rewards. It is undoubtedly the case that in some instances, these payments make the difference in whether an individual will commit a suicide bombing.

My amendment will make it a Federal crime, with extraterritorial jurisdiction in cases that can be linked to U.S. interests, to pay the families of suicide bombers and other terrorists with the intent to facilitate terrorist acts. My amendment also makes other improvements to the antiterrorism laws, primarily by increasing the maximum penalties for various aspects of the material support offenses, which already exist in law.

I hope, as I said, my colleagues will view this as an amendment which we can adopt on a bipartisan basis. It is an important amendment to ensure that another avenue of terrorism can be shut off. I ask for my colleagues' affirmative consideration of this amendment No. 317, and I thank the Senator from Oklahoma for his courtesies extended to me.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, let me also address my thanks to our colleague from Oklahoma. Before I discuss the Banking Committee's contribution to this important bill, I would like to take a moment to provide some thoughts on the overall bill—especially the initiatives pertaining to our Nation's homeland security. Over 5 years after the tragic events of 9/11 and almost 20 months since the tragic events of Hurricanes Katrina and Rita, we continue to hear from Governors, county executives, mayors, first responders, health professionals, and emergency preparedness officials that our country as a whole remains unprepared for another manmade or natural disaster. We have heard the argument, which I support, that Congress needs to do more to support regional and local efforts to protect Americans.

Overall, I believe this bill takes a critical step forward in protecting Americans at home from manmade and natural disasters. It codifies several recommendations made by the 9/11 Commission—seminal recommendations that, nearly 3 years after being

issued, have still not been implemented by this White House or the Congress.

I support the measures in this bill designed to allocate critical resources based on concrete risk and effectiveness analysis. I also support the measure in this bill that establishes a minimum base of funding for all States. We all know how important initiatives like the State Homeland Security Grant Program and the Law Enforcement Terrorism Prevention Program are to our States and localities. While I believe those areas with higher degrees of risk from manmade and natural disasters should receive adequate resources proportionate to that risk, I also believe that all areas of our country should receive a base amount of funding that guarantees the protection of all Americans.

I am going to jump to the section of the legislation over which the Senate Banking, Housing, and Urban Affairs Committee has specific jurisdiction. The Presiding Officer is a distinguished member of the committee. He will recall just a few weeks ago we marked up the transit security bill which is now a part of this legislation.

I thank Senator RICHARD SHELBY, my ranking member on the committee, former chairman of the committee, for his cooperation, and I thank all members of the committee. We marked up this piece of the bill now before the Senate, unanimously. It is very much a reflection of what the committee did previously in the 109th Congress to deal with transportation security, and we thought it was an important matter to raise at the outset.

My compliments to the chairman of the committee for the underlying legislation, who is responsible for the homeland security issues, and his colleague from Maine, for the tremendous work they have done on this bill, and for others who have been involved in it.

I would be remiss if I also didn't commend the distinguished chairman of the Commerce Committee, Senator INOUE, and his ranking member, Senator STEVENS, for their work, as well as Senator REID, the majority leader, for bringing this all together in one package.

It is also important we recognize how important transit security is. The Presiding Officer and others will recall we had a hearing on this subject matter and heard from some very interesting witnesses. It is not all that common that we invite witnesses who are not U.S. citizens to come and participate in congressional hearings. But given the tragedies in Madrid and London, we thought it might be worthwhile to hear from those who manage the transit operations in those two cities to come and share with us information about those two experiences. I think their testimony was very helpful in galvanizing the importance of this issue and the attention of the committee and, we hope, our colleagues as well.

We learned in those hearings, of course, that transit attacks have un-

fortunately been the major source of some of the terrorist activities over the last number of years. It is no secret that worldwide terrorists have favored public transit as a target. Transit has been the single most frequent target of terrorism.

In the decade leading up to 2000, 42 percent of terrorist attacks worldwide targeted rail systems or buses, according to a study done by the Brookings Institution. In 2005 they attacked, as I mentioned, London's rail and bus system killing 52 riders and injuring almost 700 more in what has been called London's bloodiest peacetime attack. In 2004 they attacked Madrid's metro system killing 192 people and leaving 1,500 people injured.

The Banking Committee heard testimony from the leaders of these two transit systems, as I mentioned. Transit is frequently targeted because it is tremendously important to any nation's economy. Securing our transit systems and our transportation networks generally is a difficult challenge under any circumstances. Every act to increase security generally potentially limits the specific security needs of a transit agency. The bill includes grants for security equipment, evacuation drills, and, most importantly—what we heard from the witnesses, particularly from Madrid and London—worker training. Indeed, the bill requires worker training for all systems that receive security grants. The importance of worker training can be scarcely overstated. Transit workers are the first line of defense against an attack and the first to respond to an event of an attack.

Mr. O'Toole, the director of London's transit system said:

You have to invest in your staff and rely on them. You have to invest in technology, but don't rely on it.

Finally, the bill authorizes funds for the research of new and existing security technologies and fully authorizes the funding of the Information Sharing Analysis Center, a valuable tool that provides transit agencies timely information on active threats against their systems.

Over the years we have invested heavily in aviation security. In fact, we have invested about \$7.50 per aviation passenger per trip. About 1.8 million people travel using the aviation system daily in this country. 14 million people use mass transit systems every workday. We have invested about \$380 million in the security of mass transit systems. That is about one penny per passenger per trip.

I am not suggesting, nor do we require, that there be an equilibrium between the security systems of both aviation and mass transit systems. But our bill does provide an authorization of \$3.5 billion to increase exactly the kind of operations I have described briefly, including the training issues which are critically important.

We believe with this additional authorization, and we hope an appro-

priate appropriation from the responsible committees, that we will be able to provide some additional security for this critically important system of our economy.

Again, I am grateful to the members of the committee, as well as my colleagues here, for their indication of support of this effort. It is going to be very important to all of us across this country. This is not limited, obviously, to the east coast or west coast. In fact, now some of the most urbanized States in the country are Western States with mass transit systems. It is going to be very important we provide the kind of support that this provision of the bill does.

Again, my thanks to Senator SHELBY, to all members of the committee who played a very constructive role in crafting this legislation, as they did in the 109th Congress and, again, to my colleague from Connecticut and my colleague from Maine for their fine work on this issue, making this a part of this bill. I urge the adoption of this section when the full bill is considered.

Again, my thanks to my colleague from Oklahoma for providing some time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. The Kyl amendment is the pending amendment.

AMENDMENT NO. 345

Mr. COBURN. I ask unanimous consent that pending amendment be set aside in consideration of an amendment that has already been called up, my amendment, No. 345.

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

Mr. COBURN. This is a pretty straightforward amendment.

I also ask unanimous consent Senator MCCAIN be added as a cosponsor of this amendment.

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

Mr. COBURN. One of the first things we found out after 9/11 was a lot of our emergency workers could not talk to each other. That was one of the most glaring, obvious defects in our response to emergencies—that emergency personnel had difficulty, from one group to another, talking to one another. As a matter of fact, it limited their ability to save lives.

From the beginning of the 9/11 Commission and from the start, in 2002, that has been addressed in multiple ways. The purpose of this amendment is to describe what is obviously something that is not good for us as a nation.

We presently have occurring with the Deficit Reduction Act of 2005 an electromagnetic spectrum which was sold off and \$1 billion reserved under a program called the Public Safety Interoperability Public Service Grant Program. That \$1 billion was carved off and that is where we are going to spend it. I don't disagree with that at all.

What this bill has is another \$3.4 billion for interoperable grants addressing the same problem in a different way than what the other grant program was. One of our problems as a nation is we have too many programs that are doing the same thing. They duplicate one another. One is better and the other is not. Yet we continue sending money down both holes, not making adjustments as to which gives us the best value for our money.

What has happened with this money from the Commerce Department, through a memorandum of understanding, is the administration of this grant program has been transferred to the Department of Homeland Security with a little fiat that the Department of Commerce kept \$12 million for themselves.

This memorandum of understanding was dated just a few weeks ago, February 16, and what it did is it gave the administration near complete administrative control of this grant program, the one from Commerce, the one from 2005, to the Department of Homeland Security. This grant program has yet, to date, to receive any applications for any grants to be administered under the program. This is 2005; 2006 we did this. Now we are into March of 2007, and we have not received the first application.

S. 4, being considered on the Senate floor now, as I said, creates yet another interoperable grant program, the Emergency Communications and Interoperability Grant Program. This program is also going to be administered by the Department of Homeland Security. The purpose of this grant program is to make grants to States for purchasing interoperable equipment and training personnel, testing on how and when to use it—similar to the PSIC grant which was mainly for equipment. This program authorizes \$3.3 billion to be authorized in grants over the first 5 years of the program and indefinite amounts, “such sums as are necessary,” after that.

A question comes to mind: How much money would it take for every first responder in this country to have interoperable communications? We don’t address that in this bill. We just keep sending the money for it, after we send the first \$3.3 billion and then whatever it takes after that, rather than looking and reassessing what our need is.

If S. 4 passes in its current form, Congress will have authorized the creation of two nearly identical interoperability grant programs. Again, interoperability is this concept that first responders can talk to one another: if there is a fire going on in Tulsa, and there is a need that Oklahoma City firefighters will be there, that they can talk to them; that if there is something going on in Arkansas and Oklahoma first responders need to be there, there is the ability for them to talk to one another over their communications gear.

One of these grant programs is housed at Commerce but run by DHS.

The other is going to be housed at DHS. The differences between these two programs in their details are minimal. Both provide for funding of equipment, both provide for funding for training, and both will exist side by side until 2010, when PSIC expires.

The purpose of this amendment would be to combine the two duplicative grant programs for interoperability. It does it by repealing the PSIC Grant Program at Commerce and it redirects the funding set aside for the PSIC Grant Program at Commerce to funding the Emergency Communications and Interoperability Grant Program at DHS. This will not decrease the amount of money. We are going to still spend \$4.3 billion. But we are going to do it through one grant program rather than two.

There are not going to be two sets of signals out there for the States that want to go after this money or the communities that need to go after this money. There is going to be one.

There are a couple of technical changes with this that are required, which is repealing the Call Home Act of 2006, which sets a deadline of September 30, 2007. We haven’t had the first grant application right now, so that gives us less than 6 months to get grants in and advised and granted on the PSIC Grant Program.

Finally, I think a very important part of this amendment requires that DHS study and report to Congress on the feasibility of engaging the private sector in developing a national interoperable emergency communications network. Neither of these grant programs address the national focus that would be needed. One of the problems in Katrina was all the people who went down there, the 9/11 responders and emergency responders, couldn’t communicate with the emergency responders in Louisiana.

What this says is, aren’t there some brains out there in the private sector who could tell us what we need to do and then we could have our grant programs actually go to buy the equipment, the training, so the program is already figured out so we don’t have duplication so the people in Oklahoma can talk to the people in Kansas and Nebraska and in New York—all across the country. There is no national security reason why we need two interoperable communication grant programs for the States.

The second point: The administration—this is another area of this bill that they strongly oppose, setting up two identical or very similar grant programs.

No. 3, the Department of Commerce has essentially contracted this grant program out to DHS. It rightfully should be.

No. 4, the 9/11 economic report explicitly stated that Congress should not use grant programs as porkbarrel. If we have two grant programs running side by side and one isn’t talking to another and a State has gotten one and they

don’t know the State is applying for the same thing at the other, how much stewardship have we practiced with the American taxpayers’ money? We have not.

One of the prime recommendations of the 9/11 Commission was to reorganize the grant programs to eliminate confusion. That is exactly what this amendment does. It reorganizes the grant programs into one grant program, one place where you go to get it, one source of planning, one source of administration for it.

I will not go into the reasons why we have two programs, but needless to say it is because Members of Congress are not talking to each other. We have two interoperability grant programs that are not interoperable because we have a Congress that is not interoperable in communications with one another in terms of committee to committee or Member to Member.

The Department of Homeland Security has been cleared as the lead Federal agency for interoperability emergency communications. That is where these grants ought to be. That is who we are going to hold accountable. By not having them both in the same department, then we are not going to be able to hold them accountable when we do oversight.

The other thing is the average American cannot afford to purchase two of anything. Many times with these two programs, we are going to see the same thing paid for twice because the right hand is not going to know what the left hand is doing. There is no good policy reason for the Federal Government to have these two programs.

The other thing I think is fairly easy to recognize is if you have two grant programs, it is hard for the American public to realize how much money we are spending on the grant programs because you have got to find one and then the other. The total, which is going to be \$4.3 billion, is not recognized now.

The final reason is our first responder organizations write grants. They are already required, in terms of all of the things we have done in terms of emergency preparedness, to provide multiple proposals annually right now to get Federal funding. Why would we not want them to have one application for interoperability? It is a waste of their time and the State’s time.

The arguments you are going to hear tomorrow—we are going to debate this amendment again tomorrow afternoon with my colleagues from Hawaii and Alaska. They are going to say the PSIC Grant Program is only authorized until 2010, so after that there would not be a problem anymore for two grant programs. That is not a good reason to have two grant programs.

The public safety interoperability program requires the department to coordinate its efforts with the Secretary of Homeland Security. Yes, they did. They signed a memorandum of understanding that says they are going to run it all.

Finally, the Commerce Department has the authority and expertise over emergency communication grant programs. Although the PSIC Program was placed in Commerce, all of the operational authority for that grant program was essentially transferred to the Department of Homeland Security.

The Department of Homeland Security essentially treats the PSIC as part of its own budget, showing that Commerce has no real role in administering this program.

Another argument would be the programs are not identical but focus on different aspects of communications interoperability; it would hurt the emergency response community to get rid of either one of the programs.

Well, the one that is in this bill does it all. The one that is in the Commerce bill that we have already allocated \$1 billion for is mainly about equipment, it is not as much about training.

We ought to know, if we are going to spend \$4.3 billion that emergency responders anywhere ought to be able to talk to one another. We do not know that with this money. There is no string on this money that says that is the end goal. That is why a study coming out of the Department of Homeland Security that says go look at the outside and ask the private sector to tell us how do we take this spectrum that has been set aside, two different sections of spectrum for this, and how do we create a plan so that throughout the whole country, no matter what the need is, one group of emergency responders can talk to another?

That is what we ought to be getting for our \$4.3 billion. That is not in either one of those programs. So what we are going to do is we are going to spend \$4.3 billion on these grant programs, with no assurances that we are going to accomplish the very thing we seek to accomplish.

I believe there could not be a more wasteful attempt at our spending when we do not know what we are going to do for an endpoint on the spending.

A few comments about the overall bill. There has to come a point in time in this country where we recognize that we do not have enough money to do everything we need to do to protect us. That is true today. Where we ought to be putting our money is where we think the highest risks are. I agree with the Presiding Officer. Areas such as New Jersey are at much greater risk and ought to get much greater funding. They have a greater risk and a greater need.

Does that mean I am pleased if that means soft targets in Oklahoma are going to be exposed? No, but there has to be a dispensing of the money based on what the most likely risks are. So when we finish all of this, we will have gotten what we wanted.

Earlier today, I offered an amendment to sunset this bill in 5 years. We will look at it again and see what have we accomplished. What is left to accomplish? Where is the greatest area of

risk? What do we still need to do? We have not done that in this bill. That is how we are going to make good policy—making sure that the dollars we spend to protect America are spent on the areas that will get us the most in this bill that we are debating today. We refuse to do that. It authorizes this bill to continue forever.

There is no sunset to it. There is no stop to say that we need to relook at this. There is nothing for the Congress to come back and look at as we did in the PATRIOT Act, where we required that we had to come back and look at it. We sunsetted it. And even though we passed the PATRIOT Act last year, we took sections of it that we said we know we are going to want to look at again, so we sunsetted it.

If we are going to be good stewards with the American taxpayer's money, we ought to sunset this bill. We ought to sunset these two interoperability programs so that we know whether we have accomplished what we desire and know what the problems are so that we can predict them. By not sunsetting, by not combining the programs, by not efficiently spending and wisely planning the spending of the American taxpayer dollars is getting us on down the road where we do not want to be, which is more and more of what we are spending today being paid for more and more by our grandchildren and children of tomorrow.

I thank you for the time. I look forward to debating this bill tomorrow with Senator STEVENS and Senator INOUE. My hope is that Senator MCCAIN, who is a member of the Commerce Committee, will be here to aid in this. There is no reason for us to have two programs making States apply for two different grant programs that essentially do the same thing.

We would not do that ourselves in our homes. We would not set up two parallel requirements to accomplish the same goal. We should not be doing it in this bill.

Mr. AKAKA. Mr. President, I rise today in support of the grant funding formula in the underlying bill, S .4, as well as Senator REID's amendment in the nature of a substitute. I also wish to underscore the comments made previously by the chairman and ranking member of the Homeland Security Committee on which I serve. As Senators LIEBERMAN and COLLINS have articulated so well, I do not question the need for heavily populated States such as New Jersey and Texas to receive appropriate sums of homeland security grant funding to address their homeland security needs, nor do I question the need to protect chemical plants or to protect nuclear power plants. All of this is beyond question.

The point of this debate is protecting America against many risks, both natural and manmade. The State of Hawaii is subject to many natural disasters including hurricanes, floods, earthquakes, volcanoes, tsunamis, wildfires, droughts, and tropical

storms. In addition, Hawaii is unique in that it is 2500 miles from the U.S. mainland. If disaster strikes Hawaii, natural or otherwise, it does not have neighboring States to rely on for assistance. It therefore must have numerous safety and security systems in place and be relatively self-reliant. Hawaii is also the gateway to the Pacific and, as such, provides support to American Samoa, Guam, and the Northern Mariana Islands through the U.S. Pacific Command, PACOM, in the event of a disaster. Hawaii also provided assistance and support to Thailand in the aftermath of the December 26, 2004, tsunami.

It is critical to remember that, although the Federal Emergency Management Agency, FEMA, was folded into the Department of Homeland Security, DHS, its mandate as the principal Federal agency charged with addressing preparation, mitigation, and response to all disasters, both natural and manmade, remains.

On January 18, 2007, DHS Secretary Chertoff announced his plan to reorganize DHS. That plan calls for FEMA to assume control of the Grants and Training program, including the State Homeland Security Grant Program, SHSGP, and other grant programs—grant programs that fund not only activities to prepare for, mitigate, and respond to terrorist attacks but also activities to prepare for, mitigate, and respond to natural disasters. Securing our homeland does not only mean protecting it from terrorists but also from the effects of mother nature, a force capable of directing a Katrina-sized hurricane to our soil.

In his recently released book, "The Edge of Disaster," Dr. Stephen Flynn, a senior fellow with the National Security Studies Program at the Council on Foreign Relations, argues that 90 percent of Americans reside in an area that will experience a moderate to major natural disaster at any given time. This is not just about urban areas; this is about nearly every American being faced with a significant natural disaster with a far higher likelihood than any terrorist attack. As Dr. Flynn observes, we need "an all-hazards approach" in "constructing safer communities and reducing the overall fragility of the nation."

Hurricane Katrina illustrated that the United States has limited surge capacity at the State and local levels to respond to a large-scale natural or manmade event. Aging infrastructure, including faulty power grids, shortages in medical personnel and supplies make the United States vulnerable and exacerbate the impact of any attack or natural disaster. If we have a weak infrastructure, faulty and eroding levees, hopelessly outdated communications systems, then we are vulnerable and no amount of radiation portal monitors, RPMs, will protect us from the catastrophic impact of a terrorist attack or natural disaster.

I strongly support the homeland security grant formula contained in S .4

and Senator REID's amendment in the nature of a substitute. I oppose any efforts to lower guaranteed funding levels for all States.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there be a period of morning business with Senators allowed to speak therein for a period of up to 10 minutes each.

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

#### NATIONAL SPORTSMANSHIP DAY

Mr. REED. Mr. President, I would like to acknowledge that today, March 6th, 2007, we celebrate the 17th annual National Sportsmanship Day. Created by the Institute for International Sport at the University of Rhode Island in 1991, this initiative seeks to promote and develop the highest ideals of sportsmanship and fair play among not only America's youth but also the international community. Over its 17 years, more than 13,500 schools and 80 million individuals across all 50 States and many countries around the world have participated in National Sportsmanship Day activities. On this day, in elementary schools, middle schools, high schools, and colleges, students, teachers, coaches, and parents will discuss issues regarding sportsmanship and fair play.

This year, National Sportsmanship Day will focus on the themes "Don't Punch Back, Play Harder" and "Defeat Gamesmanship." These themes will prompt participants to explore the practical values of "competitive self-restraint" and playing within the intended spirit of the rules. It is important for both our society and our culture that we instill these values in our youth. Additionally, the celebration will include the 14th annual USA Today National Sportsmanship Day Essay Contest.

I am pleased to say that Rhode Island is home to the Institute for International Sport and National Sportsmanship Day. For 17 years, the institute and this initiative have enhanced the nature and health of competition among our Nation's youth. The efforts of Senator Claiborne Pell and his able staff member Barry Sklar, Senator John Chafee, founder Dan Doyle, and many others have contributed to the success of this endeavor. I know that this year's National Sportsmanship Day celebration will continue to promote fair play and in so doing ensure a

sound foundation of sportsmanship for today and for the future.

#### VANDALISM OF AHAVAS TORAH SYNAGOGUE

Mr. SMITH. Mr. President, it is with great sorrow that I bring to the attention of the Senate the recent vandalism and desecration of Eugene, OR's only conservative synagogue, Ahavas Torah Synagogue, on February 22, 2007. The targets of this vile act were two sacred Torah scrolls and accompanying prayer books. Police officers responding to neighbors' calls found the building ransacked and a locked wooden chest containing the Torah scrolls pried open; the scrolls themselves were torn and damaged.

This event comes as a shock to the dozen families who make up Eugene's small Orthodox community, but unfortunately is not an isolated event. In 2002, Temple Beth Israel Synagogue was vandalized during a Shabbat service; in 2001 the congregation received hundreds of hate-filled letters; and in 1994 the synagogue was fired upon with armor-piercing rifle rounds.

I am compelled to speak out against this deplorable act of vandalism at the Ahavas Torah Synagogue, which proves that hate crimes still pose a serious threat to our Nation's security and values. All forms of hatred and intolerance should be combated with every available tool and America's leaders need to send a clear message that acts of violence targeted at individuals of any group will not be tolerated. For this reason, I have been a cosponsor and strong supporter of hate crimes prevention legislation.

The Talmud teaches us that he "who can protest an injustice, but does not, is an accomplice to the act." Even though the existence of hatred is foretold in the Torah, acts of anti-Semitism and hate must be stopped before anyone can truly worship safely and freely.

#### ADDITIONAL STATEMENTS

##### HONORING RITA A. ALMON

• Ms. COLLINS. Mr. President, I wish to honor Ms. Rita A. Almon, who has served as program director for the U.S. Senate Youth Program for 29 years. She will retire after this year's 45th anniversary program, which is currently being held March 3 to 10, 2007, in Washington, DC.

During her tenure Ms. Almon has overseen the education and safety of thousands of high school student delegates who come annually to the Nation's Capital for this unique educational program about government, leadership and public service. She has worked closely with Senators and their staffs as well as with senior officials from each branch of Government to secure an opportunity for these young men and women to see their Govern-

ment up close and to meet the individuals who make it work.

The mission of the U.S. Senate Youth Program, as set out in S. Res. 324 in 1962, states that "the continued vitality of our Republic depends, in part, on the intelligent understanding of our political processes and the functions of our National Government by the citizens of the United States; and the durability of a constitutional democracy is dependent upon alert, talented, vigorous competition for political leadership."

Rita A. Almon has achieved the mission of the U.S. Senate Youth Program by adhering to the highest standards of ethics and integrity, setting a shining example for the young men and women who participate. I join my colleagues in commending her and wish her well in her future endeavors.●

#### TRIBUTE TO MARVIN VAN HAAFTEN

• Mr. HARKIN. Mr. President, one of the joys of my job as a Senator is working closely with talented, dedicated Iowans from all walks of life. One of the exceptional people is Marvin Van Haaften, director of the Iowa Governor's Office of Drug Control Policy. With his retirement in January, he will conclude an extraordinary career in public service spanning over three decades.

Marvin Van Haaften has lived in Marion County most of his life, but his law enforcement experience and expertise has been felt throughout the State of Iowa. Before being named by Governor Tom Vilsack to be Iowa's drug policy coordinator in December 2002, he served as Marion County sheriff for 18 years. He is a graduate of the FBI National Academy, certified as a peace officer by the Iowa Law Enforcement Academy, served in the National Guard, and was a licensed medical examiner investigator.

One key to his success is that he speaks with the authority of a seasoned veteran of decades on the front line fighting crime and improving public safety. Marvin was named Sheriff of the Year in 1991 by the Iowa State Sheriffs' and Deputies' Association and served as its president in 1996. With more than 32 years of law enforcement experience, he has taught extensively in the field of rural law enforcement, particularly death investigation and domestic violence crimes. He has provided local and national leadership on the role of law enforcement in strategic victim safety and offender apprehension, and served on the board of directors of the National Center for Rural Law Enforcement. Marvin also served on many local and State committees such as the Iowa Criminal and Juvenile Justice Planning Advisory Council, the board of the Mid-Iowa Narcotics Enforcement Task Force, the board of the 18-county South Central Iowa Clandestine Laboratory Task Force, and was third vice president on