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## Senate

The Senate met at 9:45 a.m. and was called to order by the Honorable DAVID VITTER, a Senator from the State of Louisiana.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, the giver and sustainer of life, we thank You that Your power extends beyond humanity's prowess and achievements. We thank You for the things that humble us before the mystery of life and keep us from the folly of worshipping the works of our hands.

Empower our Senators today to do Your will. As they labor for liberty, make them aware of Your willingness to be their divine ally. As they wrestle with issues, may they seek Your wisdom. Whisper Your words when they need them most. Let Your blessings be upon us all as we learn to experience the joy of friendship with You. We pray in Your Holy Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable DAVID VITTER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, July 12, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DAVID VITTER, a Sen-

ator from the State of Louisiana, to perform the duties of the Chair.

TED STEVENS,  
President pro tempore.

Mr. VITTER thereupon assumed the Chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. FRIST. Mr. President, in a moment we will begin consideration of the Homeland Security appropriations bill. Yesterday, all first-degree amendments to the bill were required to be filed at the desk. There appear to be about 100 that were filed. Although I hope the Senators will not feel compelled to call up many of these amendments, we have 100. Hopefully we can narrow those down. The chairman and ranking member will do so over the course of the day.

We will finish the bill this week. Therefore, Members should contact the two managers to schedule consideration of their amendments. At the current time, we have three amendments pending, one dealing with veterans health funding and two relating to the homeland grant formula. We hope to shortly work out time agreements on these and vote with respect to at least a couple of these amendments. Therefore, there is a chance for a vote prior to our policy luncheons today. We will alert Members as we come to an agreement on the starting times. We will continue to vote throughout the day on amendments. Senators can expect a busy day.

Yesterday, we came in for a 3-week block. It will be a very busy 3 weeks before our August recess. We need to continue to address the appropriations measures. Prior to the July Fourth re-

cess, we finished some appropriations in a very positive way. We continue with Homeland Security, and we have a number of other legislative priorities. We need to make the most of this legislative period as we work together to complete all of the work that is ahead of us.

We are likely to have a nominee for the Supreme Court sometime in the near future, and much of September, I suspect, will be focused on that, which again establishes a sense of urgency for addressing the very important issues of the business that is before the Senate over the next 3 weeks. I will be talking to the Democrat leader over the course of the day in terms of working through the specifics of that schedule.

### SUPREME COURT CONFIRMATION PROCESS

Mr. FRIST. Mr. President, I will take a moment now to speak briefly about the confirmation process, the upcoming confirmation process of the new Supreme Court Justice. This morning, the Democrat leader and I and the chairman and ranking member of the Judiciary Committee had a discussion with the President of the United States which continues the consulting process which I would say, at least as we get started, is being conducted in an unprecedented way.

Over the last few months, this Senate has made considerable progress with judicial nominations. We have confirmed six of the President's appellate court nominees and four district court nominees. I am very pleased with this progress. Indeed, this is real progress, especially when you consider each of the appeals court nominees were blocked. Those same people were blocked in the last Congress. That is real progress, working in a bipartisan way for the American people.

Now we will be able to continue that progress. To do so, we must place principle before partisan politics, and we

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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must place results before rhetoric. That is the challenge to the Senate. Above all, we need to fulfill our constitutional duty as Senators.

Since Justice O'Connor announced her retirement now 11 days ago, the Supreme Court nomination has garnered a lot of attention in Washington, in the press, among our colleagues, and indeed all across America. As the President considers her replacement, many Senators have been talking about the issue of consultation. This raises some important questions: Is the President obligated to consult with Senators about a particular nominee? And if so, to what extent?

Under the Constitution, the President is not obligated to consult with Senators before making a nomination. In fact, he is not obligated to consult with anyone. Indeed, the consultation is a courtesy, it is not a constitutional mandate. The Constitution plainly states in article II that the President shall nominate and the Senate shall provide advice and consent. That is it. Yet this White House has welcomed suggestions from Senators.

On the very same day we departed for our recess, on the same day Justice O'Connor announced her retirement, the President personally engaged in the consultation process. He called Senator REID and myself, the two leaders of the Senate. He called the chairman and ranking member of the Judiciary Committee, Senators SPECTER and LEAHY. Since then, the President and the White House have continued to consult in an unprecedented manner and a very inclusive manner. For example, while in Europe at the G-8 summit with the President, White House Chief of Staff Andy Card made time to call a number of Senators, including Senators DURBIN, SCHUMER, KENNEDY, and Senator BEN NELSON. In the last few weeks, White House counsel Harriet Miers met one-on-one with the Democrat leader, with myself, with Senator LEAHY, and with Senator SPECTER. She has called a number of other Senators to discuss the Supreme Court vacancy specifically.

All together, the White House has reached out to more than 60 Senators, including more than half of the Democratic caucus and every single member of the Judiciary Committee. This consultation process is well underway and, as I mentioned earlier, continued again bright and early this morning when the President invited the four of us to breakfast, the two leaders and the two leaders of the Judiciary Committee, the chairman and ranking member. That meeting was productive. We freely exchanged views on the nomination process and what to expect. We discussed the type of nominee the President may want to consider. It was in a good spirit, bipartisan, working together, everyone stressing the importance of, once the nomination is made, having a process that would play out and have that nominee in place by October 3.

I do commend the President for taking all of these steps. He is not obligated to consult before selecting a Supreme Court nominee, but he is choosing to consult. He is reaching out in this inclusive and bipartisan manner. It is a manner that is unprecedented.

I understand the White House will continue to consult after the nomination is made. Despite this effort by the President, I am concerned that no amount of consultation will be sufficient for a few of our colleagues in this Senate, and statements will continue to be made. I say that because conomination rather than consultation may be their ultimate goal. Some Senators may prefer to choose the nominee for the President, but that is not the way the system works. That is not the way the Constitution works.

The President has the power to nominate, and the Senate offers advice and consent. Again, consultation does not mean conomination; consultation is a courtesy of the President. It works two ways. If he extends it to us, as he has, we should extend it to him.

As we look ahead, most Senators face a relatively new challenge in a Supreme Court nomination. We talked about it this morning at breakfast. More than half of us in this Senate were not here 11 years ago when the Senate last confirmed a Supreme Court nominee. But I am confident we will rise to the occasion. We should work together to ensure that the nomination process is fair, dignified, and respectful, and we should make sure that a new Justice is confirmed before the Supreme Court begins its new term on October 3.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New York.

#### SUPREME COURT NOMINATIONS

Mr. SCHUMER. Mr. President, I was listening to our majority leader's words on consultation and the process thus far. I will make a couple of points.

The first is that we are off to a good start. I certainly agree with the majority leader. The phone calls that have been made and this morning's meeting with Senators FRIST, REID, SPECTER, and LEAHY are a good first start. That is how it should be. But simply phone calls or meetings, if they are devoid of substance, are not going to lead to real consultation.

I certainly agree with the majority leader's point. The Senate is not a conominee. It is the President who has to do the nominating. The way consultation has successfully worked in the past is for the President to quietly, privately, offer some of the names he is considering to those on both sides of the aisle and get opinions about those names: How would this one fare? How would that one fare? Would this one cause a fight? How about that one?

It is not that we would be conominators at all. Consultation is that. The President is the nominator, and a good

consultation means that nominator discusses who he is thinking of nominating, takes the temperature, if you will, of the Senate, particularly of the other party, to see if a consensus nominee could come about. Thus far, neither the President nor any of the people working for him—I had one call with Andrew Card, the Chief of Staff—has offered a single name. From what I understand this morning, the President did not offer a single name.

So we are off to a good first start. Make no mistake about it—it is a first start to begin the consultation process. But the consultation process, for it to work, is not going to be. Okay, who do you think is a good name, and that is that and we do not have a back and forth. In fact, for consultation to work—and we all want it to work—the President should suggest some names and get the opinion of those in the Senate.

This is how it worked with President Clinton. It was not simply that President Clinton called up ORRIN HATCH and said, Give me some names, and didn't have a discussion. President Clinton bounced off names. In ORRIN HATCH's book, he states that one of the names offered who President Clinton very much wanted to nominate was Bruce Babbitt, the former Interior Secretary and Governor of Arizona. While ORRIN HATCH did not state how he would vote—and I have talked to ORRIN a little about this—he said: I think Babbitt would cause a big fight. And wisely, President Clinton did not offer his name. So that is how the consultation process, to be successful, ought to go.

In my call with Andrew Card, I told him something I have said repeatedly. And I think I speak for just about every member of this caucus on this side of the aisle. We do not want a fight. We certainly do not relish a fight. We would much prefer a consensus nominee. Furthermore, we know that nominee is not going to be a liberal or even a moderate. It is likely to be a conservative. But our view is—again, this time I am speaking for myself, but I think a lot of my colleagues share this view—our view is very simple: that nominee, though conservative, will interpret law, not make it; will be thoughtful, will be pragmatic, will understand the other point of view. If that happens, I think we can have a process that works well.

So in summary, Mr. President, the consultation we have had is great. The number of phone calls may exceed any others that have been named. But so far, at least according to my phone call and the ones of many of my colleagues with whom I have talked, and from what I have been told about the meeting this morning, we have not gotten into the real nitty-gritty of consultation—not co-nomination, absolutely not. The President is the nominator. But the nitty-gritty means offering some names. The President offers some names and gets the opinion before he

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

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

Mr. President, I yield the floor.

#### RESERVATION OF LEADER TIME

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

#### DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2006

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

The legislative clerk read as follows:

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

Pending:

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

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

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

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

AMENDMENT NO. 1215

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

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

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

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

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

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

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

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

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

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

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

This bill accomplishes this through five basic mechanisms.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HIGH-THREAT CITY JOINT WORKING  
GROUP ON HOMELAND SECURITY,

July 11, 2005.

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

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

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

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

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

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

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

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

Sincerely,

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

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

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

MAY 12, 2005.

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

RICK PERRY,

Governor of Texas.

ARNOLD SCHWARZENEGGER,  
Governor of California.

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

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

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

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

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

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

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

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

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

Sincerely,

GAVIN NEWSOM,  
Mayor.

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

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

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

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

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

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

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

Sincerely,

RICHARD M. DALEY,  
Mayor.

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

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

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

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

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

very encouraging and we hope to continue this partnership.

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

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

Sincerely,

CHRISTOPHER MCKENZIE.

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

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

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

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

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

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

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

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

Cordially,

LAURA MILLER,  
Mayor.

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

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

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

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

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

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

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

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

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

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



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

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

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

Cordially,

BEVERLY O'NEILL,  
Mayor.

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

I reserve the remainder of my time.

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

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

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

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

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

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

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

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

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

The ACTING PRESIDENT pro tempore. Is there objection?

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

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

Mrs. FEINSTEIN. That is correct.

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

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. GREGG. I thank the Senators.]

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

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

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

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

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

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

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

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

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

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

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

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

Congress should not use this money as pork barrel.

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

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

We have to be risk-based in our funding.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[Figures are in millions of dollars]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

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

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

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

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

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

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

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

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

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

To: Honorable Frank Lautenberg, Attention: David Garten.

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

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

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

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

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

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

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

[All amounts in millions]

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

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

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

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

The PRESIDING OFFICER. The Senator from Maine.

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

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

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

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

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

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

Mr. LAUTENBERG. Will the Senator yield?

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

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

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

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

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

Mr. LAUTENBERG. I thank the Senator from Maine.

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

The 9/11 Commission wrote in its report that:

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

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

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

[All amounts in millions]

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

choices about how to prioritize homeland security spending.

The 9/11 Commission stated in its report:

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

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

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

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

A Washington Post editorial of May 17 asked the question:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

To quote the Commission:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

That, Mr. President, is a travesty.

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

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

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

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

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

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

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

to address the Nation's homeland security funding needs.

The PRESIDING OFFICER. Who yields time?

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

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

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

The PRESIDING OFFICER. The Senator from New Jersey.

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

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

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

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

I yield the floor.

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

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

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

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

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



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

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

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

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

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

Mrs. FEINSTEIN. I yield the floor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Connecticut.

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

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

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

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

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

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

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

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

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

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

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

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

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

AMENDMENT NO. 1129

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

The Senator from Washington is recognized.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[From the Associated Press]

NATIONAL GUARD MISSES RECRUITING GOAL AGAIN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Further, the Army Guard:

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

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

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

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

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

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

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

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

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

I yield 5 minutes to the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. Who yields time?

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

Mrs. HUTCHINSON. Is there a time limit?

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

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

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

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

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

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

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

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

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

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

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

I thank the Chair. I yield the floor.

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. Five minutes.

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

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

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

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

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

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

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

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

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

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

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

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

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

The Senator from Washington.

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

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

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

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

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

[From the Washington Post, July 11, 2005]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mrs. MURRAY. How much time remains?

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

The Senator from Washington is recognized.

Mrs. MURRAY. I thank my colleague from Texas.

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

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

I thank the Chair. I yield the floor.

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

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

The PRESIDING OFFICER. They have not been ordered.

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

The PRESIDING OFFICER. Is there a sufficient second?

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

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

The assistant journal clerk called the roll.

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

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

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

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

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

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

[Rollcall Vote No. 174 Leg.]

#### YEAS—95

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

#### NOT VOTING—5

Alexander	Mikulski	Thune
Lott	Sessions	

The amendment (No. 1129) was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts.

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

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

Mr. KENNEDY. I thank the Chair.

#### SELECTING A SUPREME COURT JUSTICE

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



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

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

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

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

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

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

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

It is not difficult to achieve that kind of consensus. We know what the Court needs and what the country expects. Nominees should be excellent lawyers who respect the Constitution, understand the law, and understand

and respect the vital role of the judiciary in our Government. Most of the public do not want judges whose goal is to advance a result-oriented agenda, or to take the law on detours of their own. They want judges who proceed from the basic principles that unite us, as reflected in the Constitution and in two centuries of our shared history.

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

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

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

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

The American people understand that our system of checks and balances

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

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

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

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

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

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

Mr. President, I yield the floor.

#### RECESS

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

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

#### DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2006—Continued

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

Who seeks time?

The Senator from Texas.

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

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

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

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

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

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

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

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

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

JULY 11, 2005.

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

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

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

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

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

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

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

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

We again commend you on your efforts to increase the amount of homeland security funds distributed based on threat, vulner-

ability, and consequences of a terrorist attack.

Sincerely,

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

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

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

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

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

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

(See exhibit 1.)

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

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

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

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

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

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

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

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

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

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

need to protect and that these funds be distributed in an efficient and timely manner.

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

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

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

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

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

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

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

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

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

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

#### EXHIBIT 1

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

U.S. SENATE,  
Washington, DC.

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

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

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

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

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

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

Sincerely,

MICHAEL CHERTOFF.

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

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

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

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

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

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

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

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

I hope my colleagues in this case would rise to the occasion. Again, I understand that every State has needs. As I said, how can I be sure that if I were from a small State I would not want to favor a formula that had more for the small States? But in New York City, we would like to get a lot of corn subsidies or oil subsidies, but we don't have much corn or oil. This provision

is aimed at threat. It is not something good to have, it is something bad to have, but it is only fair and it is only right that we make this as threat-based as possible.

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

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

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

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

The PRESIDING OFFICER. The Senator from Maine.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. Who seeks time?

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

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

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

Department of Homeland Security appropriations bill.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Secretary Chertoff adds:

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Maine.

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

The PRESIDING OFFICER. The Senator from Michigan.

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



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

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

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

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

We did a number of things, but perhaps the most significant addition we made to what has been the practice is that we added a new option basically for high population or high population

density States so that they could choose in effect either between the minimum formula of .55 percent, which is in the Collins-Lieberman amendment, or select another formula which is based more on population and population density. Almost all of our States—not quite all but almost all of our States—as a result of that option that is built into the Collins-Lieberman amendment do better than they do under the bill which is pending before us.

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

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

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

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

There will be a later amendment that will be voted upon that from the perspective of a number of States would be an improvement over Collins-Lieberman, but that is not what people have

to vote on, as to whether they support Collins-Lieberman or the Feinstein amendment. People could vote for both amendments. It is not one amendment substituting for the other. This is not a decision as to which is better, vote only for one. From the perspective of some States both of the amendments would be an improvement over the underlying bill.

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

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

I thank the Chair. I yield the floor.

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

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

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

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

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

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

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

And here is the reason that DHS gives.

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from New Jersey.

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

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

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

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

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

the people who live in that area. When you have an attack on the water, you send the ships to the area. Why in the world are we deciding here and now that we shouldn't give the money to the areas of highest risk?

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

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

The PRESIDING OFFICER. There is 18 minutes 51 seconds.

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

very important role in crafting this legislation.

The PRESIDING OFFICER. The Senator from Nebraska.

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

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

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

responders, allowing States and local governments to build a base capacity by funding essential prevention, preparedness, response, and recovery capabilities. In past years, States have been guaranteed a minimum of .75 percent of these funds.

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

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

The PRESIDING OFFICER. There are 12 minutes 42 seconds.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LETTERS OF SUPPORT FOR S. 21

NATIONAL TROOPERS COALITION,

*Green Bay, WI, June 9, 2005.*

Hon. SUSAN M. COLLINS,

*Chair, Homeland Security and Governmental Affairs Committee, U.S. Senate, Dirksen Senate Office Building, Washington, DC.*

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

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

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

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

Sincerely,

CASEY PERRY,  
*Chairman.*

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

Hon. SUSAN M. COLLINS,

*Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.*

Hon. JOSEPH I. LIEBERMAN,

*Ranking Member, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.*

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

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

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

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

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

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

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

Sincerely,

CHUCK CANTERBURY,  
*National President.*

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

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

U.S. SENATE,  
*Washington, DC.*

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

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

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

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

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

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

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

Sincerely,

WILLIAM J. JOHNSON,  
*Executive Director.*

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

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

Senator JOE LIEBERMAN,  
*U.S. Senate, Hart Senate Office Building,  
Washington, DC.*

DEAR SENATORS COLLINS AND LIEBERMAN: On behalf of the more than 110,000 field level law enforcement personnel that the International Union of Police Associations, AFL-CIO represents throughout the United States, I urge you to do everything in your power to convince your colleagues to support S. 21, the Homeland Security Grant Enhancement Act of 2005.

The men and women we represent form the very first line that protects us against terrorist attacks and are the very first to respond to any actions taken against our citizens. Local and state law enforcement officers both need and deserve the support that S. 21 will provide them.

When critical resources are allocated, these brave men and women who willingly rush in to harm's way deserve the guarantees that S. 21 provides—that ensures they will have these resources. Resources that to date have too often been denied them.

We in law enforcement are constantly held accountable for our decisions and actions. It is time that federal decision makers are held to the same standard of accountability. S. 21 will end the old practices that too often resulted in state and local law enforcement receiving little or no support. It ensures that once allocation decisions are made, we will be given an explanation for those grant allocation decisions.

We know from long experience that prevention must come before response. Swift and effective response should only be necessary when those who would do us harm circumvent prevention. By requiring that up to twenty-five percent of the homeland security grant funding will be used for law enforcement terrorism prevention purposes, we will be able to place prevention in its proper place, in front of response. We will have better information sharing, target hardening, threat recognition, terrorist intervention activities, interoperable communication, and overtime expenses to carry out our mission of protecting the American public. Only in this way will we be able to build our nation's prevention capabilities from the ground up.

Please take this message from those on the front line and use it to your best advantage in convincing your colleagues to rally full support for S. 21.

Thank you for your commitment and your consideration.

Sincerely yours,

SAM A. CABRAL,  
*International President.*

INTERNATIONAL ASSOCIATION OF  
CHIEFS OF POLICE,  
*Alexandria, VA, June 21, 2005.*

Hon. SUSAN M. COLLINS,  
*Dirksen Senate Office Building, U.S. Senate,  
Washington, DC.*

DEAR SENATOR COLLINS: On behalf of the International Association of Chiefs of Police (IACP), I am writing to encourage you to cosponsor S. 21, the Homeland Security Grant Enhancement Act of 2005. The bill, sponsored by Senators Susan Collins and Joseph Lieberman, is designed to reform homeland security grant system in order to make it both more accountable and more effective, thereby increasing the ability of our nation's law enforcement agencies to prevent terrorist attacks before they occur.

As you will see in the attached report, "From Hometown Security to Homeland Security," it is the IACP's belief that in our national efforts to develop the capacity to respond and recover from a terrorists' attack, we have failed to focus on the importance of building our capacity to prevent a terrorist attack from occurring in the first place. While planning their attacks, terrorists often live in our communities, travel on our highways, and shop in our stores. As we have discovered in the aftermath of the September 11th attacks, several of the terrorists involved had routine encounters with state and local law enforcement officials in the weeks and months prior to the attack. If state, tribal, and local law enforcement officers are adequately equipped and trained, they can be invaluable assets in efforts to identify and apprehend suspected terrorists before they strike.

By authorizing for the first time the Law Enforcement Terrorism Prevention Program (LETPP), S. 21 makes prevention a priority, and partners the federal government with state and local law enforcement. Under the bill, up to twenty-five percent of all authorized homeland security grant funding will be used for law enforcement terrorism prevention purposes, including information sharing, target hardening, threat recognition, terrorist intervention activities, interoperable communication, and overtime expenses occurred in support of federal agencies for increased border security and training.

In addition, recognizing how important prevention is, Senators Collins and Lieberman have agreed that they will work to amend S. 21 when it gets to the Senate floor to ensure that a set percentage of homeland security grant dollars are fenced off for LETPP, thus establishing a predictable, significant funding homeland security funding source for this critically-important program. Successful terrorism prevention requires that state, tribal, and local law enforcement across the country continue to receive LETPP funds.

To date, the vast majority of federal homeland security efforts have focused on increasing our national capabilities to respond to and recover from a terrorist attack. These efforts are important and must continue. But we must not ignore the need to build the capacity to prevent attacks. S. 21 strikes a proper balance, and it has the IACP's support.

We therefore urge you to cosponsor S. 21. If you wish to co-sponsor the bill, your staff should contact Jon Nass with the majority

staff of the Senate Committee on Homeland Security and Governmental Affairs, and Beth Grossman with the minority staff.

Thank you for your consideration.

Sincerely,

JOSEPH ESTEY,  
*President.*

UNITED FEDERATION  
OF POLICE OFFICERS, INC.,

*Briarcliff Manor, NY, June 25, 2005.*

Re: S. 21, The Homeland Security Grant Enhancement Act of 2005

U.S. SENATE,  
*Washington, DC.*

DEAR SENATOR: On behalf of the members of the United Federation of Police Officers, Inc. and the United Federation of Security Officers, Inc., I am writing to ask you to cosponsor S. 21, the Homeland Security Grant Enhancement Act of 2005. This legislation will reform the homeland security grant system to make it more effective, efficient, and accountable. It will also ensure a significant role for state and local law enforcement and Security Officers in preventing the next terrorist attack.

Sponsored by Senators Collins and Lieberman, S. 21 was reported out of the Senate Homeland Security and Governmental Affairs committee on April 13, 2005 and is expected to be considered by the full Senate within the next several days. S. 21 ensures that law enforcement will have a seat at the table when homeland security resource allocation decisions are being made.

Unlike other homeland security grant proposals, S. 21 ensures that the prevention of terrorist attacks, not just response efforts, receive a significant share of the homeland security funds. Under S. 21, up to 25 percent of the homeland security grant funding will be used for law enforcement terrorism prevention purposes including information sharing, target hardening, threat recognition, terrorist intervention activities, interoperable communication, and overtime expenses occurred in support of federal agencies for increased border security and training.

S. 21 will also foster the development and enforcement of voluntary consensus standards to improve the safety of first responder equipment and encourage the expansion of the SAVER program, which provides first responders with "consumer report" type information on the performance of various brands of equipment relied on by law enforcement and security officers every day.

We need to be sure that state and local law enforcement and security officers are properly supported, trained and equipped to prevent terrorism before it occurs. S. 21 will ensure that these agencies will receive a fair share of federal assistance dedicated for prevention purposes.

Thank you for your support and attention to this matter.

Sincerely,

RALPH M. PURDY,  
*President.*

INTERNATIONAL BROTHERHOOD  
OF POLICE OFFICERS,  
*Alexandria, VA, July 7, 2005.*

Hon. SUSAN COLLINS,  
*U.S. Senate, Dirksen Senate Office Building,  
Washington, DC.*

DEAR SENATOR COLLINS: On behalf of the International Brotherhood of Police Officers (IBPO), representing 25,000 rank-and-file officers from across the nation as the largest police union voice in the AFL-CIO, I would like to thank you for your introducing S. 21, the "Homeland Security Grant Enhancement Act of 2005" and inform you of IBPO's wholehearted endorsement of this legislation. S. 21

aims to make Homeland Security grants more effective and efficient. It further, rightly ensures significant support for state and local law enforcement in their work of terrorism prevention.

As the devastating loss of innocent life from this morning's terrorist attacks in London England become fully understood, America is again tragically reminded that those who wish to derail our way of life and trumpet subjection over the goals of freedom will be unrelenting in their efforts of tyranny. The vigilant struggle against such aims in alleviated by proper response and prevention, which this legislation rightly works to guarantee.

Under S. 21, up to 25 percent of the Homeland Security grant funding will be used for law enforcement terrorism prevention purposes. This will include information sharing, target hardening, threat recognition, terrorist intervention activities, interoperable communication, and overtime expenses occurred in support of federal agencies for increased border security and training.

S. 21 will foster the development and enforcement of voluntary consensus standards to improve the safety of first responder equipment. It will also encourage the expansion of the SAVER program, which provides first responders with "consumer report" type information on the performance of various brands of equipment relied upon by the law enforcement community.

IBPO will work to ensure passage of this important legislation and we thank you for your continued support of our nation's law enforcement officers.

Sincerely,

STEVE LENKART,  
*Special Assistant to  
the President, Director  
of Legislative Affairs.*

NATIONAL ORGANIZATION OF BLACK  
LAW ENFORCEMENT EXECUTIVES,  
*Alexandria, VA, July 11, 2005.*

Hon. SUSAN COLLINS,  
*U.S. Senate, Dirksen Senate Office Building,  
Washington, DC.*

Hon. JOSEPH LIEBERMAN,  
*U.S. Senate, Hart Senate Office Building,  
Washington, DC.*

DEAR SENATORS COLLINS AND LIEBERMAN: The National Organization of Black Law Enforcement Executives (NOBLE), an organization of nearly 3,500 primarily African-American law enforcement CEOs and command level officials writes to express its support and appreciation for S.21 the Homeland Security Grant Enhancement Act of 2005.

S. 21 allocates up to 25 percent of homeland security grant funding to address the critical training, equipment and human resource needs of state and local law enforcement agencies in a proactive manner that will allow for greatly needed prevention efforts.

Our members are on the front lines in the war on terror, and when terror strikes our communities we want them prepared. We want our citizens working in partnership with law enforcement. We want our communities to know that their law enforcement agencies have the necessary resources to minimize death and injury. We need the funding that S. 21 provides, for: planning, training, inter-operable communications, proper protective equipment, information exchange and community based terrorism prevention programs.

We believe that S. 21 will provide state and local officials with not only resources, but also a voice in what is needed to best protect their community. We trust that your colleagues will make a positive commitment to those who are sworn to keep the homeland secure.

Thank you for your leadership on this issue.

Sincerley,

CLARENCE EDWARDS,  
*National President.*

NATIONAL GOVERNORS ASSOCIATION,  
*Washington, DC, April 22, 2005.*

Hon. SUSAN COLLINS,  
*Chair, Committee on Homeland Security and  
Governmental Affairs, U.S. Senate, Dirksen  
Senate Office Building, Washington, DC.*

Hon. JOSEPH I. LIEBERMAN,  
*Ranking Minority Member, Committee on Home-  
land Security and Governmental Affairs,  
U.S. Senate, Hart Senate Office Building,  
Washington, DC.*

DEAR MADAM CHAIR AND SENATOR LIEBERMAN: We would like to thank you and the Committee for your attention to state concerns in S. 21, the Homeland Security Grant Enhancement Act of 2005. The bill appropriately acknowledges the need to assure that each state and territory is prepared to prevent, respond to and recover from a terrorist attack. Similarly, we appreciate your recognition that homeland security funding and planning should be coordinated through each Governor's office for maximize the efficiency and effectiveness of homeland security spending and, by extension, the safety of our citizens.

After each state and territory receives a base amount, we believe that additional funding be distributed based on an assessment of risks and threats, the calculation of which should be as transparent as possible given the classified nature of the threat information. Risk and threat assessments should be based on all threats, including, but not limited to, ports, borders, agricultural food production and supply, water supply, fuel, and computer systems.

The Governors appreciate your recognition and inclusion of state and local officials in determining the essential capabilities for first responders. Our homeland security personnel must be included in determining the levels and competences needed in planning and equipping to prevent, prepare for, and respond to acts of terrorism and other catastrophic events; and must be given the flexibility to set priorities based on local or regional needs, while reaching nationally determined preparedness levels.

In addition, Governors support the continuation of separate funding sources for pre-9/11 programs for law enforcement, public health and emergency management; the establishment of a "one-stop shop" to assist state and local officials with information regarding homeland security; the flexibility to use homeland security funds among programs for equipment, training, exercises, and planning; and the ability to pay overtime expenses regarding training activities consistent with the goals outlined in the state plan.

To effectively protect our states and territories from potential terrorist events, all sectors of government must be part of an integrated plan to prevent, deter, respond to and recover from a terrorist act. For the plan to work, it is essential that it be funded through a predictable and sustainable mechanism both during its development, and in its implementation. A minimum allocation to each state and multiyear authorization levels of funding will provide the predictability necessary to implement statewide plans that will assist Governors in securing our nation.

We appreciate the time and attention you have given to some concerns in drafting this measure and look forward to working with you as the bill moves through Senate.

Sincerley,

GOVERNOR RUTH ANN

MINNER,  
*Delaware, Lead Gov-  
ernor on Homeland  
Security.*

GOVERNOR MITT ROMNEY,  
*Massachusetts, Lead  
Governor on Home-  
land Security.*

NATIONAL EMERGENCY MANAGEMENT  
ASSOCIATION,

*Washington, DC, July 7, 2005.*

Hon. SUSAN M. COLLINS,  
*Chair, Senate Homeland Security and Govern-  
mental Affairs Committee, U.S. Senate,  
Dirksen Senate Office Building, Wash-  
ington, DC.*

Hon. JOSEPH LIEBERMAN,  
*Ranking Member, Senate Homeland Security  
and Governmental Affairs Committee, U.S.  
Senate, Hart Senate Office Building, Wash-  
ington, DC.*

DEAR SENATORS: On behalf of the National Emergency Management Association (NEMA), I would like to thank you for your efforts to enhance the state homeland security grants program in order to build a stronger national emergency response system. NEMA is particularly encouraged by provisions in S. 21 that would continue coordinating federal homeland security funds through the nation's Governors to ensure coordination of funding with priorities identified by the state domestic preparedness plan.

We strongly support the inclusion of a state minimum level of funding for capacity building included in S. 21. State and local capacity building will be increasingly important as we deal with the requirements of Homeland Security Presidential Directive 8 on Preparedness. Additionally, we support efforts to increase state and local flexibility on the use of federal homeland security funds. States and localities have unique needs for addressing homeland security preparedness, as identified in their individual state plans. Further, we also support provisions in S. 21 that would eliminate duplicative planning requirements for state and local governments.

We are also appreciative of your recognition that a match requirement would be too burdensome for state governments to address, especially as we address matters of national security. Additionally, the provision in your bill that creates a Task Force on Essential Capabilities is critical to ensuring that state and local governments, as well as emergency responders are involved in identifying national guidelines from early in the process of development.

Thank you for your contributions to emergency management and homeland security. We truly appreciate the strides that you are making in building upon national capacity to prevent, prepare for, and respond to acts of terrorism, as well as all disasters.

We look forward to continuing to work with you in continuing to develop your legislation.

Sincerley,

DAVE LIEBERSBACH,  
*NEMA President, Di-  
rector, Alaska Divi-  
sion of Homeland Se-  
curity and Emer-  
gency Management.*

Ms. COLLINS. Mr. President, there are other issues as well that are very important to comment on. Another one is that the Feinstein-Cornyn amendment does not include adequate accountability measures. We know that we need tough accountability measures, such as what is included in the Collins-Lieberman amendment. Such



measures, for example, include a requirement for a GAO audit. We would also require in our amendment—in contrast to the Feinstein-Cornyn amendment—that all spending be tied to achieving essential prevention and preparedness goals.

This is an important point. We cannot afford to have scarce homeland security dollars wasted on leather jackets in the District of Columbia or be used to buy air-conditioned garbage trucks for a New Jersey city. We need to make sure the expenditures are wise and appropriate, and the tough accountability measures included in the Collins-Lieberman amendment will do that.

I note that the Feinstein-Cornyn amendment is silent on an authorization level, and it doesn't attempt to restore the \$900 million in cuts since fiscal year 2004. Only our amendment seeks to stop the reduction of funding for first responders by authorizing a significant level of funding. We didn't go overboard. It is a level of funding that was provided in fiscal year 2004; it is \$2.9 billion.

While we are making progress every year on becoming better prepared to prevent or respond to attacks, we are a long way from completing the task. I note that the Feinstein-Cornyn amendment excludes from risk-based funding substantially all the cities that have not received funds in the past. This is an important point. While the Feinstein-Cornyn amendment purports to authorize the Secretary of Homeland Security to distribute funds as he sees fit based on risk, in reality it effectively restricts the universe of cities that could apply for risk-based funding to those that have received risk-based funding in the past. In this sense, it perpetuates the status quo.

If a city or region has not received risk-based funding in the past and then is faced with a potential threat, for example, due to the construction of a new chemical facility or another piece of critical infrastructure or because it is hosting a large event, it is out of luck; it is ineligible to apply for risk-based funding under the Feinstein-Cornyn amendment.

Finally, let me show you the impact—on this chart in green and white—of the Feinstein-Cornyn amendment. The States in green are better off under the Collins-Lieberman approach—the approach supported by the occupant of the chair. It is virtually every State. I also point out that those seven states in white don't do badly. They do very well because we are doubling the amount of money that is risk-based, and we are also providing for a reasonable minimum allocation.

There it is. I hope my colleagues will consider this. A lot of work went into crafting this amendment. It is a comprehensive approach for a grant program for which we have appropriated billions of dollars, but never authorized. Let's do this right. Let's adopt the bipartisan Collins-Lieberman amendment.

I yield the remainder of my time to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I am glad to summarize on our side. The last opportunity I had to speak, I said that there is a very significant difference, which Senator COLLINS compellingly demonstrated, between the Collins-Lieberman approach to contributing these funds and the Cornyn-Feinstein approach. Of course, I think ours is much more fair.

The amendment Senator COLLINS and I are introducing is an amendment to the underlying appropriations bill. I want to stress the differences between our amendment and the underlying bill. The first goes to funding.

Here is a sad story in the midst of an increasing concern about terrorism. In 2004, the Federal Government appropriated \$2.9 billion to the States and localities in homeland security grants. In 2005, that number was reduced to \$2.3 billion. The President's budget for 2006 recommended slightly over \$2 billion. The appropriations bill that is before us now has slightly over \$1.9 billion.

Senator COLLINS and I do what we think is the minimum we should be doing to protect our people from the threat of terrorism here at home. We went back to the 2004 level of \$2.9 billion. So we increase by \$1 billion the amount of money authorized in the underlying bill.

Secondly, we have a predictable formula. It is not ad hoc every year. It will tell local law enforcement what they can expect to get.

Third, it is a balanced formula. Most of it is based on risk. The rest gives a minimum to each State. Why a minimum to each State? Because who knows where the terrorists will strike next? A lot of emphasis has been put on risk analysis here, Mr. President. I repeat that risk analysis is an educated guess about what these insane, inhumane, hateful terrorists will do next to strike at America.

All of America is vulnerable and all of America needs help. That is why the National Governors Association supports our amendment and most law enforcement agencies do as well.

I thank the Chair and urge support of the amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes 54 seconds remaining.

Mrs. FEINSTEIN. Mr. President, I thank both Senator COLLINS and Senator LIEBERMAN, and particularly Senators CORNYN, SCHUMER, LAUTENBERG, and MARTINEZ, who spoke on behalf of our amendment.

Let me make clear, our amendment does not in any way, shape, or form, we believe, interfere with the authorizing committee. The authorizing committee has the absolute right to set whatever

standards it might want to in operations. What we are trying to do is see that this huge new bureaucracy, which has been set up under the Department of Homeland Security, with all of its robust new intelligence capabilities, is able to put forward a plan and have that plan be funded, and that plan will be based on risk and threat and vulnerability. And, in fact, that is what Secretary Chertoff says in his letter to us, that he and the President want at least 90 percent of the funds devoted on a risk, threat, and vulnerability basis.

He also says they have come up with 36 essential capabilities they believe are critical in preventing another terrorist attack.

I don't think we should go to 60-40. I truly don't believe places should get money just to increase whatever it is they can increase with their own funds. I really believe that because the money is limited, it has to go to places where there are risks, where we know there are targets, where these targets have figured actionable intelligence that has reached us. So that is what we try to do.

Let me summarize once again. Under the underlying bill, the Homeland Security appropriations bill, there is \$1.339 billion based on risk. The Collins-Lieberman amendment has \$1.155 billion based on risk, 60 percent of the dollars. It is, in essence, less than the underlying bill. What we have tried to do is increase the amount on risk. So under the Feinstein-Cornyn amendment, there is \$1.667 billion based on risk. That 87 percent of the available dollars is based on risk.

This does not take anybody out of applying. This does not say this city cannot apply or this town cannot apply. What it says is, if you apply, you are going to be judged on risk, threat, and vulnerability. I actually think that when you have limited numbers of dollars, that is what you have to do.

My friend and colleague, the Senator from Connecticut, mentioned the Bali bombing. And, yes, one might say that is not the capital of Indonesia. But, on the other hand, if we look at Baghdad, if we look at Beirut, if we look at most of the places where these attacks take place, they are in highly symbolic places where the economic and individual damage is large.

When it comes to the United States, many of us fear a large attack, a major attack. So we have to figure, based on intelligence, where that attack is going to come down. Yes, someone might come in through a port, or they might come over the southwest border from Mexico. This is why we are trying to tighten our borders. All of that is true, but we have to figure, if that big attack takes place, where is it going to take place? What is the first response going to be? How fast is it going to be?

The fact is that the British people have done this. They put an emphasis on London. Therefore, when those bombs blew up, the response was fast, and the speed of the response was able

to save lives. So it is a kind of prototype, if you will, of what we are trying to achieve here.

For once, I am on the same note as the administration. We would like to see as much money as possible go to cities based on risk.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. FEINSTEIN. That is what our amendment does. I hope this body will vote yes.

Have I used all my time?

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. FEINSTEIN. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 1200

Mr. BYRD. Mr. President, I ask unanimous consent that the pending amendment No. 1200 be stated by the clerk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. KENNEDY, Mr. DEWINE, Mr. CORZINE, and Mr. DODD, proposes an amendment numbered 1200.

At the appropriate place, insert the following:

For necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), \$100,000,000 shall be available to carry out section 33 (15 U.S.C. 2229) for the fiscal year ending September 30, 2005, to be available immediately upon enactment, and to remain available until September 30, 2007.

Mr. BYRD. Mr. President, I thank the clerk.

I ask unanimous consent that the following Senators be added as cosponsors: Messrs. KENNEDY, DEWINE, CORZINE, and DODD. That is it. That completes the list.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I rise today to talk about a very important group of men and women and to offer an amendment on their behalf.

All across this land, there are men and women who put their lives on the line every day fighting fires, over a million firefighters, and over three-fourths of them are volunteers. So when one reads a list of the responsibilities firefighters bear each day, it reads like a litany of good public service: fire suppression, wild land firefighting, hazardous materials response, code enforcement, fire prevention, education, explosives response, investigation, industrial fire prevention and safety, and counterterrorism.

So in this high-technology, post-9/11 world, it is not our father's fire service. Firefighters require the latest equip-

ment and training to cope with changing threats. When our Nation fell under attack on September 11, 2001, firefighters raced into buildings, buildings engulfed in flames, to save people.

Today, over 8,000 firefighters are battling wildfires in eight States that threaten our environment and property. When a house is on fire, firefighters arrive quickly on the scene to rescue people and their pets. They rush into burning buildings to pull people from the mayhem. When vehicles spill hazardous, even toxic materials, firefighters clean up the spill, thereby protecting nearby populations.

They do all of this often without proper equipment, often without enough training, often without sufficient staffing but—but, but—they do it anyway. Yes, they do it anyway, and we are all better off for their bravery.

One could go on and on about these heroes, but words are meaningless without action. That is why I am offering an amendment that will restore funding for the Assistance to Firefighters Grant Program, a program that provides equipment and training for these courageous public servants.

So I say, restore funding for the Assistance to Firefighters Grant Program because the bill that is before the Senate reduces funding for firefighter grants by \$100 million in comparison with last year. There is no justification for this cut. Applications for fiscal year 2005 totaled \$2.7 billion. With the funding that Congress approved, the Department of Homeland Security funded less than one-quarter of the eligible applications.

Instead of responding to this significant demand for firefighter equipment and training, the administration proposed to cut firefighting grants for fiscal year 2006 from \$715 million to \$500 million, a reduction of 30 percent.

Our leader, Homeland Security Subcommittee Chairman GREGG, has done all that he can to address the greatest needs in this Homeland Security appropriations bill for fiscal year 2006. But our bank account—ah, now, there is where the problem is—our bank account was pilfered by a budget proposal from the White House. The White House proposed that the Appropriations Committee raise \$1.68 billion in fees by raising airline passenger fees. The problem is, the Appropriations Committee does not have authority to increase such fees. So what happened? This left the committee with a deep hole to fill, and as a result, our firefighters are \$100 million short.

I received a letter on June 10 of this year from Chief Robert DiPoli, retired, president of the International Association of Fire Chiefs. I shall make this letter a part of the RECORD shortly but not at this moment.

In the letter, Chief DiPoli tells me that the Assistance to Firefighters Grant Program and the Staffing for Adequate Fire and Emergency Response Firefighters, or SAFER, Program are the highest priorities of the

members of the association. He goes on to state that although the fire departments are locally funded and operated, they do provide a national service in times of crisis, whether natural or man made.

Chief DiPoli has said that the Assistance to Firefighters Grant Program is the greatest program ever to hit the streets because fire departments cannot fund all of their needs through bean suppers and bingo games. I have to agree. I agree.

According to a recent study by the U.S. Fire Administration entitled "A Needs Assessment of the U.S. Fire Service," only 13 percent of the fire departments have the equipment and training to handle an incident involving chemical or biological agents, and half of all fire engines are at least 15 years old. Ten percent of fire departments in cities with at least one building over four stories high or higher do not have adequate ladders or aerial apparatus. Overall, fire departments in the United States do not have enough portable radios to equip half of the responders on a shift, and the percentage is even higher in small communities.

So who would want to be a firefighter? I would not want to be, with all of that shortage of equipment.

One-third of firefighters per shift are not equipped with self-contained breathing apparatus.

How about that? This equipment is not cheap. A portable radio costs \$950. A chemical agent detector costs \$8,585. An air pack costs \$4,424. A defibrillator costs \$1,695. Night vision goggles cost \$3,210. Uniforms and other basic gear cost \$1,000. So it is no surprise to me that the demand for this program has grown from \$2.1 billion for fiscal year 2003 to \$2.3 billion in fiscal year 2004 to \$2.7 billion for this year.

What does surprise me, what disappoints me, is that in the face of documented needs—now these are not just "suspicion" needs or "maybe" needs or "perhaps" needs. What does surprise me, what disappoints me, is that in the face of documented needs for better equipment and growing demand for this program, the bill cuts the funding for equipping and training our firefighters.

I am pleased that the bill provides an increase for the SAFER firefighter hiring program. I commend my chairman, Senator GREGG, for his support for the program. Overall, firefighter grants are cut by \$100 million. Firefighters in both big cities and small towns across this land face new challenges every day, while maintaining their traditional missions. They should not rely on bean suppers and bingo games to raise the funds to pay for their needs on the job. Individually and collectively, we are safer with properly equipped and trained firefighters. As a Nation, we rely on their capabilities. Therefore, Federal dollars are wisely invested in the effort.

That brings me to the present moment. I offer this amendment to provide \$100 million to the Assistance to

Firefighters Grant Program. By approving this amendment, the Senate will be answering the call, will be saying, we hear you, we hear what you are saying, will be answering the call from our firefighters.

This is a modest amendment. It simply restores firefighter grants funding to the fiscal year 2005 level of \$715 million. Even if this amendment is adopted, the firefighting program will be almost \$300 million below the level authorized by Congress. I wish we could do more, but this is the least we can do.

I urge my colleagues on both sides of the aisle to adopt the amendment. I ask unanimous consent that the letter to which I earlier referred from Chief Robert A. DiPoli be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INTERNATIONAL  
ASSOCIATION OF FIRE CHIEFS,  
Fairfax, VA, June 10, 2005.

Hon. ROBERT C. BYRD,  
Ranking Member, Subcommittee on Homeland  
Security, Committee on Appropriations, U.S.  
Senate, Washington, DC.

DEAR SENATOR BYRD: As you craft appropriations legislation for Fiscal Year 2006 (FY 2006), I would like to draw your attention to two critical federal grant programs for first responders: the Assistance to Firefighters Grant Program (commonly known as the "FIRE Act") and the Staffing for Adequate Fire and Emergency Response Firefighters Act of 2003 (commonly known as "SAFER"). The FIRE Act and SAFER are two of our members' highest priorities, and we ask that you provide full funding for both programs in your bill.

Established in 1873, the International Association of Fire Chiefs (IAFC) is a powerful network of more than 12,000 chief fire and emergency officers. Our members are the world's leading experts in firefighting, emergency medical services, terrorism response, hazardous materials spills, natural disasters, search and rescue, and public safety legislation.

Though fire departments are locally funded and operated, they provide a national service in times of crisis, whether natural or man-made. That means preparing for everything from hurricanes and wildfires to potential acts of terrorism. America's fire service is ready, willing and able to answer the public call.

To do so, however, America's fire service must be adequately staffed, trained and equipped. In December 2002, the U.S. Fire Administration (USFA) and the National Fire Protection Association (NFPA) issued a joint study entitled *A Needs Assessment of the U.S. Fire Service*. While the federal government has since begun funding state and local homeland security programs, the NFPA believes that the following statistics still reflect the problems that America's fire service faces in meeting basic mission needs. For example:

Half of all fire engines are at least 15 years old.

On the whole, fire departments do not have enough portable radios to equip more than about half of the emergency responders on a shift.

About one-third of firefighters per shift are not equipped with self-contained breathing apparatus (SCBA), and nearly half of SCBA units are at least 10 years old.

An estimated 57,000 firefighters lack personal protective clothing.

This report also documented a significant deficiency in firefighter staffing. NFPA

Standard 1710 requires that a minimum of four firefighters respond to an event. An alarming number of both volunteer and career fire departments are unable to meet this safety standard.

The USFA/NFPA report found that at least 10% of volunteer firefighters serve in fire departments that cannot achieve a standard minimum response to a mid-day house fire.

A 2003 report by the NFPA entitled *Preparing for Terrorism: Estimated Costs to U.S. Local Fire Departments* estimated that more than 50,000 new career firefighters are needed to provide an adequate baseline level of response. To adequately respond to a terrorist attack, the nation would need 75,000 to 85,000 new career firefighters.

To help address some of the glaring deficiencies in equipment and training, Congress passed the FIRE Act in 2000. Congressional, administration, and fire service officials alike have called the FIRE Act one of the very best federal grant programs. The U.S. Department of Agriculture (USDA) issued a program analysis in 2003, proclaiming that the FIRE Act works. In USDA's own words, the FIRE Act "has been highly effective in increasing the safety and effectiveness of grant recipients . . . 99 percent of program participants are satisfied with the program's ability to meet the needs of their department . . . [and] 97 percent of program participants reported positive impact on their ability to handle fire and fire-related incidents."

There are good reasons for the FIRE Act's success, and they are the five pillars of the program. First, funds go directly to local fire departments for the purposes intended. There is no opportunity for the money to get bottlenecked at intermediate levels as with so much other first responder funding. Second, grants are awarded on a competitive basis, and not on a predetermined formula. Third, grant applications are peer-reviewed. Fourth, grants are supplemental only; they may not supplant local funds. The fifth and final pillar of the FIRE Act's success is that it requires a co-payment by the community, and thus ensures community "buy-in" to the idea of improving the fire service and, therefore, advancing public safety.

As with the FIRE Act, SAFER would use a competitive and peer-reviewed application process, and grants would be supplemental only. Grants would be for a four-year period, during which time the federal contribution would phase down from 90 percent to 30 percent. Grantees must commit to retaining new hires for an additional year. At least 20 percent of funds would be reserved for volunteer firefighters.

In FY 2005, Congress funded the FIRE Act at \$650 million and SAFER at \$65 million. We ask that you include funding at the full authorized levels for these two critical programs in your budget plan for the coming year.

Thank you for your consideration.

Sincerely,

Chief ROBERT A. DiPOLI (Ret.),  
President.

Mr. BYRD. I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I appreciate the proposal of the Senator from West Virginia. It is sincere and well intentioned. Obviously, if we had the extra money, I would do it. Unfortunately, we are working within budget restraints, and the decision was made within this bill to move dollars from accounts that we felt had either robust funding or a fair amount of money still in the pipeline toward accounts where we knew we had great needs such as weapons of mass destruction and border security.

I simply note that in the area of firefighter assistance, since 2003 we have put \$2.5 billion into this initiative. In an earlier amendment, we moved money from the equipment funds over to the staffing funds so that we now have \$115 million in this budget for staffing initiatives, which I think is very important because of that \$2.5 billion, a very small percentage has been spent on staffing. As the Senator from West Virginia noted, we need to get people up to speed as to training and staffing capabilities.

We retain still \$500 million for equipment in this bill, which is a fair number of dollars. We have approximately \$715 million in the pipeline which has not gone out yet from 2005. Hopefully it will go out quickly and soon, but it has not gone out yet. So we know there is a fair amount of money in the pipeline.

Overall, the funding for firefighters, since 2003, is now over \$3 billion, which is a very strong commitment to our firefighter community and one which is very appropriate considering, as the Senator from West Virginia has so effectively outlined, the risks which these people undertake every day for our safety. So we believe that this is a strong commitment to the firefighter community. We would like to do more if we could do it within this budget context, but we cannot. Unfortunately, this amendment would put us outside of the budget guidelines we are presently pursuing or subject to.

In addition, of course, many of these firefighting departments can obtain money from their State plans on top of the earmarked funds which go to the fire departments, the earmarked firefighting funds of \$3 billion. There is the rather significant and robust commitment of over \$14 billion which has been made toward first responder activity generally, and all of these dollars would theoretically be available to fund firefighters.

Obviously that is not going to happen, but clearly, if the State plan decides they need more money in their firefighter community, a State plan can allocate that money for those firefighter initiatives beyond the money which comes through this \$3 billion initiative over the last 3 years. So this is a strong commitment to the firefighter community, and it is an attempt to reorient that commitment so that we focus more on staffing than on equipment, which we feel has received a disproportionate amount of the funding over the last few years at the expense of the staffing and training activities.

That is where we stand in this bill. I believe the bill is reasonable on this point. At the proper time, obviously a point of order will lie against this amendment, and I would presume that we would have to make it.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Would the able chairman yield for a comment?

I urge the chairman not to raise the budget point of order at this time. I wonder if perhaps I might implore the chairman to work with Chairman COCHRAN to approve using a portion of the fiscal year 2005 allocation for our firefighters so that this amendment would not be subject to a point of order. Would the very able chairman be willing to give some consideration to my request in this light?

Mr. GREGG. Mr. President, I know the Senator from West Virginia, the senior Senator in the Senate and the ranking member of the full committee, has discussed this matter with Senator COCHRAN. I am perfectly willing to pursue that course. I am willing to talk with the chairman of the full committee on that point, but I think probably from the chairman's position—I cannot make his case because I have not talked to him about it but suspect his concern is that opens the door that could lead to a large amount of authorization from 2005 being used, which would then generate outlays in 2006 which would absorb money that I suspect the chairman of the full committee feels he is going to need in order to meet what is a fairly tight budgetary restriction already subjected to the 2006 bill.

So I can understand if the chairman of the full committee might be reticent to accept such a request, but I will certainly be happy to—well, I will not need to pass it on because I know the Senator from West Virginia has, but I would be happy to sit on the sidelines and allow these titans to settle this issue.

Mr. BYRD. Mr. President, if the distinguished Senator would allow me further just to say that I thank the chairman for his consideration that he is giving to my request. I might add, firefighters and the communities they protect ought not to be penalized by inside-the-beltway procedures. We are in this tough position because the White House proposed that the Appropriations Committee raise \$1.68 billion by increasing airline passenger fees.

I have gone over this already, but I have to say again, as I said earlier, that the Appropriations Committee does not have authority to increase these fees. Therefore, we have been left with a gaping hole in resources, and this means that our firefighters are going to suffer a funding cut of \$100 million below the fiscal year 2005 level.

Some Senators might be surprised to know that the United States has one of the highest fire death rates in the industrialized world at 13.5 deaths per million population. Fires kill more Americans than all natural disasters combined. In 2003, 3,925 civilians lost their lives as a result of fire, and 111 firefighters were killed in duty-related incidents. In that same year, 18,125 civilians suffered injuries that occurred as a result of fire. So there is a real need for this funding. Communities

need the money to buy essential equipment. This is not a case of throwing dollars at fire departments so they can buy extravagant items.

This is a very modest amendment. Even with adoption of the amendment, the program will still be \$300 million below the level authorized by Congress. Last year, the Department of Homeland Security was unable to approve over \$2 billion in eligible applications for equipping and training our firefighters because of lack of funding. We ought to do everything we can to meet this demand for equipment and training for our firefighters.

The Appropriations Committee currently has \$1.058 billion in budget authority available under the 302(b) allocation for fiscal year 2005. So the reason I have asked my beloved chairman, Senator GREGG, to consider discussing this with Chairman COCHRAN is that if Chairman COCHRAN made just \$100 million of this unused allocation available to homeland security, this amendment would not be subject to a Budget Act point of order.

I again thank my friend, the chairman, for at least saying that he will withhold the point of order, and that he will give this matter some further consideration.

Before I yield the floor, I ask unanimous consent to add Senators LIEBERMAN and MIKULSKI as cosponsors to my amendment.

I yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire.

Mr. GREGG. Obviously I am perfectly happy and do not intend to make this point of order until the Senator from West Virginia feels he has had adequate time to discuss this matter with the chairman of the full committee, and hopefully it can be resolved.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask that prior to the votes which are to occur at 5 o'clock on the Feinstein and Collins amendments—I guess the Collins amendment will be first—that 4 minutes be equally divided between the two sides with 2 minutes under the control of Senator COLLINS and 2 minutes under the control of Senator FEINSTEIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1162

Mr. KERRY. Mr. President, I call up an amendment numbered 1162.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

Mr. KERRY. I thank the Chair. I offer this amendment together with Senator LAUTENBERG and Senator CORZINE.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], for himself, Mr. LAUTENBERG, and Mr. CORZINE, proposes an amendment numbered 1162.

Mr. KERRY. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Inspector General to report to the Congress on the port)

On page 100, between lines 11 and 12, insert the following:

SEC. 519. Within 90 days after the date of enactment of this Act, the Department of Homeland Security's Office of Inspector General shall issue a report to the House and Senate Committees on Appropriations, the House and Senate Committees on Homeland Security, and the Senate Committee on Commerce, Science, and Transportation regarding the steps the Department has taken to comply with the recommendations of the Inspector General's Report on the Port Security Grant Program (OIG-05-10).

Mr. KERRY. Mr. President, this is a rather straightforward amendment, not very complicated in its scope but important in its scope. I offer it together with Senator LAUTENBERG and Senator CORZINE.

This is an amendment to require the Department of Homeland Security inspector general to issue a report to the Congress within 90 days detailing the steps which that agency is taking to correct what many people feel is amounting now to a dangerous situation of either oversight or mismanagement.

Let me explain that record and why I am concerned about it. Earlier this year, the Department of Homeland Security inspector general issued an alarming report. We all ought to be very grateful to the IG for the issuance of that report. The IG concluded that 4 years after September 11, the administration, and I quote the IG, "has no assurance that our ports program is protecting the Nation's most critical and vulnerable infrastructure and assets."

The IG concluded that the program's design hinders its ability to direct enough funding to the most vulnerable ports, that available critical infrastructure information was not used during the application vetting process, that of the \$564 million awarded for port security grants since September 11—that is over almost a 4-year period—only \$106 million has actually been spent, that 82 out of 86 projects

funds for the Office of Domestic Preparedness in 2003 lacked merit, and perhaps the most damaging revelation was in 2003 the Transportation Security Administration, which funded 811 projects, had only one staff member overseeing the entire program.

That is a situation, according to the inspector general, that leaves America more vulnerable to attack. I know my colleagues and, I am confident, the President do not want to allow this situation to continue.

What is the best thing we can do to avoid that? Obviously, our priorities are reflected in how we choose to spend money and what we do with that. When we passed the Maritime Transportation Security Act in 2002, the Coast Guard estimated then it would cost port authorities, the private sector, and the Government \$7.3 billion to implement its requirements. In other words, after the Maritime Transportation Security Act of 2002, which was in direct response to what we learned needed to be done as a result of September 11, we had a private sector and Government estimate of \$7.3 billion that needed to be expended in order to put America in the place we ought to be for security.

To date, only \$564 million has been awarded for port security grants to help port authorities improve security and comply with the law. And of that, the IG report states very clearly only \$106 million has actually been spent as of last year.

If we put that in perspective, according to the GAO, more funding has been spent on the Capitol Visitor Center than was awarded during the first four rounds of the port security grant program. If we consider that only \$106 million out of \$7.3 billion that needed to be spent has actually been spent, the reality is we have almost five times the funding going into the Capitol Visitor Center as is going to protect the ports and providing security of our ports in the security program. I think that comparison would surprise a lot of Americans.

A lot of Members have supported spending a little bit more in the security for the ports because we believe it is basic to the national defense of our country. We know al-Qaida and other terrorists target transportation systems. We have seen that since September 11 in Madrid and now London. We saw it in 1998 when they bombed the USS *Cole* as it sat docked at a port in Yemen.

We also know millions of containers enter our country each year uninspected. And we are told by the Department of Homeland Security that all of the radiation screening equipment purchased after September 11 will have to be replaced because it is ineffective.

If a major U.S. port were to be the victim of some kind of container attack, that attack could take any number of different forms. There was a threat in New York City not long after September 11 which was taken very se-

riously about the potential of a dirty nuclear bomb. There is obviously the threat of an actual primitive nuclear weapon of some kind being used which, primitive as it might be, could still pack the force of a bomb that was used at Hiroshima. That would threaten anywhere between 50,000 and 1 million American lives. It could blow a \$300 million to \$1.2 trillion hole in our economy in very short order, not to mention what it would do with respect to the energy crisis or to the larger longer term issue of the overall port security and flow of goods we rely on in our international trade. We would have a global economic disaster.

No one can predict in any way that we can set up a fail-safe system. I am not suggesting that. But I do know from the information we have gleaned from any number of people working on this technology that there is a significant advance in the state of the art of technology for large-scale container screening. There are a number of different tracking systems that are available to secure containers at the place of embarkation and guarantee very inexpensively that they have not been jimmied or monkeyed with in the course of transit so that we know we have a secure container that is going from point of embarkation to debarkation. There are any number of things we can do and they are very important to the longer term security of the country and not that expensive in the end.

In the Senate, Members have debated previously whether we ought to be dedicating more funding. I understand the votes are not there at this moment to actually do the funding, but I hope the votes would be there to take the IG of Homeland Security seriously. The IG has already suggested the deficiencies that exist now. We ought to be looking to the IG to further help the Senate make a choice about the future.

Nearly 4 years after September 11, the administration has yet to complete a national maritime security plan that was due to Congress last year and they have offered no contingency plans to redirect the flow of commerce and keep the economy running in the event there were a terrorist attack at a port. All of this is required by Congress now. Port authorities, shippers, importers, vessel owners, truckers, and other commercial maritime entities have no idea what would be expected of them, what the procedures would be if an attack were to occur. We do not even know which Federal agency would be in charge. The Coast Guard says it will be in charge. The FBI says it is in charge.

In short, we are unprepared to do all we can do to detect and prevent and we are unprepared to deal with the reality if it were to occur. Therefore, we understand why the IG was critical of the way this program has been thus far administered.

I ask my colleagues this: If we cannot agree that protecting our ports at this point deserves more funding—

which many Members believe on its face is obvious it ought to get more than the \$106 million that has been spent or the \$560 million allocated—but if we cannot agree on that, if we cannot agree it ought to get more funding than the Capitol Visitor Center, at least we ought to be able to agree we ought to be able to find out from the IG how the money could be spent in a way that is not mismanaged and that accomplishes our goals to the best of our ability with the funds we have.

Thus far, the Department of Homeland Security has concurred with 11 of the 12 recommendations from the IG, and they have promised reforms. But what we need to know is whether they have been implemented, they are going to be implemented, whether there are further steps we ought to be taking. We would be remiss in our responsibilities of oversight if we did not follow up on the report of the IG detailing what the Department has done to fix the problems.

That IG report was released in January. Since then there have been no congressional hearings on the issue, and no formal report has been delivered to Congress. We ought to ask for one. It is important to get this information since the Office of State and Local Government Coordination and Preparedness, which inherited the program, is going to conduct a fifth round of grants beginning in September. So we go into a fifth round of grants without understanding what the urgency and priorities are according to the goals set out by the Congress itself.

My amendment is very simple: It requires the inspector general to issue another report so that Congress knows the exact state of the program now and performs the appropriate level of congressional oversight and helps us to improve our port security. I hope this would be an amendment we could accept. It should not be that controversial and does not provide for the expenditure of money, but provides for congressional oversight and accountability that is so important to doing our job to improve the security of our country.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Let me join with the Senator from Massachusetts on his concern. It is a very important and correctly stated concern about the way these funds are being distributed and the slowness with which these funds are coming out.

In this bill we have put forward additional funding for port security. We consider that a priority, an area of significant threat. We bumped up the amount of money for port security over what the President requested. We put in the report language which specifically says on page 11 that we believe the Department can expedite awards for Homeland Security grants—including a series of them, port security—and the committee directs the Department to submit a report to the committee on

February 18, 2006, that lays out a schedule for the award of grant funds made available by this act as well as any prior year funds that remain obligated. If any grant funds are awarded after March 30, 2006, the Department should provide a detailed explanation for the delay.

It is a legitimate concern and something the committee has focused on. The Senator's proposal is constructive to the effort. We would be happy to accept it by unanimous consent. I ask unanimous consent the amendment of the Senator from Massachusetts be accepted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1162) was agreed to.

Mr. KERRY. I move to reconsider the vote.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KERRY. I appreciate the chairman accepting that and I appreciate the efforts of the committee. I know the committee put in additional money, about \$200 million, and that is important funding.

Again, I restate, we are looking at a \$7.3 billion problem. That is a step forward. I am very grateful to the chairman for being willing to try to find this report. I hope the Department itself will respond accordingly to the language which the committee has appropriately put in here to try to get this in scope. We have been talking about this for 4 years now and most people would agree, in the major ports—California, New Jersey, New York, Miami, various places—this is a major concern. The communities are increasingly feeling ill-equipped to respond appropriately.

I thank the Chair for his response.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I ask that the pending amendment be set aside.

Mr. President, I call up amendments Nos. 1112 and 1113 and ask for their consideration.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. AKAKA] proposes amendments numbered 1112 and 1113.

Mr. AKAKA. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

#### AMENDMENT NO. 1112

(Purpose: To increase funding for State and local grant programs)

On page 77, line 18, strike "\$2,694,300,000" and insert "\$3,281,300,000".

On page 77, line 20, strike "\$1,518,000,000" and insert "\$1,985,000,000".

On page 79, line 21, strike "\$321,300,000" and insert "\$341,300,000".

#### AMENDMENT NO. 1113

(Purpose: To increase funding for State and local grant programs and firefighter assistance grants)

On page 77, line 18, strike "\$2,694,300,000" and insert "\$3,281,300,000".

On page 77, line 20, strike "\$1,518,000,000" and insert "\$1,985,000,000".

On page 79, line 21, strike "\$321,300,000" and insert "\$341,300,000".

On page 81, line 24, strike "\$615,000,000" and insert "\$715,000,000".

On page 81, line 24, strike "\$550,000,000" and insert "\$650,000,000".

Mr. AKAKA. Mr. President, I rise today to offer an amendment to the fiscal year 2006 Department of Homeland Security Appropriations Act to ensure that the men and women on the frontlines of a terrorist attack on the United States are not unduly jeopardized by budget cuts. I am joined by my colleagues, Senators LIEBERMAN, HARKIN, OBAMA, MURRAY, CORZINE, LAUTENBERG, BINGAMAN, DURBIN, and SCHUMER. Our amendment is simple. It would restore first responder funding to fiscal year 2005 levels.

Last week, the world witnessed a horrific attack on the United Kingdom. My heartfelt sympathy goes out to the people who have been affected by this atrocity. As we reflect on this tragedy, we should remember the images of police, firefighters, and emergency medical personnel who ran into the underground tunnels and streets as others were evacuated. These images are a reminder that we should not abandon America's first responders by cutting their funding.

The Homeland Security Appropriations Subcommittee had a difficult job this year, and I would like to thank the chairman and ranking member for their hard work. However, I disagree with their choice to reduce first responder funding below fiscal year 2005 appropriated levels and in one case even below the President's fiscal year 2006 budget request.

Our amendment would restore funding by adding a total of \$587 million to the Homeland Security First Responder Grant Program. The majority, \$467 million, would go to State and local grants which include the State Homeland Security Grant Program and the Urban Area Security Initiative. It would also direct \$20 million to the Metropolitan Medical Response System and \$10 million to the Assistance to Firefighters Grant Program, commonly known as the FIRE Act grants.

Our amendment does not address the other first responder grant programs that are funded at or above last year's level.

Let me be clear, Mr. President. This amendment does not seek to increase

funding over what has already been spent in fiscal year 2005. We simply are seeking to prevent a reduction in appropriations for first responder grants.

This country cannot afford to take resources away from its first responders at a time when we rely on them now more than ever. In 2003, an independent task force sponsored by the Council on Foreign Relations estimated that Federal funding for first responders would fall \$98.4 billion short of actual needs between 2004 and 2008. And that figure was based on fiscal year 2004 funding levels remaining constant. If Congress approves the level of funding proposed in the Senate version of H.R. 2360, Federal funding will have decreased by over \$592 million from the fiscal year 2004 numbers the CFR task force used for their calculations.

The First Response Coalition, a non-profit organization, reworked CFR calculations using the President's fiscal year 2006 budget proposal and found the gap would grow to \$100.2 billion. The President's budget proposal allocates more funding to first responders than the bill we are considering today.

In my home State of Hawaii, this discrepancy between needs and funding will be acutely felt as State emergency responders must be self-sufficient because there are no neighboring States to rely upon for assistance. Hawaii State civil defense must assume that aid from the mainland will not arrive for at least 72 hours and, in some cases, such as during a hurricane, for 7 days. In addition, the State is responsible for not only protecting its own citizens but also the approximately 1.4 million tourists and U.S. servicemembers who are in Hawaii on any given day.

The Federal Government is increasingly asking States and localities to bear more of the brunt of the war on terror. We ask our first responders to run into a burning building not knowing whether they will find a small fire or a lethal chemical agent. We ask them to understand and execute on a moment's notice the different response protocols for a radiological, biological or chemical attack. We ask this of our first responders, in addition to carrying out their traditional responsibilities. With all we ask of our first responders, it is not too much for them to ask us for a constant level of support and funding.

Last month, I joined with Senators COLLINS, LIEBERMAN, and LEVIN to introduce the Interoperable Communications for First Responders Act which would create a grant program dedicated to interoperability funding. We were forced to do this because there has not been enough funding in the existing first responder programs to meet the country's considerable interoperable communication needs. How can we justify cutting the funding even more?

This is not a fiscally irresponsible amendment. I am not proposing an increase in spending, simply a restoration of last year's funding.

Much progress has been made since the tragic attacks of September 11. We



should not undo this progress. We must build upon it. I ask my colleagues to consider carefully the needs of the first responders in their communities, and I urge support for this important amendment.

Mr. President, I ask unanimous consent that Senators DAYTON and SALAZAR be added as cosponsors to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. I yield back my time.

Mr. GREGG. Mr. President, I understand the Senator from North Dakota wants to ask for 2 or 3 minutes to offer an amendment. I understand we are going to have 4 minutes, equally divided, before we begin the vote on the Collins and Feinstein amendments. So I would ask unanimous consent that I be allowed to speak for about a minute and a half, in response to the Senator from Hawaii, that we then go to the Senator from North Dakota for the purpose of calling up an amendment, speaking for 2 or 3 minutes, and then that we go into the 4-minute presentation prior to the vote and the votes occur after that. After the first vote, which will be the Collins vote, I would ask there be, by unanimous consent, 2 minutes equally divided, with 1 minute controlled by the Senator from California and 1 minute by the Senator from Maine.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. GREGG. Mr. President, the amendment from the Senator from Hawaii I know is well-intentioned, but we are working within a budget, and the purpose of our bill was to focus our energies on areas where we saw highest threat, and, yes, we did reduce the amount of first responder funds and take those monies and move them onto the effort to try to fight weapons of mass destruction and to put more people and more emphasis on protecting our borders. That is where the money is moved, but we kept \$1.9 billion in the first responder funds, and that means that since 2003 there will have been \$13 billion put into first responder funds.

To try to put this into perspective, this money has been flowing so fast into these accounts that there remains, from 2004 and 2005 appropriations, almost—or over—\$7 billion of unspent money, I mean money that is in the pipeline that simply cannot be handled efficiently yet. So we are putting another \$1.9 billion under this bill on top of that \$7 billion. And we believe that that is reasonable, in light of the needs on the borders, to put more people on the borders. That is why we made this decision. The amendments of the Senator from Hawaii, although well-intentioned, are subject to a point of order, and we will make a point of order at the proper time.

At this point, I yield to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

## AMENDMENT NO. 1111

Mr. DORGAN. I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I call up amendment No. 1111 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 1111.

Mr. DORGAN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds appropriated under this Act to promulgate the regulations to implement the plan developed pursuant to section 7209(b) of the Intelligence Reform Act of 2004)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds appropriated under this Act may be used to promulgate regulations to implement the plan developed pursuant to section 7209(b) of the 9/11 Commission Implementation Act of 2004 (8 U.S.C. 1185 note) to require United States citizens to present a passport or other documents upon entry into the United States from Canada.

Mr. DORGAN. Mr. President, I know the manager of the bill and the ranking member are asking for amendments to be offered and considered. I wanted to do that.

Very quickly, this amendment deals with the issue of whether to require passports for everyone entering and leaving this country at our borders.

We have a common border with the country of Canada, over 4,000 miles. In my State of North Dakota, we have people moving back and forth across the border all the time. We have people who farm on both sides of the border, people with families on both sides of the border. At the Pembina port of entry, we have 100,000 people a month crossing the border.

To require a passport for that is, in my judgment, far too burdensome. A passport now costs a \$55 fee, a \$12 security surcharge, and a \$30 execution charge—a total of \$97 to obtain a passport.

I believe very strongly we do need border security, no question about that. That is important. But I think, especially with respect to day travel and common tourist and business practices across, for example, the United States-Canadian border, with which I am familiar, to require a passport for moving across that border is enormously burdensome. I hope we will not do that.

The President, when asked about it, spoke to the American Society of Newspaper Editors and said: When I first read that in the newspaper, about the need to have passports particularly for day crossing—he is talking about

the border—I said, what's going on here? I thought there was a better way to expedite the whole flow of traffic and people.

I think the President is right, and I know that since the President said that, the folks in Homeland Security have been reconsidering this issue, but I am very worried that they still may proceed with their regulations at some point, and I hope this Congress would weigh in on the question of whether we think everyone who moves back and forth across the Canadian border should have a passport. I don't believe the requirement for a passport is practical. I think it is overly burdensome. I believe that we ought to send that message to the Department of Homeland Security.

I am not suggesting we don't care about security. We do. We care deeply about border security. But there must be other ways in which we can accomplish that task. And so my amendment will address that.

I thank my colleague from New Hampshire for giving me the opportunity, just a few minutes, to at least get the amendment offered, to be talking about it, and have it considered.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 4 minutes evenly divided before votes in respect to the Collins and Feinstein amendments.

The Senator from Maine is recognized.

## AMENDMENT NO. 1142

Ms. COLLINS. Mr. President, during the past 3 years, we have appropriated more than \$8 billion in homeland security grants, despite the fact that this program has never been properly authorized. The Homeland Security Committee has spent the last 3 years working on an authorization bill. We have produced a carefully crafted, balanced bill that is incorporated in the Collins-Lieberman amendment.

This debate is about establishing a formula that provides a predictable level of funding scaled to reflect the different needs of large and small States that will allow all States to achieve essential preparedness and prevention capabilities. We break the mold that provides a set baseline amount to each State regardless of size and needs. This debate is also about distributing more funds based on risk.

Let's put this important issue in perspective. Compared to last year, our amendment would double the amount of funds distributed based on risk. Last year only 37 percent of funds appropriated for homeland security grants were allocated based on risk. Under our amendment, more than 70 percent of the funds would be distributed based on risk or factors used now by the Department of Homeland Security to determine risk. That is a lot of discretion that we are giving to the Secretary.

I want to address the CRS memo solicited by Senator LAUTENBERG that was discussed this morning. It has been

used by our opponents to suggest that only 60 percent is distributed based on risk. In fact, it is more than 70 percent, as is the underlying bill. Tellingly, in a memorandum issued just today, CRS categorizes the sliding scale allocation as risk based.

This is a balanced approach. I urge my colleagues to vote for the Collins-Lieberman amendment.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired. Who yields time?

Mr. REID. Who has the time?

The ACTING PRESIDENT pro tempore. The Senator from California has time remaining.

Mr. REID. I yield back the time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The question is on agreeing to amendment No. 1142 offered by the Senator from Maine.

Mr. REID. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Mississippi (Mr. LOTT), and the Senator from South Dakota (Mr. THUNE).

Mr. DURBIN. I announce that the Senator from Maryland (Ms. MIKULSKI) is necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 71, nays 26, as follows:

[Rollcall Vote No. 175 Leg.]

#### YEAS—71

Akaka	DeMint	McCain
Alexander	DeWine	McConnell
Baucus	Dodd	Murkowski
Bayh	Dole	Murray
Bennett	Domenici	Nelson (NE)
Biden	Dorgan	Pryor
Bingaman	Ensign	Reed
Bond	Enzi	Reid
Brownback	Feingold	Roberts
Bunning	Frist	Rockefeller
Burns	Graham	Salazar
Burr	Grassley	Sessions
Cantwell	Hagel	Shelby
Carper	Harkin	Smith
Chafee	Inhofe	Snowe
Chambliss	Inouye	Specter
Coburn	Isakson	Stabenow
Cochran	Jeffords	Stevens
Coleman	Johnson	Sununu
Collins	Kohl	Talent
Conrad	Levin	Thomas
Craig	Lieberman	Voinovich
Crapo	Lincoln	Wyden
Dayton	Lugar	

#### NAYS—26

Allard	Gregg	Martinez
Allen	Hatch	Nelson (FL)
Boxer	Hutchison	Obama
Byrd	Kennedy	Santorum
Clinton	Kerry	Sarbanes
Cornyn	Kyl	Schumer
Corzine	Landrieu	Vitter
Durbin	Lautenberg	Warner
Feinstein	Leahy	

#### NOT VOTING—3

Lott	Mikulski	Thune
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The amendment (No. 1142) was agreed to.

#### AMENDMENT NO. 1215, AS MODIFIED

The ACTING PRESIDENT pro tempore. There is now scheduled to be 2 minutes of debate equally divided, to be followed by a vote on the Feinstein amendment.

Mrs. FEINSTEIN. Mr. President, despite this vote, I wish to make a point. The administration has said in a letter dated today from Secretary Chertoff that their position is that 90 percent of homeland security funds should be distributed on the basis of risk. The Secretary goes on to say that they have 36 essential capabilities they need to carry out, and the way to do that is based on risk.

Here are the numbers: In the underlying appropriations bill, 70 percent is based on risk, \$1.339 billion. Under Collins-Lieberman, less than 70 percent goes to risk. It is cut back to 60 percent, \$1.155 billion. Under the Feinstein-Cornyn amendment, \$1.667 billion is based on risk, or 87 percent. It is the closest number to the administration's letter dealing with this issue.

I have a very hard time substituting pork for risk. I just was reading some of the intelligence. Let there be no doubt that not every State is equal in terms of target. We have set up a huge agency of 22 departments. We have given them risk analysis. We have given them intelligence. We have broken down the wall between FBI and CIA. Why? Because there is a real threat, and money should be accorded based on that threat, not based on pork.

The ACTING PRESIDENT pro tempore. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, we all want more funding to be distributed on risk. The Collins-Lieberman amendment which was just adopted more than doubles the amount of money allocated based on risk. Risk is not a science. We are giving unprecedented authority to the Secretary of Homeland Security, that there is no precedent for in any grant program of this size.

The fact is, under the Feinstein-Cornyn amendment, every State would lose at least \$8 million in guaranteed funding. Some States would lose tens of millions of dollars. Even taking into account how funds have historically been distributed based on risk, 43 States lose money under the Feinstein-Cornyn amendment versus the Collins-Lieberman amendment. We have to recognize that every State has vulnerabilities and needs to be brought up to a baseline ability to prepare and prevent for terrorist attacks. The Collins-Lieberman amendment was endorsed by many law enforcement groups that do not support this approach.

I urge opposition to the Feinstein-Cornyn amendment.

Mr. STEVENS. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 1215, as modified. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McConnell. The following Senators were necessarily absent: the Senator from Mississippi (Mr. LOTT), and the Senator from South Dakota (Mr. THUNE).

Mr. DURBIN. I announce that the Senator from Maryland (Ms. MIKULSKI) is necessarily absent.

The PRESIDING OFFICER (Mr. ISAKSON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 32, nays 65, as follows:

[Rollcall Vote No. 176 Leg.]

#### YEAS—32

Allard	Hutchison	Nelson (FL)
Allen	Inouye	Obama
Boxer	Kennedy	Santorum
Cantwell	Kerry	Sarbanes
Clinton	Kyl	Schumer
Coburn	Landrieu	Specter
Cornyn	Lautenberg	Stabenow
Corzine	Levin	Vitter
Durbin	Martinez	Warner
Ensign	McCain	Wyden
Feinstein	Murray	

#### NAYS—65

Akaka	Dayton	Lieberman
Alexander	DeMint	Lincoln
Baucus	DeWine	Lugar
Bayh	Dodd	McConnell
Bennett	Dole	Murkowski
Biden	Domenici	Nelson (NE)
Bingaman	Dorgan	Pryor
Bond	Enzi	Reed
Brownback	Feingold	Reid
Bunning	Frist	Roberts
Burns	Graham	Rockefeller
Burr	Grassley	Salazar
Byrd	Gregg	Sessions
Carper	Hagel	Shelby
Chafee	Harkin	Smith
Chambliss	Hatch	Snowe
Cochran	Inhofe	Stevens
Coleman	Isakson	Sununu
Collins	Jeffords	Talent
Conrad	Johnson	Thomas
Craig	Kohl	Voinovich
Crapo	Leahy	

#### NOT VOTING—3

Lott	Mikulski	Thune
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The amendment (No. 1215), as modified, was rejected.

Mr. DURBIN. Mr. President, it is my understanding that under an agreement, the minority leader, Mr. REID, may offer an amendment on behalf of Democratic Senators. I ask consent, on his behalf, to send two amendments to the desk, one on behalf of Senator BARBARA BOXER and one from Senator DEBBIE STABENOW.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

#### AMENDMENT NO. 1216

Mr. DURBIN. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for Mrs. BOXER, proposes an amendment numbered 1216.

The Senator from Illinois [Mr. DURBIN], for Ms. STABENOW, proposes an amendment numbered 1217.

The amendments are as follows:

AMENDMENT NO. 1216

**SEC. . STRENGTHENING SECURITY AT NUCLEAR POWER PLANTS.**

(a) FINDINGS.—The Senate finds that—

(1) A taped interview shown on al-Jazeera television on September 10, 2002, included a statement that al Qaeda initially planned to include a nuclear power plant in its 2001 attacks on the United States.

(2) In 2001, David Kyd of the International Atomic Energy Agency said that if a fully fueled large jetliner hit a nuclear reactor “then the containment could be breached and the cooling system of the reactor could be impaired to the point where radioactivity might well be set free.”

(3) Dr. Edwin Lyman, a physicist and former scientific director of the Nuclear Control Institute has noted that if a nuclear power plant were hit by a large commercial passenger jet, “significant release of radiation into the environment is a very real one.”

(4) Operating nuclear reactors contain large amounts of radioactive fission products that, if dispersed, could pose a direct radiation hazard, contaminate soil and vegetation, and be ingested by humans and animals.

(5) According to the organization Three Mile Island Alert, a nuclear power plant houses more than 1,000 times the radiation that would be released in an atomic bomb blast, and the magnitude of a single terrorist attack on a nuclear power plant could cause over 100,000 deaths.

(6) The federal government has offered Governors potassium iodide pills to distribute to people living near nuclear power plants in case of an attack, but no legislation has passed to protect against an attack in the first place.

(7) In the 108th Congress, the Senate Environment and Public Works Committee approved bipartisan legislation to improve nuclear plant security. No action was taken by the full Senate.

(8) Last month, the Senate Environment and Public Works Committee again approved bipartisan legislation to improve nuclear plant security.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Congress should pass legislation to assess terrorist threats at each nuclear power plant and to establish new federal standards to protect against those threats.

AMENDMENT NO. 1217

(Purpose: To provide funding for interoperable communications equipment grants)

On page 77, line 18, strike “\$2,694,300,000” and insert “\$7,694,300,000”.

On page 79, line 22, strike the colon and insert a period.

On page 79, between lines 22 and 23, insert the following:

(7) \$5,000,000,000 for interoperable communications equipment grants: *Provided*, That such amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress):

**MORNING BUSINESS**

Mr. FRIST. Mr. President, I ask unanimous consent there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

**VOTE EXPLANATION**

Mr. NELSON of Florida. Mr. President, I would like to take this opportunity to explain to the Senate my absence during yesterday's vote on S.

Res. 193, expressing sympathy for the people of the United Kingdom.

On Sunday, the Florida panhandle was struck by Hurricane Dennis, a category 3 storm. Last September, Hurricane Ivan also hit the same area causing extensive damage from which many had not yet fully recovered. I went to the area yesterday to survey the damage and meet with constituents affected by the disaster. I was able to visit the emergency operations center in three of the counties affected by Dennis.

Had I been present, I would have voted aye on the resolution. Because I was unable to vote my strong support for the resolution, I would like to express my thoughts at this time. We as Americans have close ties to Great Britain; and, extend to the British people our deepest sympathies as they cope with their losses. In response to these barbaric attacks, the United States and the community of free nations must unite with an even greater resolve to defeat those who seek to destroy liberty by slaughtering innocent civilians.

**HONORING LIEUTENANT GENERAL ROGER C. SCHULTZ**

Mr. GRASSLEY. Mr. President, I would like to take this opportunity to offer my congratulations and gratitude to an extraordinary Iowan. LTG Roger C. Schultz is stepping down from his distinguished position as Director of the Army National Guard for the National Guard Bureau. He assumed this position in 1998 and has served for 7 years, the longest anyone has held this title. I would like to take this opportunity to show Lieutenant General Schultz the appreciation that the country, the State of Iowa, and myself personally, have for his extensive commitment to the Army National Guard. He joined the Iowa Army National Guard in 1963, and from there he began a career that lasted 42 years.

Lieutenant General Schultz has had an extensive career. In his most recent position as director, he was responsible for the formulation, development, and implementation of all programs and policies affecting the Army National Guard. Previously, he served as Deputy Director for Military Support on the Department of the Army Staff, where he was responsible for coordinating all Department of Defense military support to civilian authorities, which included disaster relief. While stationed with the Iowa Army National Guard, he was in Command of the 2nd Brigade, 34th Division and served as the Army Guard Chief of Staff and Deputy Adjutant General. General Schultz also received several awards and recognitions for his exemplary service. He is honored with the Distinguished Service Medal, Silver Star, Legion of Merit with Oak Leaf Cluster, Bronze Star, Purple Heart with Oak Leaf Cluster, Meritorious Service Medal with Two Oak Leaf Clusters, Department of the Army Staff Badge, Army Superior Unit Award, Humanitarian Service Award,

the Combat Infantry Badge for service in the Republic of Vietnam, and many others.

General Schultz was born in LeMars, IA and enlisted when he was 18 years old. He was a student at officer candidate school at the Iowa Military Academy. Following these studies, he was commissioned in 1967 as an infantry officer. Shortly thereafter, he was sent to serve his country in the Republic of Vietnam with the 25th Infantry Division. During his several assignments, he also earned a bachelor's degree in management from Upper Iowa University and a Masters degree in public administration from Shippensburg State University in Pennsylvania. He also attended Army War College.

I share my appreciation for the general with not only his neighbors in the State of Iowa but the entire country. He has proven himself to be versatile and fully capable of accepting and mastering the tasks placed before him. His enduring commitment to the safety of Americans is cause for admiration.

Again, I offer my congratulations and sincere appreciation to LTG Roger Schultz for his remarkable achievements in the Army National Guard. He has continually provided an invaluable service to his country and I thank him for his dedication and devotion to Iowa and to America.

**ADDITIONAL STATEMENTS****COMMENDING JOE KELLY McCUTCHEN**

• Mr. ISAKSON. Mr. President, I am very pleased to rise and commend Mr. Joe Kelly McCutchen of Ellijay GA for his selection as outstanding alumni for the living history program of Georgia Tech.

Georgia Tech could not have made a better decision. Joe McCutchen is a living role model for community involvement, excellence in action, and sharing the American dream. His selection places him in the company of great Georgians like medal of honor winner General Raymond Davis, former President Jimmy Carter, astronaut Jan Davis, former Lockheed president Robert Ormsby, and Federal judge Marvin Shoob.

No one in northwest Georgia has had a greater positive effect on the young people than Joe. He constantly engages with young people to inspire them to excellence. He teaches the promise of free enterprise, and power of the American dream.

Joe McCutchen is also Georgia's leading advocate for lower taxes and sound fiscal policy in government. He and his friend Oscar Poole travel to Washington often to present their Taxpayer Champion Award, and there is not a credible radio or television public policy call in show in the United States on which Joe has not participated.

Joe McCutchen has lived the American dream and commits his life to

sharing its promise with others. Georgia Tech is to be commended for its living history program and its selection of Joe McCutchen.●

#### IRAQ TRIP REPORT

● Mr. LEVIN. Mr. President, during the July 4th recess, I traveled to Iraq and Jordan to evaluate the progress of Operation Iraqi Freedom. I ask unanimous consent that the full text of my trip report be entered into the RECORD at this point.

I spent two days—July 5 and 6—in Iraq and the morning of July 7 in Jordan. I believe mine was the first Congressional delegation to overnight in Iraq since the start of the war. It was also my fifth post-war trip to Iraq.

In Iraq, I spent a day and a half in Baghdad meeting with U.S. Embassy and military personnel and with Members of the Government of Iraq, including the President and Prime Minister. Additionally, I met with numerous Sunni Arabs, including officials of the Government, a member of the Iraqi National Assembly, and representatives of political groups, including some who had just been added to the Assembly's constitutional drafting committee. I also met with the Chairman of the constitutional drafting committee and the UN Special Representative, whose staff is advising on the drafting of the constitution.

I spent the remainder of the second day in Iraq in Fallujah in the Sunni Triangle, where I was able to meet with a number of U.S. servicemen and women, and was privileged to have dinner with ten Marine Corps and Navy personnel from Michigan.

Once again, I was deeply impressed by the dedication and professionalism of our servicemen and women and with their very high morale. I told them that the Congress and the American people are proud of them and back them one hundred percent, regardless of differing positions on the Administration's policies.

One purpose of my trip was to gauge the level of the insurgency. I found strong support for the recent assessment of General Abizaid, the regional U.S. Commander, that the insurgency is not weakening and that the flow of foreign jihadists into Iraq has increased. I found no support for Vice President Cheney's view that the insurgency is in its "last throes."

Another purpose of my trip was to assess the current and potential level of participation of the Sunni Arabs in the political and constitutional drafting processes, including the likelihood that the Iraqi constitution would be completed by August 15th (and therefore not needing to utilize the one six month extension allowed under Iraqi law). I was surprised by the optimism of most Iraqis that the constitution would be agreed by August 15th and particularly that the Sunni Arab participants (recently increased by 15) would likely be supportive of the draft. If that is true, that will pave the way for a referendum on the draft constitution on October 15th and a national election on December 15th.

If this optimism is not borne out, however, a way must be found to bring pressure to bear on the parties to make the reasonable compromises that will be required for agreement on the constitution. Everyone whom I met on this trip advised that none of the Iraqis—not just Shia and Kurd, but also Sunni Arab—want U.S. forces to leave now. They want our forces to be less visible and Iraqi security forces to be more visible, but they want us to stay for now.

Given that fact and given the consensus that a political solution is necessary if there is any prospect of defeating the insurgency, we need to make clear to the Iraqis that if they are unable to reach agreement on the constitution, we will reconsider our presence in Iraq and that all options will be on the table, including withdrawal. (The logic of that position is that if a political settlement is essential if there is a chance of lessening the insurgency, that without a political settlement the insurgency is not going to be defeated even with our presence.)

I focused on meeting with members of the Sunni Arab community, as I believe they are the key to a successful political process in Iraq. Most of them realize it was a mistake for them not to have participated in the January elections and they want to participate in the drafting of a constitution and in the follow-on elections. At the same time, the so-called former regime element that is fueling the insurgency in an attempt to block a political settlement comes from the Sunni Arab community, and too many members of that community sympathize with and provide support for the insurgents.

There are a number of issues that will need to be resolved if a draft constitution is to be agreed upon by August 15th. These include the role of Islam; the form of the government (i.e. parliamentary or presidential); the relationship between the national government and the provinces and the degree to which natural resources will belong to the provinces or the national government; and the degree of autonomy that will reside in the regions. Since the oil resources of Iraq are located in the Shia south and the Kurdish north, these are issues that are extremely important to the Sunni Arabs, whose area lacks oil resources.

The decision of the National Assembly to accept 15 Sunni Arabs as members of the constitutional drafting committee, despite the Sunni Arabs lack of participation in the election, hopefully augurs well for the kind of compromises that will need to be made by all three of the main political factions for a draft constitution to be reached.

Although the successful drafting of a constitution, with the active participation of the Sunni Arab community, is very important and may help create an environment within which the insurgency can be dramatically reduced, it will not automatically achieve that result. The Sunni Arabs with whom we met, although from different groups, complained of the extended detention of their brethren, the perceived focus of raids by Coalition and Iraqi security forces on their community, the forced unemployment of hundreds of thousands of Sunni Arabs fired in the de-Baathification process and denied the pensions to which they contributed. They expressed a preference for the U.S. military to leave the cities and to locate on bases removed from populated areas, and the need for at least a rough estimate as to when Coalition forces will be withdrawn.

I explored in depth the training and equipping of Iraqi security forces. It is clear that a great deal of time was wasted during the existence of the Coalition Provisional Authority or CPA. While it appears that progress is being made now, it is moving slowly and will take quite some time before Iraqis will be capable of dealing with the insurgency on their own.

In his recent speech to the nation on Iraq, President Bush said, with respect to the training and equipping of Iraqi security forces, that "as Iraqis stand up, we will stand down." General Casey, the overall commander on the ground in Iraq, acknowledged to me that he is working on a plan whereby units of the Iraqi security forces would first partner with Coalition military

units and gradually take the lead in military operations, then will assume control in selected provinces, and gradually assume control more broadly until they ultimately can control the entire country. Part of that plan provides for Coalition forces to be reduced as Iraqi security forces become more and more capable.

I also spoke to General Casey and to Iraqi officials about the need for greater progress in the review of Iraqis detained by Coalition or Iraqi forces and the need to either release or try them. While some progress has been made in this area, it has been too slow in coming and much more must be done and done quickly.

In Jordan, I was pleased to be able to meet with King Abdullah. King Abdullah had just finished presiding over the closing session of a three day International Islamic Conference that he had organized. This visionary and critically important Conference was attended by top Muslim authorities from around the globe. It was aimed at finding common principles among various Muslim schools of thought and isolating and delegitimizing those who preach violence in the name of Islam.

Two things need to happen within the next 40 days to improve chances of a successful outcome in Iraq.

A draft of the Iraqi constitution needs to be agreed and sent to the National Assembly by the constitutional committee no later than August 15—the timetable the Iraqis have set for themselves. All of the people with whom I spoke—whether Sunni, Shia, or Kurd—agree that that date should and can be met.

There also needs to be a more detailed road map for drawing down U.S. forces. General Casey, commander of the multi-national forces in Iraq, has said that it should be possible for a fairly significant reduction in U.S. force levels in the first few months of next year. But what is so far missing are the decision criteria for determining when that reduction can begin so that presidential rhetoric and statements of intent are turned into a credible and reassuring roadmap for Iraqis taking ownership of the risks and responsibility for their own security and survival.

After much prodding by Congress, the Administration has finally created and implemented a capability assessment system for determining the readiness of Iraqi military and police units to conduct counter-insurgency operations—whether alongside of Coalition units, or in the lead but with Coalition support, or independently. Now there must be a detailed plan, mutually agreed to by the Coalition and Iraqis, with measurable benchmarks to determine progress, and with a reasonable estimate of the time required to reach those benchmarks. Only in this way can we know the approximate number of Iraqi units that need to be capable of counterinsurgency operations so that coalition units can first withdraw from cities and other visible locations and begin a withdrawal from the country as a whole.

It is essential that such a plan be promptly agreed to and implemented, and its outline publicly announced, so as to provide reassurance to the American public which is expressing growing concern about simply being told we need to "stay the course" in Iraq, and to the Iraqi public which needs to see that U.S. forces will not be in their country indefinitely. Both publics must see that the President's statement that "as the Iraqis stand up, we will stand down" is not just a bumper sticker slogan.

Secretary Rice has said that we will be in Iraq as long as we are needed. Without adopting and implementing a measured and credible plan, coalition forces could be "needed" for an indeterminate time. Without such a plan, Iraqis may never assume the

responsibility for taking back their country from the insurgents and taking the risks and making the compromises necessary to chart their own destiny.

Finally, while I was surprised by the high level of optimism about the August 15 date being met for agreement on a draft Iraqi constitution, I was given a sobering assessment about the current and future strength of the insurgency.

Even if the timetable for adopting a constitution is met, and even if a plan is agreed upon for phasing in capable Iraqi military forces to take over responsibility for security so U.S. forces in Iraq can simultaneously be reduced, there is still great uncertainty that the insurgency will be eliminated or lessened in the near term.

But, while taking those steps doesn't guarantee success, they could help change the dynamic in Iraq and provide the only way a poorly thought through and mistake ridden U.S. policy in Iraq can still reach a successful conclusion.●

#### TRIBUTE TO JOHN H. JOHNSON

● Mrs. LINCOLN. Mr. President, I rise today to pay tribute to a renowned publisher, entrepreneur, businessman, humanitarian and an outstanding Arkansan, Mr. John Harold Johnson.

John H. Johnson, a native of Arkansas City, AR, was born on January 19, 1918, to Leroy and Gertrude Johnson. Over 60 years ago, John H. Johnson founded and became owner of the largest black-owned publishing company in the world, Johnson Publishing Company, Inc., located in Chicago, IL. From this company, the Negro Digest, Ebony, Jet and other magazines and periodicals were created. Ebony and Jet magazines enabled Johnson to have an impact on Civil Rights in America, Entertainment, Sports and the Nation's culture as a whole. These two magazines continue to successfully reflect and comment on the African-American experience. Johnson has also enjoyed success in the cosmetic industry with the establishment of Fashion Fair Cosmetics.

In 1999, the University of Arkansas at Pine Bluff and Arkansas City, AR, formed an alliance for the creation of the John H. Johnson Delta Cultural and Entrepreneurial Learning Center. The Cultural and Entrepreneurial Learning Center will provide accommodations in Arkansas City for classroom and educational activities that originate at the University of Arkansas at Pine Bluff.

On Saturday, May 21, 2005, the John H. Johnson Cultural and Education Museum was dedicated in Johnson's hometown. Using materials from the original, the museum was constructed as a replica of Johnson's boyhood home. It will now provide valuable insight into his life and origin while bringing tourism dollars to his native home of Arkansas City and the surrounding area. His life is an inspirational American story where, rising from poverty with a strong sense of self, he overcame adversity and became one of the country's most successful entrepreneurs. I am grateful to have

been a part of this magnificent event and honored to have Mr. John H. Johnson at the top of the list of notable Arkansans and Americans. ●

#### IBM BOULDER'S 40TH ANNIVERSARY

● Mr. SALAZAR. Mr. President, I ask that this letter be printed in the RECORD.

The letter follows:

U.S. SENATE,  
Washington, DC, June 30, 2005.

IBM BOULDER,  
Diagonal Highway,  
Boulder, CO.

DEAR FRIENDS, It is with great pleasure that I am able to share in your celebration of IBM Boulder's 40th Anniversary here at this majestic site next to the Rocky Mountains. IBM's commitment to this facility, and to the region, serves as a testament to its central role in the development of the technology industry here in Colorado.

When IBM Boulder was founded in 1965, this region was still mostly agricultural. By choosing to locate amongst undisturbed open space and farmland, IBM demonstrated a bold vision for the symbiotic potential of the technology industry with the natural beauty of our State. I also respect and admire how the workers at this facility have survived the ebb and flow of the industry over the past 40 years. They have shifted from manufacturing computer parts in the early years to housing and supporting 20 different IBM divisions that now develop printing systems, design engineering, software and global services. And IBM's commitment to the community through the annual Employee Charitable Contribution Campaign has left a lasting mark on local health and human service agencies that sets a tone for others to emulate.

Thank you for the honor of joining in your anniversary celebration. As your newest United States Senator, I am proud of the rich economic diversity of our State. You should be proud of your significant contributions to the region and to Colorado.

Sincerely,

KEN SALAZAR,  
U.S. Senator.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

At 2:19 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 168. Concurrent resolution condemning the Democratic People's Republic of Korea for the abductions and continued captivity of citizens of the Republic of Korea and Japan as acts of terrorism and gross violations of human rights.

#### MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 168. Concurrent resolution condemning the Democratic People's Republic of Korea for the abductions and continued captivity of citizens of the Republic of Korea and Japan as acts of terrorism and gross violations of human rights; to the Committee on Foreign Relations.

#### MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

S. 1374. A bill to amend the Homeland Security Act of 2002 to provide for a border preparedness pilot program on Indian land.

S. 1375. A bill to amend the Indian Arts and Crafts Act of 1990 to modify provisions relating to criminal proceedings and civil actions, and for other purposes.

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1382. A bill to require the Secretary of the Interior to accept the conveyance of certain land, to be held in trust for the benefit of the Puyallup Indian tribe.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2899. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, the report of proposed legislation "To authorize appropriations to the National Aeronautics and Space Administration for science, aeronautics, and exploration; space flight capabilities; and Inspector General, and for other purposes" received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2900. A communication from the Director, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a report entitled "Federal Assistance for Interjurisdictional and Anadromous Fisheries Program Report 2003-2004"; to the Committee on Commerce, Science, and Transportation.

EC-2901. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report entitled "Science, Service, and Stewardship in Chesapeake Bay: A Biennial Report to Congress"; to the Committee on Commerce, Science, and Transportation.

EC-2902. A communication from the Acting White House Liaison, Department of Commerce, transmitting, pursuant to law, the report of a vacancy in the position of Director, NIST, the designation of an Acting Director, and the name of a nominee to fill the vacancy; to the Committee on Commerce, Science, and Transportation.

EC-2903. A communication from the Acting White House Liaison, Department of Commerce, transmitting, pursuant to law, the report of a vacancy in the position of Assistant

Secretary and Director General, the designation of an Acting Assistant Secretary, and the name of a nominee to fill the vacancy; to the Committee on Commerce, Science, and Transportation.

EC-2904. A communication from the Acting White House Liaison, Department of Commerce, transmitting, pursuant to law, the report of a vacancy in the position of General Counsel, the designation of an Acting General Counsel, and the name of a nominee to fill the vacancy; to the Committee on Commerce, Science, and Transportation.

EC-2905. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Vermilion Snapper Rebuilding Plan" ((RIN0648-AS19) (I.D. No. 021705A)) received on June 23, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2906. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Allocating Bering Sea and Aleutian Islands King and Tanner Crab Fishery Resources; Final Rule" (RIN0648-AS47) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2907. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Quota Specifications and General Category Effort Controls" ((RIN0648-AT01) (I.D. No. 030405C)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2908. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; Foreign Fishing; Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Biennial Specifications; Pacific Whiting" (RIN0648-AS27) received on June 23, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2909. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Western Pacific Pelagic Fisheries; American Samoa Longline Limited Entry Program" ((RIN0648-AQ92) (I.D. No. 061704A)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2910. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Trip Limit Reduction for Gulf of Mexico Grouper Fishery" ((RIN0648-AS97) (I.D. No. 053105G)) received on June 23, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2911. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Reef Fish Fishery of the Gulf of Mexico; Closure of the 2005

Deep-Water Grouper Commercial Fishery" (I.D. No. 060705B) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2912. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; Adjustment of Retention Limits" (I.D. No. 052405D) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2913. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule, Correcting Amendment to the Regulations Governing the Bering Sea and Aleutian Islands Crab Fisheries" (RIN0648-AS47) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2914. A communication from the Secretary of Transportation transmitting, the report of a proposed bill entitled "The St. Lawrence Seaway Development Corporation Enhancement Act" received on June 28, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2915. A communication from the Acting Chief Counsel, Saint Lawrence Seaway Development Corporation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Tariff of Tolls" (RIN2135-AA21) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2916. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ('APPLIANCE LABELING RULE') (Energy Cost and Water Heater Ranges-2005)" (RIN3084-AA74) received on June 28, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2917. A communication from the Attorney Advisor, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of the discontinuation of service in the acting role of Administrator received on June 23, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2918. A communication from the Attorney Advisor, Research and Innovative Technology Administration (RITA), Department of Transportation, transmitting, pursuant to law, the report of a vacancy and a nomination for the new position of Administrator; to the Committee on Commerce, Science, and Transportation.

EC-2919. A communication from the Attorney Advisor, Bureau of Transportation Statistics, Department of Transportation, transmitting, pursuant to law, a change in previously submitted reported information relative to a vacancy in the position of Director, received on June 23, 2004; to the Committee on Commerce Science, and Transportation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRASSLEY, from the Committee on Finance, without amendment:

S.J. Res. 18. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003 (Rept. No. 109-101).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CORZINE:

S. 1381. A bill to require the Nuclear Regulatory Commission to consider certain criteria in relicensing nuclear facilities, and to provide for an independent assessment of the Oyster Creek Nuclear Generating Station by the National Academy of Sciences before any relicensing of that facility; to the Committee on Environment and Public Works.

By Ms. CANTWELL (for herself and Mr. DORGAN):

S. 1382. A bill to require the Secretary of the Interior to accept the conveyance of certain land, to be held in trust for the benefit of the Puyallup Indian tribe; read the first time.

By Mr. COLEMAN (for himself and Mr. LUGAR):

S. 1383. A bill to seek urgent and essential institutional reform at the United Nations; to the Committee on Foreign Relations.

By Mr. SCHUMER:

S. 1384. A bill to amend the Higher Education Act of 1965 to establish a demonstration program to support college and university communities that wish to expand their book store services and saving for students through the creation of course material rental programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD (for himself, Mr. KENNEDY, and Ms. LANDRIEU):

S. 1385. A bill to amend part A of title IV of the Social Security Act to ensure fair treatment and due process protections under the temporary assistance to needy families program, to facilitate enhanced data collection and reporting requirements under that program, and for other purposes; to the Committee on Finance.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BOND (for himself and Ms. MURKOWSKI):

S. Res. 196. A resolution welcoming the Prime Minister of Singapore on the occasion of his visit to the United States, expressing gratitude to the Government of Singapore for its strong cooperation with the United States in the campaign against terrorism, and reaffirming the commitment of the United States to the continued expansion of friendship and cooperation between the United States and Singapore; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 146

At the request of Mr. INOUE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 146, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 151

At the request of Mr. COLEMAN, the name of the Senator from New Jersey



(Mr. LAUTENBERG) was added as a cosponsor of S. 151, a bill to amend title 38, United States Code, to require an annual plan on outreach activities of the Department of Veterans Affairs.

S. 313

At the request of Mr. LUGAR, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Florida (Mr. NELSON), the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 313, a bill to improve authorities to address urgent nonproliferation crises and United States nonproliferation operations.

S. 350

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 350, a bill to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries, and for other purposes.

S. 375

At the request of Mr. BAYH, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 375, a bill to amend the Public Health Service Act to provide for an influenza vaccine awareness campaign, ensure a sufficient influenza vaccine supply, and prepare for an influenza pandemic or epidemic, to amend the Internal Revenue Code of 1986 to encourage vaccine production capacity, and for other purposes.

S. 392

At the request of Mr. LEVIN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 392, a bill to authorize the President to award a gold medal on behalf of Congress, collectively, to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

S. 484

At the request of Mr. WARNER, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 627

At the request of Mr. HATCH, the names of the Senator from Virginia (Mr. WARNER) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 627, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative incremental credit, and to provide an alternative simplified credit for qualified research expenses.

S. 629

At the request of Mr. SESSIONS, the names of the Senator from North Carolina (Mrs. DOLE) and the Senator from

Ohio (Mr. DEWINE) were added as cosponsors of S. 629, a bill to amend chapter 97 of title 18, United States Code, relating to protecting against attacks on railroads and other mass transportation systems.

S. 635

At the request of Mr. SANTORUM, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 635, a bill to amend title XVIII of the Social Security Act to improve the benefits under the medicare program for beneficiaries with kidney disease, and for other purposes.

S. 647

At the request of Mrs. LINCOLN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 647, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 658

At the request of Mr. BROWNBACK, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 658, a bill to amend the Public Health Service Act to prohibit human cloning.

S. 666

At the request of Mr. DEWINE, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 666, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 770

At the request of Mr. LEVIN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 770, a bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act.

S. 772

At the request of Mr. CORNYN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 772, a bill to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use.

S. 843

At the request of Mr. SANTORUM, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 1014

At the request of Ms. SNOWE, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1014, a bill to provide additional relief for small business owners ordered to active duty as members of reserve components of the Armed Forces, and for other purposes.

S. 1035

At the request of Mr. INHOFE, the name of the Senator from Montana

(Mr. BAUCUS) was added as a cosponsor of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1047

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 1047, a bill to require the Secretary of the Treasury to mint coins in commemoration of each of the Nation's past Presidents and their spouses, respectively to improve circulation of the \$1 coin, to create a new bullion coin, and for other purposes.

S. 1060

At the request of Mr. COLEMAN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1060, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1062

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1062, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 1076

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 1076, a bill to amend the Internal Revenue Code of 1986 to extend the excise tax and income tax credits for the production of biodiesel.

S. 1110

At the request of Mr. ALLEN, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 1110, a bill to amend the Federal Hazardous Substances Act to require engine coolant and antifreeze to contain a bittering agent in order to render the coolant or antifreeze unpalatable.

S. 1112

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1197

At the request of Mr. BIDEN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1197, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1224

At the request of Mrs. BOXER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1224, a bill to protect the oceans, and for other purposes.

S. 1239

At the request of Mr. MCCAIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1239, a bill to amend the Indian Health Care Improvement Act to permit the Indian Health Service, an Indian tribe, a tribal organization, or an urban Indian organization to pay the monthly part D premium of eligible medicare beneficiaries.

S. 1265

At the request of Mr. VOINOVICH, the names of the Senator from South Carolina (Mr. DEMINT) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S. 1265, a bill to make grants and loans available to States and other organizations to strengthen the economy, public health, and environment of the United States by reducing emissions from diesel engines.

S. 1287

At the request of Mr. COLEMAN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1287, a bill to amend the definition of independent student for purposes of the need analysis in the Higher Education Act of 1965 to include older adopted students.

S. 1313

At the request of Mr. CORNYN, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1313, a bill to protect homes, small businesses, and other private property rights, by limiting the power of eminent domain.

S. 1320

At the request of Mr. DEWINE, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 1320, a bill to provide multilateral debt cancellation for Heavily Indebted Poor Countries, and for other purposes.

S. 1343

At the request of Ms. LANDRIEU, the names of the Senator from Indiana (Mr. BAYH), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KERRY) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1343, a bill to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring for children in foster care.

S. 1366

At the request of Mr. DORGAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1366, a bill to amend the Internal Revenue Code of 1986 to allow tax-free distributions from individual retirement accounts for charitable purposes.

S. 1374

At the request of Mr. MCCAIN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1374, a bill to amend the Homeland Security Act of 2002 to provide for a border preparedness pilot program on Indian land.

S.J. RES. 19

At the request of Mr. BROWNBACK, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S.J. Res. 19, a joint resolution calling upon the President to issue a proclamation recognizing the 30th anniversary of the Helsinki Final Act.

AMENDMENT NO. 1106

At the request of Mrs. CLINTON, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 1106 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1112

At the request of Mr. AKAKA, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of amendment No. 1112 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1113

At the request of Mr. AKAKA, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of amendment No. 1113 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1129

At the request of Mrs. MURRAY, the names of the Senator from New Jersey (Mr. CORZINE), the Senator from Minnesota (Mr. DAYTON), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Colorado (Mr. SALAZAR) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 1129 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mrs. HUTCHISON, her name was added as a cosponsor of amendment No. 1129 proposed to H.R. 2360, *supra*.

At the request of Mrs. CLINTON, her name was added as a cosponsor of amendment No. 1129 proposed to H.R. 2360, *supra*.

At the request of Mr. JEFFORDS, his name was added as a cosponsor of amendment No. 1129 proposed to H.R. 2360, *supra*.

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of amendment No. 1129 proposed to H.R. 2360, *supra*.

AMENDMENT NO. 1142

At the request of Ms. COLLINS, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Nebraska (Mr. NELSON), the Senator from Arkansas (Mr. PRYOR), the Senator

from Maine (Ms. SNOWE) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of amendment No. 1142 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1145

At the request of Mr. BUNNING, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of amendment No. 1145 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1146

At the request of Mr. BUNNING, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of amendment No. 1146 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1156

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1156 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1158

At the request of Mr. REID, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1158 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1159

At the request of Mr. REID, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1159 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1160

At the request of Mr. REID, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1160 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1161

At the request of Mr. REID, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1161 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending

September 30, 2006, and for other purposes.

## AMENDMENT NO. 1162

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1162 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mrs. MURRAY, her name was added as a cosponsor of amendment No. 1162 proposed to H.R. 2360, supra.

## AMENDMENT NO. 1200

At the request of Mr. BYRD, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Ohio (Mr. DEWINE), the Senator from New Jersey (Mr. CORZINE), the Senator from Connecticut (Mr. DODD), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 1200 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. KOHL, his name was added as a cosponsor of amendment No. 1200 proposed to H.R. 2360, supra.

## AMENDMENT NO. 1202

At the request of Mr. DODD, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of amendment No. 1202 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

## AMENDMENT NO. 1205

At the request of Mr. OBAMA, his name was added as a cosponsor of amendment No. 1205 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mrs. BOXER, her name was added as a cosponsor of amendment No. 1205 intended to be proposed to H.R. 2360, supra.

## AMENDMENT NO. 1206

At the request of Mr. SARBANES, the names of the Senator from Ohio (Mr. DEWINE), the Senator from Delaware (Mr. BIDEN) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of amendment No. 1206 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

## AMENDMENT NO. 1211

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1211 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of

Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

## AMENDMENT NO. 1215

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 1215 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. CORZINE:

S. 1381. A bill to require the Nuclear Regulatory Commission to consider certain criteria in relicensing nuclear facilities, and to provide for an independent assessment of the Oyster Creek Nuclear Generating Station by the National Academy of Sciences before any relicensing of that facility; to the Committee on Environment and Public Works.

Mr. CORZINE. Mr. President, I rise today to introduce legislation to help ensure the safety of the Nation's oldest nuclear power plants before they receive a renewed license to operate.

The Oyster Creek Nuclear Generating Station in Lacey, NJ, has operated for 35 years and is the oldest nuclear facility in the country. It provides approximately ten percent of New Jersey's electricity, powering 600,000 homes. Oyster Creek also provides high paying jobs for 450 New Jerseyans. While the plant is an important source of energy and jobs for New Jerseyans, serious environmental, health, and safety concerns must be taken into account before the plant is relicensed. Three and a half million Americans live within a fifty-mile radius of this plant. Congress must recognize that it is imperative that the safety, performance and reliability of this plant be assessed by an independent entity before it is relicensed.

I have been very clear about my support for an independent review of Oyster Creek's safety and security as part of the relicensure process. Such an assessment would have to go beyond what is currently studied by the Nuclear Regulatory Commission (NRC) when it reviews a license renewal. Unfortunately, when the NRC decides whether to renew a plant's license, it does not subject that application to the same thorough analysis that would be applied to a new power plant's application.

In particular, a plant's emergency plan is not evaluated by the NRC when it considers a license renewal. This is surely unacceptable.

The legislation I am introducing would require the NRC to withhold relicensing of the Oyster Creek Station until the National Academy of Sciences provides an independent assessment of safety performance, along with recommendations for relicensing and relicensing conditions. The assess-

ment must identify health risks, vulnerability to terrorist attacks, evacuation plans, population increases, ability to store nuclear waste, safety and security records, and the impact of a nuclear accident. The NRC would not be allowed to grant the license until it gives appropriate consideration to the recommendations in the report. This is important not just for New Jersey as it applies to Oyster Creek, but for all nuclear plants across the country.

In addition, the bill requires NAS to review and recommend what the life expectancy of nuclear plants should be that are designed like Oyster Creek.

Most public officials do not have the training or knowledge base needed to make an independent assessment regarding the safety and security of a nuclear power plant. This is why it is so critical that policymakers solicit the independent and unbiased opinion of experts who are able to thoroughly assess whether the Oyster Creek nuclear power plant would be able to operate without fail throughout the duration of a new license.

This Nation needs a plan for a sound energy future. Such a plan must address the increasing role for clean, renewable energy. The plan, however, must ensure that nuclear power plants such as Oyster Creek operate safely and only as long as they are needed.

If New Jersey's energy future is left up to chance, it could leave my State more reliant on coal-fired energy imported from other States over a regional grid that is unable to handle bulk power transfers of such a magnitude. The obvious end result of such reliance on distantly generated and transported energy is more air pollution and more blackouts.

Considering that New Jersey already suffers from the health effects of out-of-State air pollution and is still smarting from the 2003 blackout, we should know better than to let this happen.

A mistake in this matter has devastating potential consequences for New Jersey. An independent assessment of the safety of Oyster Creek is a significant step to ensure the safety of the 3.5 million residents who live in the vicinity of the plant. This additional layer of safety will help ensure that if Oyster Creek is relicensed, it will have passed a stringent, independent assessment of its safety. New Jersey should not expect anything less when it comes to the safety of its citizens.

I urge my colleagues to support this crucial piece of legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1381

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the "Oyster Creek Nuclear Generating Station Relicensing Act of 2005".

**SEC. 2. FINDINGS.**

Congress finds that—

(1) the Oyster Creek Nuclear Generating Station, which has been in operation for more than 35 years, is the oldest nuclear facility in the United States;

(2) as of the date of enactment of this Act, more than 3,500,000 people reside within a 50-mile radius of the Station;

(3) nuclear power facilities have been identified as targets for terrorist attacks;

(4) it is necessary to assess the safety, performance, and reliability of the oldest operating reactor in the United States; and

(5) an independent assessment of the Station will help in determining whether the Station can continue to maintain adequate levels of safety.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) **COMMISSION.**—The term “Commission” means the Nuclear Regulatory Commission.

(2) **STATION.**—The term “Station” means the Oyster Creek Nuclear Generating Station.

**SEC. 4. RELICENSING CRITERIA FOR NUCLEAR FACILITIES.**

Section 182 of the Atomic Energy Act of 1954 (42 U.S.C. 2232) is amended by adding at the end the following:

“e. In determining whether to approve an application for relicensing, the Commission shall evaluate the facility with respect to—

“(1) the health risks, vulnerability to terrorist attack, evacuation plans, surrounding population increases, ability to store nuclear waste, and safety and security record of the facility; and

“(2) the impact of a nuclear accident at the facility.”.

**SEC. 5. INDEPENDENT ASSESSMENT OF STATION.**

(a) **IN GENERAL.**—The Commission shall not relicense the Station until—

(1) a date that is not earlier than 90 days after the date on which the Commission receives the report described in subsection (b); and

(2) the Commission has given appropriate consideration to the recommendations in the report.

(b) **ASSESSMENT BY NATIONAL ACADEMY OF SCIENCES.**—The Commission shall enter into an agreement with the National Academy of Sciences to submit to the Commission a report that includes, with respect to the Station—

(1) an independent assessment of safety performance; and

(2) recommendations with respect to—

(A) whether the Station should be relicensed by the Commission; and

(B) conditions for relicensing the Station.

(c) **INCLUSIONS.**—In preparing the report under subsection (b), the National Academy of Sciences, in accordance with any applicable regulations issued by the Commission, shall—

(1) provide an independent assessment of whether the Station conforms to the design and licensing bases of the Station, including appropriate reviews at the site and corporate offices of the Station;

(2) provide an independent assessment of the operational safety performance of the Station, including an identification of risk factors, as the National Academy of Sciences determines to be appropriate;

(3) provide an independent assessment of—

(A) the health risks, vulnerability to terrorist attack, evacuation plans, surrounding population increases, ability to store nuclear waste, and safety and security record of the Station; and

(B) the impact of a nuclear accident at the Station;

(4) evaluate the effectiveness of licensee self-assessments, corrective actions, and improvement plans at the Station;

(5) determine any cause of a safety problem at the Station;

(6) assess the overall performance of the Station; and

(7) assess, and provide recommendations regarding, the optimal life expectancy of—

(A) the Station; and

(B) nuclear facilities that are similar in design to the Station, as determined by the National Academy of Sciences.

(d) **ACCESS.**—The Chairperson of the Commission shall issue such regulations as are necessary to ensure appropriate access to the National Academy of Sciences to carry out this section, as determined by the Chairperson.

(e) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Commission shall submit to Congress the report of the National Academy of Sciences described in subsection (b).

By Mr. COLEMAN (for himself and Mr. LUGAR):

S. 1383. A bill to seek urgent and essential institutional reform at the United Nations; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I rise to join Senator NORM COLEMAN in introducing the United Nations Management, Personnel, and Policy Reform Act of 2005.

United Nations reform is not a new issue. The structure and role of the United Nations have been debated in our country almost continuously since the U.N. was established in 1945. But in 2005, we may have a unique opportunity to improve the operations of the UN. The revelations of the Oil-For-Food scandal and the urgency of strengthening global cooperation to address terrorism, the AIDS crisis, nuclear proliferation, and many other international problems have created momentum in favor of constructive reforms at the UN.

We have ample evidence that the United Nations is in need of reform. The Foreign Relations Committee held the first Congressional hearing on the UN's Oil-for-Food scandal a year ago last April. Since that time, through the work of Paul Volcker, Senator COLEMAN, and many others, we have learned much more about the extent of the corruption and mismanagement involved.

Senator COLEMAN's hard work as a Member of the Senate Foreign Relations Committee and as the Chairman of the Homeland Security and Governmental Affairs Permanent Subcommittee on Investigations has provided the Senate with extensive knowledge of what went wrong in the Oil-for-Food Program. We have combined efforts to offer the Senate a top-down/bottom-up comprehensive look at what needs to be reformed if the United Nations is going to be a highly effective institution in this century. I would like to thank staff on the Foreign Relations Committee and the Permanent Subcommittee on Investigations who have collaborated for many hours during the past several weeks as we have finalized this bill.

We know that billions of dollars that should have been spent on humani-

tarian needs in Iraq were siphoned off by Saddam Hussein's regime through a system of surcharges, bribes, and kickbacks. This corruption depended upon members of the UN Security Council who were willing to be complicit in these activities. It also depended on UN officials and contractors who were dishonest, inattentive, or willing to make damaging compromises in pursuit of a compassionate mission.

The diminishment of UN credibility from corruption in the Oil-for-Food Program and other scandals is harmful to U.S. foreign policy and to efforts aimed at coordinating a stronger global response to terrorism. The capabilities possessed by the United Nations depend heavily on maintaining the credibility associated with countries acting together in a well-established forum with well-established rules. Profiteering, mismanagement, and bureaucratic stonewalling squander this precious resource. At a time when the United States is appealing for greater international help in Iraq, Afghanistan, and in trouble spots around the world, a diminishment of UN credibility reduces U.S. options and increases our own burdens.

The UN's ability to organize burden sharing and take over missions best handled by the international community is critical to the long-term success of U.S. foreign policy. As such, the United States must help achieve effective reform at the UN.

Our legislation contains a comprehensive list of reforms that the United States must pursue at the United Nations. Some were espoused in the Gingrich-Mitchell UN reform study. Others have been proposed by our colleague on the House side, HENRY HYDE, and have already been adopted by the House of Representatives. Others have emerged from the Senate Foreign Relations Committee's and the Permanent Subcommittee of Investigation's examination of sound management, personnel and oversight practices that can prevent past failures from reoccurring.

The legislation includes a new UN procurement system that embodies the high standards required in modern governments and private sector companies, including relevant standards contained in the Foreign Corrupt Practices Act. It calls for a new Management Performance Board to hold senior UN officials accountable and a Sanctions Management Office to assist the Security Council in managing, monitoring, and overseeing UN sanctions programs. It calls for strengthened financial disclosure requirements for UN personnel and the creation of an Office of Ethics to monitor the disclosure policy and enforce a code of ethics. On the UN budget, it supports sunset provisions for all new programs mandated by the General Assembly and cost-cutting measures such as greater use of the internet for public information, expanding outsourcing of translation, and reducing the frequency of conferences and international meetings. It

promotes whistle-blower protections for UN employees and strengthens the UN inspector general function carried out by the Office of International Oversight Services (OIOS). And it calls for the creation of a new Independent Oversight Board to ensure the integrity and fiscal independence of the OIOS.

The legislation also calls for reforms in the two functions, peacekeeping and humans rights protection, where the United Nations will need to be stronger and more effective over the next several decades if it is to make a major contribution to international peace and security.

This legislation would provide President Bush with Congressional support and flexibility as he moves to generate reforms at the UN. The bill establishes a comprehensive agenda for creating the kind of United Nations the American people can support. It does not impose an artificial formula or rigid checklist of items that narrows our definition of success. Nor does it require mandated cuts in UN dues. Instead, the underlying premise of this legislation is that we want to give a President who knows how to achieve reform and is firmly committed to doing so the tools he needs to achieve our national objectives.

We see President Bush's pledge to seek reform reinforced by his deeds, including his nomination of a reform-minded expert on UN affairs to be our ambassador at the United Nations and now his subsequent nomination of a trusted White House aide to be the Assistant Secretary for International Organizations at the State Department.

The drive for reform at the UN is not going to occur in a national security vacuum. We will continue to have national security interests that are affected by UN agencies and UN deliberations. Without narrowing the President's options, this legislation gives him the leverage he needs. If he believes that, despite our best efforts, the other member states of the UN do not share our views on the urgency for reform, this bill grants the President full authority to withhold 50 percent of our UN dues until reforms are implemented. But it allows the President to make tactical judgments in the national security interest about how to apply leverage and about what methods to use in pursuing reform.

Secretary General Kofi Annan has proposed a substantial reform plan that will provide a platform for further reform initiatives and discussions. Other member nations have ideas for reform as well. The United States must be a leader in the effort to improve the United Nations, particularly its accountability. And this legislation provides the right balance, outlining the kinds of reforms that will make the United Nations an accountable, transparent, and well-managed international organization, while giving the President the authority to withhold contributions if reform efforts fall short.

I thank Senator COLEMAN for the expertise and leadership he has provided in crafting this legislation, and I ask my colleagues to give it their full support.

By Mr. FEINGOLD (for himself, Mr. KENNEDY, and Ms. LAN-DRIEU):

S. 1385. A bill to amend part A of title IV of the Social Security Act to ensure fair treatment and due process protections under the temporary assistance to needy families program, to facilitate enhanced data collection and reporting requirements under that program, and for other purposes; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, later this year the Senate may again consider reauthorization of the 1996 Personal Opportunity and Work Responsibility Reconciliation Act. This law ended the Aid to Families with Dependent Children program and created our current Federal welfare program, the Temporary Assistance for Needy Families (TANF) program.

I supported the legislation that created TANF because I believed that the welfare system was failing recipients and their families and that we needed to do better. Now, almost nine years later, poverty levels are again on the rise and it is clear that improvements need to be made to the TANF program in order to achieve the goal of breaking the cycle of poverty and moving recipients into well-paying, sustainable jobs.

As we all know, each State's welfare program is different, and the implementation of these programs often varies from provider to provider and from county to county. While we encouraged State-level innovation with the 1996 law and should continue to encourage it with our reauthorization legislation, we should also ensure that all State plans conform to uniform Federal fair treatment and due process protections for all applicants and clients.

I am deeply concerned that a client who applies for or receives benefits in one part of Wisconsin may not be getting the same treatment as another applicant or client in a different part of my State.

The bill that I introduce today, the Fair Treatment and Due Process Protection Act, would improve Federal fair treatment and due process protections for applicants to and clients of State TANF programs by addressing gaps in current law in three areas: access to translation services and English as a Second Language education programs, sanction notification and due process protections, and data collection and analysis. I am pleased to be joined in this effort by the Senator from Massachusetts, Mr. KENNEDY and the Senator from Louisiana, Ms. LAN-DRIEU.

In order for low-income parents whose primary language is not English to understand their rights with respect to availability of benefits, to comply with Federal and State TANF program

rules, and to move from welfare to work, we should ensure that translation services and English as a Second Language classes are available.

My bill would require States to provide interpretation and translation services to low-income parents who do not speak English, and provides that the standards currently used in the food stamp program would be used to determine when the requirement to provide such services would be triggered for TANF-funded programs.

States would also be required to advise adults who lack English proficiency of available programs in the community to help them learn English, and to allow individuals who elect to enroll in such programs to participate in them. Individuals who participate in such activities on a satisfactory basis would be considered to be engaged in work activities and these activities would be counted towards the work participation rates.

If we are not only to reduce the welfare rolls but to reduce poverty and to ensure that low-income parents find sustainable jobs, we must ensure that these parents have access to education and training, including ESL classes, and that this training counts toward the work requirement. I support efforts to expand the number of activities that TANF clients are permitted to count as work, and my bill would add ESL classes to that list.

In addition, I am concerned about reports of unfair sanctioning and case closures across the country. We should make every effort to minimize discrimination in the application of sanctions and the termination of benefits. My bill would require that, prior to imposing a sanction, States inform individuals of the reasons for the sanction and what individuals may do to come into compliance with program rules to avoid the sanction. It also would stipulate that sanctions may not continue after individuals have come into compliance with program rules, and that individuals be informed of all other services and benefits for which they may be eligible during the period of the sanction, and of their rights under applicable State and Federal laws.

Finally, this bill would require States to perform enhanced data collection and analysis so that we can get a better picture of the people who apply for and receive TANF benefits and those who leave the welfare rolls.

I share the concern that has been expressed by a number of my constituents regarding the lack of comprehensive, uniform data about State welfare programs, including information on those who apply for benefits and those who have left the welfare rolls. My bill would require States to collect and manage data in a uniform way; to disaggregate the data based on a larger number of subgroups, including race, ethnicity/national origin, gender, primary language, and educational level of recipient; to include information on

work participation and about applicants who are diverted to other programs; and to track clients whose cases are closed.

In addition, the Federal Department of Health and Human Services would be required to include a comprehensive analysis broken down by these same data groups in its annual report on the TANF program. The Department would also be required to perform a longitudinal study of program outcomes that includes data on applicants for assistance, families that receive assistance, and families that leave assistance during the period of the study. The Secretary of Health and Human Services would be required to protect the privacy of individuals and families applying for or receiving assistance under State TANF programs when data on such individuals and families is publicly disclosed by the Secretary.

These enhanced requirements are not meant to impose an additional burden on the States. Rather, they are intended to measure the success of the program in a more comprehensive and transparent manner.

This legislation is supported by the Leadership Conference on Civil Rights, the Nation's oldest and most diverse civil rights coalition. I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1385

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

# **SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES.**

(a) **SHORT TITLE.**—This Act may be cited as the “Fair Treatment and Due Process Protection Act of 2005”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents; references.

## **TITLE I—ACCESS TO TRANSLATION SERVICES AND LANGUAGE EDUCATION PROGRAMS**

Sec. 101. Provision of interpretation and translation services.

Sec. 102. Assisting families with limited English proficiency.

## **TITLE II—SANCTIONS AND DUE PROCESS PROTECTIONS**

Sec. 201. Sanctions and due process protections.

## **TITLE III—DATA COLLECTION AND REPORTING REQUIREMENTS**

Sec. 301. Data collection and reporting requirements.

Sec. 302. Enhancement of understanding of the reasons individuals leave State TANF programs.

Sec. 303. Longitudinal studies of TANF applicants and recipients.

Sec. 304. Protection of individual privacy.

## **TITLE IV—EFFECTIVE DATE**

Sec. 401. Effective date.

(c) **REFERENCES.**—Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the amendment or repeal shall be considered to be made to a section

or other provision of the Social Security Act.

## **TITLE I—ACCESS TO TRANSLATION SERVICES AND LANGUAGE EDUCATION PROGRAMS**

### **SEC. 101. PROVISION OF INTERPRETATION AND TRANSLATION SERVICES.**

(a) **IN GENERAL.**—Section 408(a) (42 U.S.C. 608(a)) is amended by adding at the end the following:

“(12) **PROVISION OF INTERPRETATION AND TRANSLATION SERVICES.**—A State to which a grant is made under section 403(a) for a fiscal year shall, with respect to the State program funded under this part and all programs funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)), provide appropriate interpretation and translation services to individuals who lack English proficiency if the number or percentage of persons lacking English proficiency meets the standards established under section 272.4(b) of title 7 of the Code of Federal Regulations (as in effect on the date of enactment of this paragraph).”

(b) **PENALTY.**—Section 409(a) (42 U.S.C. 609(a)) is amended by adding at the end the following:

“(15) **PENALTY FOR FAILURE TO PROVIDE INTERPRETATION AND TRANSLATION SERVICES.**—

“(A) **IN GENERAL.**—If the Secretary determines that a State to which a grant is made under section 403 in a fiscal year has violated section 408(a)(12) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to up to 5 percent of the State family assistance grant.

“(B) **PENALTY BASED ON SEVERITY OF FAILURE.**—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.”

### **SEC. 102. ASSISTING FAMILIES WITH LIMITED ENGLISH PROFICIENCY.**

(a) **IN GENERAL.**—Section 407(c)(2) (42 U.S.C. 607(c)(2)) is amended by adding at the end the following:

“(E) **INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY.**—In the case of an adult recipient who lacks English language proficiency, as defined by the State, the State shall—

“(i) advise the adult recipient of available programs or activities in the community to address the recipient's education needs;

“(ii) if the adult recipient elects to participate in such a program or activity, allow the recipient to participate in such a program or activity; and

“(iii) consider an adult recipient who participates in such a program or activity on a satisfactory basis as being engaged in work for purposes of determining monthly participation rates under this section, except that the State—

“(I) may elect to require additional hours of participation or activity if necessary to ensure that the recipient is participating in work-related activities for a sufficient number of hours to count as being engaged in work under this section; and

“(II) shall attempt to ensure that any additional hours of participation or activity do not unreasonably interfere with the education activity of the recipient.”

(b) **PENALTY.**—Section 409(a) (42 U.S.C. 609(a)), as amended by section 101(b), is amended by adding at the end the following:

“(16) **PENALTY FOR FAILURE TO PROVIDE INTERPRETATION AND TRANSLATION SERVICES.**—

“(A) **IN GENERAL.**—If the Secretary determines that a State to which a grant is made under section 403 in a fiscal year has violated section 407(c)(2)(E) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the im-

mediately succeeding fiscal year by an amount equal to up to 5 percent of the State family assistance grant.

“(B) **PENALTY BASED ON SEVERITY OF FAILURE.**—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.”

## **TITLE II—SANCTIONS AND DUE PROCESS PROTECTIONS**

### **SEC. 201. SANCTIONS AND DUE PROCESS PROTECTIONS.**

(a) **IN GENERAL.**—Section 408(a) (42 U.S.C. 608(a)), as amended by section 101(a), is amended by adding at the end the following:

“(13) **SANCTION PROCEDURES.**—

“(A) **PRE-SANCTION REVIEW PROCESS.**—Prior to the imposition of a sanction against an individual or family receiving assistance under the State program funded under this part or under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)) for failure to comply with program requirements, the State shall take the following steps:

“(i) Provide or send notice to the individual or family, and, if the recipient's native language is not English, through a culturally competent translation, of the following information:

“(I) The specific reason for the proposed sanction.

“(II) The amount of the proposed sanction.

“(III) The length of time during which the proposed sanction would be in effect.

“(IV) The steps required to come into compliance or to show good cause for noncompliance.

“(V) That the agency will provide assistance to the individual in determining if good cause for noncompliance exists, or in coming into compliance with program requirements.

“(VI) That the individual may appeal the determination to impose a sanction, and the steps that the individual must take to pursue an appeal.

“(ii)(I) Ensure that, subject to clause (iii)—

“(aa) an individual other than the individual who determined that a sanction be imposed shall review the determination and have the authority to take the actions described in subclause (II); and

“(bb) the individual or family against whom the sanction is to be imposed shall be afforded the opportunity to meet with the individual who, as provided for in item (aa), is reviewing the determination with respect to the sanction.

“(II) An individual to which this subclause applies may—

“(aa) modify the determination to impose a sanction;

“(bb) determine that there was good cause for the individual or family's failure to comply;

“(cc) recommend modifications to the individual's individual responsibility or employment plan; and

“(dd) make such other determinations and take such other actions as may be appropriate under the circumstances.

“(iii) The review required under clause (ii) shall include consideration of the following:

“(I) To the extent applicable, whether barriers to compliance exist, such as a physical or mental impairment, including mental illness, substance abuse, mental retardation, a learning disability, domestic or sexual violence, limited proficiency in English, limited literacy, homelessness, or the need to care for a child with a disability or health condition, that contributed to the noncompliance of the person.

“(II) Whether the individual or family's failure to comply resulted from failure to receive or have access to services previously identified as necessary in an individual responsibility or employment plan.



“(III) Whether changes to the individual responsibility or employment plan should be made in order for the individual to comply with program requirements.

“(IV) Whether the individual or family has good cause for any noncompliance.

“(V) Whether the State’s sanction policies have been applied properly.

“(B) SANCTION FOLLOW-UP REQUIREMENTS.—If a State imposes a sanction on a family or individual for failing to comply with program requirements, the State shall—

“(i) provide or send notice to the individual or family, in language calculated to be understood by the individual or family, and, if the individual’s or family’s native language is not English, through a culturally competent translation, of the reason for the sanction and the steps the individual or family must take to end the sanction;

“(ii) resume the individual’s or family’s full assistance, services, or benefits provided under this program (provided that the individual or family is otherwise eligible for such assistance, services, or benefits) once the individual who failed to meet program requirements that led to the sanction complies with program requirements for a reasonable period of time, as determined by the State and subject to State discretion to reduce such period;

“(iii) if assistance, services, or benefits have not resumed, as of the period that begins on the date that is 60 days after the date on which the sanction was imposed, and end on the date that is 120 days after such date, provide notice to the individual or family, in language calculated to be understood by the individual or family, of the steps the individual or family must take to end the sanction, and of the availability of assistance to come into compliance or demonstrate good cause for noncompliance with program requirements.”.

(b) PENALTY.—Section 409(a) (42 U.S.C. 609(a)), as amended by section 102(b), is amended by adding at the end the following:

“(17) PENALTY FOR FAILURE TO FOLLOW SANCTION PROCEDURES.—

“(A) IN GENERAL.—If the Secretary determines that a State to which a grant is made under section 403 in a fiscal year has violated section 408(a)(13) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to up to 5 percent of the State family assistance grant.

“(B) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.”.

(c) STATE PLAN REQUIREMENT TO DESCRIBE HOW STATES WILL NOTIFY APPLICANTS AND RECIPIENTS OF THEIR RIGHTS UNDER THE PROGRAM AND OF POTENTIAL BENEFITS AND SERVICES AVAILABLE UNDER THE PROGRAM.—Section 402(a)(1)(B)(iii) (42 U.S.C. 602(a)(1)(B)(iii)) is amended by inserting “, and will notify applicants and recipients of assistance under the program of the rights of individuals under all laws applicable to program activities and of all potential benefits and services available under the program” before the period.

(d) REQUIREMENT TO PROVIDE NOTICE TO APPLICANTS AND RECIPIENTS OF RIGHTS AND OF POTENTIAL PROGRAM BENEFITS AND SERVICES, AND TO TRAIN PROGRAM PERSONNEL TO RESPECT SUCH RIGHTS.—

(1) IN GENERAL.—Section 408(a) (42 U.S.C. 608(a)), as amended by subsection (a), is amended by adding at the end the following:

“(14) REQUIREMENT TO PROVIDE NOTICE TO APPLICANTS AND RECIPIENTS OF RIGHTS AND OF POTENTIAL PROGRAM BENEFITS AND SERVICES, AND TO TRAIN PROGRAM PERSONNEL TO RE-

SPECT SUCH RIGHTS.—A State to which a grant is made under section 403 shall—

“(A) notify each applicant for, and each recipient of, assistance under the State program funded under this part or under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)) of the rights of applicants and recipients under all laws applicable to the activities of such program (including the right to claim good cause exceptions to program requirements), and shall provide the notice—

“(i) to a recipient when the recipient first receives assistance, benefits, or services under the program;

“(ii) to all such recipients on a semiannual basis; and

“(iii) orally and in writing, in the native language of the recipient and at not higher than a 6th grade level, and, if the recipient’s native language is not English, through a culturally competent translation; and

“(B) train all program personnel on a regular basis regarding how to carry out the program consistent with such rights.”.

(2) PENALTY.—Section 409(a) (42 U.S.C. 609(a)), as amended by subsection (b), is amended by adding at the end the following:

“(18) PENALTY FOR FAILURE TO PROVIDE NOTICE TO APPLICANTS AND RECIPIENTS OF RIGHTS AND OF POTENTIAL PROGRAM BENEFITS AND SERVICES, AND TO TRAIN PROGRAM PERSONNEL TO RESPECT SUCH RIGHTS.—

“(A) IN GENERAL.—If the Secretary determines that a State to which a grant is made under section 403 in a fiscal year has violated section 408(a)(14) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to up to 5 percent of the State family assistance grant.

“(B) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.”.

### TITLE III—DATA COLLECTION AND REPORTING REQUIREMENTS

#### SEC. 301. DATA COLLECTION AND REPORTING REQUIREMENTS.

Section 411(a)(1) (42 U.S.C. 611(a)(1)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking “(except for information relating to activities carried out under section 403(a)(5))” and inserting “, and, in complying with this requirement, shall ensure that such information is reported in a manner that permits analysis of the information by race, ethnicity or national origin, primary language, gender, and educational level, including analysis using a combination of these factors, and that all data, including Federal, State, and local data (whether collected by public or private local agencies or entities that administer or operate the State program funded under this part) is made public and easily accessible”;

(B) by striking clause (v) and inserting the following:

“(v) The employment status, occupation (as defined by the most current Federal Standard Occupational Classification system, as of the date of the collection of the data), and earnings of each employed adult in the family.”;

(C) in clause (vii), by striking “and educational level” and inserting “, educational level, and primary language”;

(D) in clause (viii), by striking “and educational level” and inserting “, educational level, and primary language”;

(E) in clause (xi), in the matter preceding subclause (I), by inserting “, including, to the extent such information is available, in-

formation on the specific type of job, or education or training program” before the semicolon;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A), the following:

“(B) INFORMATION REGARDING APPLICANTS.—

“(i) IN GENERAL.—Each eligible State shall collect on a monthly basis, and report to the Secretary on a quarterly basis, disaggregated case record information on the number of individuals who apply for but do not receive assistance under the State program funded under this part, the reason such assistance were not provided, and the overall percentage of applications for assistance that are approved compared to those that are disapproved with respect to such month.

“(ii) REQUIREMENT.—In complying with clause (i), each eligible State shall ensure that the information required under that clause is reported in a manner that permits analysis of such information by race, ethnicity or national origin, primary language, gender, and educational level, including analysis using a combination of these factors.”.

#### SEC. 302. ENHANCEMENT OF UNDERSTANDING OF THE REASONS INDIVIDUALS LEAVE STATE TANF PROGRAMS.

(a) CASE CLOSURE REASONS.—Section 411(a)(1) (42 U.S.C. 611(a)(1)), as amended by section 301, is amended—

(1) by redesignating subparagraph (C) (as redesignated by such section 301) as subparagraph (D); and

(2) by inserting after subparagraph (B) (as added by such section 301) the following:

“(C) DEVELOPMENT OF COMPREHENSIVE LIST OF CASE CLOSURE REASONS.—

“(i) IN GENERAL.—The Secretary shall develop, in consultation with States and individuals or organizations with expertise related to the provision of assistance under the State program funded under this part, a comprehensive list of reasons why individuals leave State programs funded under this part. In developing such list, the Secretary shall consider the full range of reasons for case closures, including the following:

“(I) Lack of access to specific programs or services, such as child care, transportation, or English as a second language classes for individuals with limited English proficiency.

“(II) The medical or health problems of a recipient.

“(III) The family responsibilities of a recipient, such as caring for a family member with a disability.

“(IV) Changes in eligibility status.

“(V) Other administrative reasons.

“(ii) OTHER REQUIREMENTS.—The list required under clause (i) shall be developed with the goal of substantially reducing the number of case closures under the State programs funded under this part for which a reason is not known.

“(iii) PUBLIC COMMENT.—The Secretary shall promulgate for public comment regulations that—

“(I) list the case closure reasons developed under clause (i);

“(II) require States, not later than October 1, 2006, to use such reasons in accordance with subparagraph (A)(xvi); and

“(III) require States to report on efforts to improve State tracking of reasons for case closures, including the identification of additional reasons for case closures not included on the list developed under clause (i).

“(iv) REVIEW AND MODIFICATION.—The Secretary, through consultation and analysis of quarterly State reports submitted under this paragraph, shall review on an annual basis

whether the list of case closure reasons developed under clause (i) requires modification and, to the extent the Secretary determines that modification of the list is necessary, shall publish proposed modifications for notice and comment, prior to the modifications taking effect."

(b) INCLUSION IN QUARTERLY STATE REPORTS.—Section 411 (a)(1)(A) (42 U.S.C. 611(a)(1)(A)) is amended—

(1) in clause (xvi)—

(A) in subclause (IV), by striking "or" at the end;

(B) in subclause (V), by striking the period and inserting "; or"; and

(C) by adding at the end the following:

"(VI) a reason specified in the list developed under subparagraph (C), including any modifications of such list.";

(2) by redesignating clause (xvii) as clause (xviii); and

(3) by inserting after clause (xvi), the following:

"(xvii) The efforts the State is undertaking, and the progress with respect to such efforts, to improve the tracking of reasons for case closures."

#### SEC. 303. LONGITUDINAL STUDIES OF TANF APPLICANTS AND RECIPIENTS.

(a) IN GENERAL.—Section 413 (42 U.S.C. 613) is amended by striking subsection (d) and inserting the following:

"(d) LONGITUDINAL STUDIES OF APPLICANTS AND RECIPIENTS TO DETERMINE THE FACTORS THAT CONTRIBUTE TO POSITIVE EMPLOYMENT AND FAMILY OUTCOMES.—

"(1) IN GENERAL.—The Secretary, directly or through grants, contracts, or interagency agreements, shall conduct longitudinal studies in at least 5, and not more than 10, States (or sub-State areas, except that no such area shall be located in a State in which a State-wide study is being conducted under this paragraph) of a representative sample of families that receive, and applicants for, assistance under a State program funded under this part or under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)).

"(2) REQUIREMENTS.—The studies conducted under this subsection shall—

"(A) follow families that cease to receive assistance, families that receive assistance throughout the study period, and families diverted from assistance programs; and

"(B) collect information on—

"(i) family and adult demographics (including race, ethnicity or national origin, primary language, gender, barriers to employment, educational status of adults, prior work history, prior history of welfare receipt);

"(ii) family income (including earnings, unemployment compensation, and child support);

"(iii) receipt of assistance, benefits, or services under other needs-based assistance programs (including the food stamp program, the medicaid program under title XIX, earned income tax credits, housing assistance, and the type and amount of any child care);

"(iv) the reasons for leaving or returning to needs-based assistance programs;

"(v) work participation status and activities (including the scope and duration of work activities and the types of industries and occupations for which training is provided);

"(vi) sanction status (including reasons for sanction);

"(vii) time limit for receipt of assistance status (including months remaining with respect to such time limit);

"(viii) recipient views regarding program participation; and

"(ix) measures of income change, poverty, extreme poverty, food security and use of

food pantries and soup kitchens, homelessness and the use of shelters, and other measures of family well-being and hardship over a 5-year period.

"(3) COMPARABILITY OF RESULTS.—The Secretary shall, to the extent possible, ensure that the studies conducted under this subsection produce comparable results and information.

"(4) REPORTS.—

"(A) INTERIM REPORTS.—Not later than October 1, 2008, the Secretary shall publish interim findings from at least 12 months of longitudinal data collected under the studies conducted under this subsection.

"(B) SUBSEQUENT REPORTS.—Not later than October 1, 2010, the Secretary shall publish findings from at least 36 months of longitudinal data collected under the studies conducted under this subsection."

(b) ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Section 411(b) (42 U.S.C. 611(b)) is amended—

(A) in paragraph (2)—

(i) by inserting "(including types of sanctions or other grant reductions)" after "financial characteristics"; and

(ii) by inserting ", disaggregated by race, ethnicity or national origin, primary language, gender, education level, and, with respect to closed cases, the reason the case was closed" before the semicolon;

(B) in paragraph (3), by striking "and" at the end;

(C) in paragraph (4), by striking the period and inserting "; and"; and

(D) by adding at the end the following:

"(5) the economic well-being of children and families receiving assistance under the State programs funded under this part and of children and families that have ceased to receive such assistance, using longitudinal matched data gathered from federally supported programs, and including State-by-State data that details the distribution of earnings and stability of employment of such families and (to the extent feasible) describes, with respect to such families, the distribution of income from known sources (including employer-reported wages, assistance under the State program funded under this part, and benefits under the food stamp program), the ratio of such families' income to the poverty line, and the extent to which such families receive or received noncash benefits and child care assistance, disaggregated by race, ethnicity or national origin, primary language, gender, education level, whether the case remains open, and, with respect to closed cases, the reason the case was closed."

(2) CONFORMING AMENDMENTS.—Section 411(a) (42 U.S.C. 611(a)) is amended—

(A) by redesignating paragraph (7) as paragraph (8); and

(B) by inserting after paragraph (6), the following:

"(7) REPORT ON ECONOMIC WELL-BEING OF CURRENT AND FORMER RECIPIENTS.—The report required by paragraph (1) for a fiscal quarter shall include for that quarter such information as the Secretary may specify in order for the Secretary to include in the annual reports to Congress required under subsection (b) the information described in paragraph (5) of that subsection."

#### SEC. 304. PROTECTION OF INDIVIDUAL PRIVACY.

Section 411 of the Social Security Act (42 U.S.C. 611) is amended by adding at the end the following:

"(c) PROTECTION OF INDIVIDUAL PRIVACY.—With respect to any information concerning individuals or families receiving assistance, or applying for assistance, under the State programs funded under this part that is publicly disclosed by the Secretary, the Secretary shall ensure that such disclosure is

made in a manner that protects the privacy of such individuals and families."

#### TITLE IV—EFFECTIVE DATE

##### SEC. 401. EFFECTIVE DATE.

The amendments made by this Act take effect on October 1, 2005.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 196—WELCOMING THE PRIME MINISTER OF SINGAPORE ON THE OCCASION OF HIS VISIT TO THE UNITED STATES, EXPRESSING GRATITUDE TO THE GOVERNMENT OF SINGAPORE FOR ITS STRONG COOPERATION WITH THE UNITED STATES IN THE CAMPAIGN AGAINST TERRORISM, AND REAFFIRMING THE COMMITMENT OF THE UNITED STATES TO THE CONTINUED EXPANSION OF FRIENDSHIP AND COOPERATION BETWEEN THE UNITED STATES AND SINGAPORE

Mr. BOND (for himself and Ms. MURKOWSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 196

Whereas Singapore is a great friend of the United States;

Whereas the United States and Singapore share a common vision of promoting peace, stability, security, and prosperity in the Asia-Pacific region;

Whereas Singapore is a member of the Proliferation Security Initiative, an initiative launched by the United States in 2003 to respond to the challenges posed by the proliferation of weapons of mass destruction, and a committed partner of the United States in preventing the spread of weapons of mass destruction;

Whereas Singapore is a leader in the Radiation Detection Initiative, an effort by the United States to develop technology to safeguard maritime security by detecting trafficking of nuclear and radioactive material;

Whereas Singapore will soon be a partner to the United States in the Strategic Framework Agreement for Closer Cooperation in Defense and Security, an agreement which will build upon the already strong military relations between the United States and Singapore and expand the scope of defense and security cooperation between the 2 countries;

Whereas Singapore responded quickly to provide generous humanitarian relief and financial assistance to the people affected by the tragic tsunami that struck Southeast Asia in December 2004;

Whereas Singapore has joined the United States in the global struggle against terrorism, providing intelligence and offering political and diplomatic support;

Whereas Singapore is the 15th largest trading partner of the United States and the first free trade partner of the United States in the Asia-Pacific region, and the United States is the second largest trading partner of Singapore;

Whereas the relationship between the United States and Singapore extends beyond the current campaign against terrorism and is reinforced by strong ties of culture, commerce, and scientific and technical cooperation; and

Whereas the relationship between the United States and Singapore encompasses almost every field of international cooperation, including a common commitment to

fostering a stronger and more open international trading system: Now, therefore, be it

*Resolved*, That the Senate—

(1) welcomes the Prime Minister of Singapore, His Excellency Lee Hsien Loong, to the United States;

(2) expresses profound gratitude to the Government of Singapore for promoting security and prosperity in Southeast Asia and cooperating with the United States in the global campaign against terrorism; and

(3) reaffirms the commitment of the United States to continue strengthening the friendship and cooperation between the United States and Singapore.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 1216. Mr. DURBIN (for Mrs. BOXER) proposed an amendment to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

SA 1217. Mr. DURBIN (for Ms. STABENOW (for herself and Mr. REID)) proposed an amendment to the bill H.R. 2360, *supra*.

#### TEXT OF AMENDMENTS

SA 1216. Mr. DURBIN (for Mrs. BOXER) proposed an amendment to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

#### SEC. . STRENGTHENING SECURITY AT NUCLEAR POWER PLANTS.

(a) FINDINGS.—The Senate finds that—

(1) A taped interview shown on al-Jazeera television on September 10, 2002, included a statement that al Qaeda initially planned to include a nuclear power plant in its 2001 attacks on the United States.

(2) In 2001, David Kyd of the International Atomic Energy Agency said that if a fully fueled large jetliner hit a nuclear reactor “then the containment could be breached and the cooling system of the reactor could be impaired to the point where radioactivity might well be set free.”

(3) Dr. Edwin Lyman, a physicist and former scientific director of the Nuclear Control Institute has noted that if a nuclear power plant were hit by a large commercial passenger jet, “significant release of radiation into the environment is a very real one.”

(4) Operating nuclear reactors contain large amounts of radioactive fission products that, if dispersed, could pose a direct radiation hazard, contaminate soil and vegetation, and be ingested by humans and animals.

(5) According to the organization Three Mile Island Alert, a nuclear power plant houses more than 1,000 times the radiation that would be released in an atomic bomb blast, and the magnitude of a single terrorist attack on a nuclear power plant could cause over 100,000 deaths.

(6) The federal government has offered Governors potassium iodide pills to distribute to people living near nuclear power plants in case of an attack, but no legislation has passed to protect against an attack in the first place.

(7) In the 108th Congress, the Senate Environment and Public Works Committee approved bipartisan legislation to improve nu-

clear plant security. No action was taken by the full Senate.

(8) Last month, the Senate Environment and Public Works Committee again approved bipartisan legislation to improve nuclear plant security.

(b) SENSE OF THE SENATE. It is the sense of the Senate that the Congress should pass legislation to assess the terrorist threats at each nuclear power plant and to establish new federal standards to protect against those threats.

SA 1217. Mr. DURBIN (for Ms. STABENOW (for herself and Mr. REID)) proposed an amendment to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 77, line 18, strike “\$2,694,300,000” and insert “7,694,300,000”.

On page 79, line 22, strike the colon and insert a period.

On page 79, between lines 22 and 23, insert the following:

(7) \$5,000,000,000 for interoperable communications equipment grants: *Provided*, That such amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress):

#### NOTICES OF HEARINGS/MEETINGS

##### SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, July 20, 2005, at 2:30 P.M. in Room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 703, to provide for the conveyance of certain Bureau of Land Management land in the State of Nevada to the Las Vegas Motor Speedway, and for other purposes; S. 997, to direct the Secretary of Agriculture to convey certain land in the Beaverhead-Deerlodge Forest, MT, to Jefferson County, MT; for use as a cemetery; S. 1131, to authorize the exchange of certain Federal land within the State of Idaho, and for other purposes; S. 1170, to establish the Fort Stanton-Snowy River National Cave Conservation Area; S. 1238, to amend the Public Lands Corps Act of 1993 to provide for the conduct of projects that protect forests, and other purposes; and H.R. 1101, to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, July 12, 2005, at 10 a.m. on Digital Television Transmission.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, July 12, 2005, at 2:30 p.m. in Digital Television Transmission.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meeting during the session of the Senate on Tuesday, July 12 at 10 a.m.

The purpose of the hearing is to consider the nomination of Jill L. Sigal to be Assistant Secretary of Energy for Congressional and Intergovernmental Affairs; David R. Hill to be General Counsel of the Department of Energy; and James A. Rispoli to be Assistant Secretary of Energy for Environmental Management.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Tuesday, July 12, 2005, at 2 p.m. for a hearing regarding “Improper Payments: Where are Truth and Transparency in Federal Financial Reporting?”

THE PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON INTELLECTUAL PROPERTY

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Subcommittee on Intellectual Property be authorized to meet to conduct a hearing on “Music Licensing Reform” on Tuesday, July 12, 2005 at 2:30 p.m. in Dirksen 226.

#### Witness List:

Panel I: Marybeth Peters, U.S. Register of Copyrights, Washington, DC.

Panel II: Rob Glaser, Chairman and CEO, RealNetworks, Inc., Seattle, WA; Rick Carnes, President, Songwriters Guild of America, Nashville, TN; Glen Barros, Pres and CEO, Comcord Records, Beverly Hills, CA; Marilyn Bergman, President and Chairman, American Society of Composers, Authors and Publishers, New York, NY;

and Ish Cuebas, Director of Merchandising Operations, Trans World Entertainment, and Co-Chairman of the Media on Demand Task Force Corporate Circle, National Association of Recording Merchandisers, Albany, NY.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SUBCOMMITTEE ON WATER AND POWER

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the subcommittee on water and power be authorized to meet during the session of the Senate on Tuesday, July 12, 2005 at 3 p.m.

The purpose of the hearing is to receive testimony on S. 49, to establish a joint Federal-State Floodplain and Erosion Mitigation Commission for the State of Alaska; S. 247, to authorize the Secretary of the Interior to assist in the planning, design, and construction of the Tumalo Irrigation District Water Conservation Project in Deschutes County, Oregon; S. 648, to amend the reclamation states emergency drought relief act of 1991 to extend the authority for drought assistance; S. 819, to authorize the Secretary of the Interior to reallocate costs of the Pactola Dam and Reservoir, South Dakota, to reflect increased demands for municipal, industrial, and fish and wildlife purposes; S. 891, to extend the water service contract for the Ainsworth Unit, Sandhills Division, Pick-Sloan Missouri Basin Program, Nebraska; and S. 1338, to require the Secretary of the Interior, acting through the bureau of reclamation and the United States Geological Survey, to conduct a study on groundwater resources in the State of Alaska, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGE OF THE FLOOR

Ms. COLLINS. Mr. President, I ask unanimous consent that Jeffrey Highley, a civil engineering congressional fellow in Senator PRYOR's office, be granted the privilege of the floor for the remaining duration of the debate on the Homeland Security appropriations bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I ask unanimous consent that privilege of the floor be granted to Ray Kovachy and Lynden Melmed, detailees from the Department of Homeland Security to the majority staff of the Immigration, Border Security, and Citizenship Subcommittee of the Judiciary Committee during the remainder of the first session of the 109th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MARTINEZ. I ask unanimous consent that Brian Walsh, a member of my staff, be granted floor privileges during consideration of the Homeland Security appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### WELCOMING THE PRIME MINISTER OF SINGAPORE ON THE OCCASION OF HIS VISIT TO THE UNITED STATES.

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of S. Res. 196, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 196) welcoming the Prime Minister of Singapore on the occasion of his visit to the United States, expressing gratitude to the Government of Singapore for its strong cooperation with the United States in the campaign against terrorism, and reaffirming the commitment of the United States to the continued expansion of friendship and cooperation between the United States and Singapore.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 196) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 196

Whereas Singapore is a great friend of the United States;

Whereas the United States and Singapore share a common vision of promoting peace, stability, security, and prosperity in the Asia-Pacific region;

Whereas Singapore is a member of the Proliferation Security Initiative, an initiative launched by the United States in 2003 to respond to the challenges posed by the proliferation of weapons of mass destruction, and a committed partner of the United States in preventing the spread of weapons of mass destruction;

Whereas Singapore is a leader in the Radiation Detection Initiative, an effort by the United States to develop technology to safeguard maritime security by detecting trafficking of nuclear and radioactive material;

Whereas Singapore will soon be a partner to the United States in the Strategic Framework Agreement for Closer Cooperation in Defense and Security, an agreement which will build upon the already strong military relations between the United States and Singapore and expand the scope of defense and security cooperation between the 2 countries;

Whereas Singapore responded quickly to provide generous humanitarian relief and financial assistance to the people affected by the tragic tsunami that struck Southeast Asia in December 2004;

Whereas Singapore has joined the United States in the global struggle against terrorism, providing intelligence and offering political and diplomatic support;

Whereas Singapore is the 15th largest trading partner of the United States and the first free trade partner of the United States in the Asia-Pacific region, and the United States is the second largest trading partner of Singapore;

Whereas the relationship between the United States and Singapore extends beyond the current campaign against terrorism and

is reinforced by strong ties of culture, commerce, and scientific and technical cooperation; and

Whereas the relationship between the United States and Singapore encompasses almost every field of international cooperation, including a common commitment to fostering a stronger and more open international trading system: Now, therefore, be it

*Resolved*, That the Senate—

(1) welcomes the Prime Minister of Singapore, His Excellency Lee Hsien Loong, to the United States;

(2) expresses profound gratitude to the Government of Singapore for promoting security and prosperity in Southeast Asia and cooperating with the United States in the global campaign against terrorism; and

(3) reaffirms the commitment of the United States to continue strengthening the friendship and cooperation between the United States and Singapore.

#### MEASURE READ THE FIRST TIME—S. 1382

Mr. FRIST. I understand there is a bill at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1382) to require the Secretary of Interior to accept the conveyance of certain land, to be held in trust for the benefit of the Puyallup Indian tribe.

Mr. FRIST. I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read the second time on the next legislative day.

#### MEASURES PLACED ON THE CALENDAR—S. 1374 AND S. 1375

Mr. FRIST. I understand there are two bills at the desk due for a second reading. I ask unanimous consent they be read for the second time en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1374) to amend the Homeland Security Act of 2002 to provide for a border preparedness pilot program on Indian land.

A bill (S. 1375) to amend the Indian Arts and Crafts Act of 1990 to modify provisions relating to criminal proceedings and civil actions, and for other purposes.

Mr. FRIST. In order to place the bills on the calendar under the provisions of rule XIV, I object to further proceeding en bloc.

The PRESIDING OFFICER. The bills will be placed on the calendar.

#### ORDERS FOR WEDNESDAY, JULY 13, 2005

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, July 13. I further ask that following the prayer and pledge, the morning

hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of the Homeland Security appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ORDERS FOR WEDNESDAY, JULY 13, 2005

Mr. FRIST. Mr. President, tomorrow the Senate will resume consideration of the Homeland Security appropriations bill. We have several important amendments pending, focusing on first responders. Additional amendments will be offered and debated through the day. Due to scheduling issues, any votes ordered with respect to amendments will be stacked to occur later in the day. We will alert Senators as to the exact timing of that series of votes tomorrow. We will complete the Homeland Security appropriations bill this week, and therefore we will need to make good use of our time on Wednesday, Thursday, and Friday, if necessary.

Again, the intention is we will complete this bill this week. I mention that because I know there are a lot of scheduling challenges and problems, but we need to keep moving ahead. We will be stacking the votes, as I mentioned earlier in the day, to try to accommodate as many Members' schedules as possible.

### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:09 p.m., adjourned until Wednesday, July 13, at 9:30 a.m.

### NOMINATIONS

Executive Nominations received by the Senate July 12, 2005:

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

KEITH A. NELSON, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE VICKERS B. MEADOWS.

#### FEDERAL MARITIME COMMISSION

REBECCA F. DYE, OF NORTH CAROLINA, TO BE A FEDERAL MARITIME COMMISSIONER FOR A TERM EXPIRING JUNE 30, 2010. (REAPPOINTMENT)

#### DEPARTMENT OF STATE

PATRICIA LOUISE HERBOLD, OF WASHINGTON, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SINGAPORE.

JAMES CALDWELL CASON, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PARAGUAY.

#### IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

#### To be lieutenant

MELISSA DIAZ, 0000

THE FOLLOWING NAMED OFFICER OF THE UNITED STATES COAST GUARD TO BE A MEMBER OF THE PERMANENT COMMISSIONED TEACHING STAFF OF THE COAST GUARD ACADEMY IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 188:

#### To be lieutenant

ROYCE W. JAMES, 0000

#### IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

#### To be colonel

MONROE N. FARMER, JR., 0000  
FRANCIS C. LEITH, JR., 0000  
DAVID A. PRUGH, 0000  
CYNTHIA A. SMITH, 0000  
WILLIAM L. SMITH, 0000  
WENDY C. SPRIGGS, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

#### To be colonel

JERRY R. ACTON, JR., 0000  
ARNOLD B. HARMSSEN, 0000  
NEAL G. LOIDLDT, 0000  
JOHN F. MCKENNEY, 0000  
STEVEN R. MOUNT, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(\*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

#### To be lieutenant colonel

MARIA E. BOVILL, 0000  
BRYAN L. BOYEA, 0000  
NIKKI L. BUTLER, 0000  
RACHEL K. EVANS, 0000  
DAVID D. GOHDES, 0000  
DANIEL M. JAYNE, 0000  
COLLEEN S. KESSELING, 0000  
DAVID E. MEYER, 0000  
ANNE C. RESTY, 0000  
MARYBETH SALGUEIRO, 0000  
MICHAEL J. \* WALKER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(\*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

#### To be lieutenant colonel

THELDA J. \* ATKIN, 0000  
BESS P. \* BROSEY, 0000  
STEPHEN J. \* DALAL, 0000  
JAMES S. \* ESTEP, 0000  
DAVID J. \* FLETCHER, 0000  
DAVID S. \* GALLOWAY, 0000  
TODD O. \* JOHNSON, 0000  
ROBIN K. \* KING, 0000  
HENRY J. KYLE, 0000  
BRIAN D. \* MOORE, 0000  
LEN E. \* MURRAY, 0000  
RANDALL L. \* RIETCHECK, 0000  
WILLIAM H. \* SMITH, 0000  
EDWARD L. \* STEVENS, 0000  
NANCY A. \* TWENHAFEL, 0000  
RUSSELL L. \* WIESSINGER, 0000  
LOUDON D. \* YANTIS, JR., 0000  
TAMI ZALEWSKI, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(\*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

#### To be lieutenant colonel

CHRISTOPHER AMAKER, 0000  
PAUL D. ANDERSON, 0000  
MARK R. BAGGETT, 0000  
DAMON G. BAINE, 0000  
BRIAN J. BALOUGH, 0000  
LYNNETTE B. BARDOLF, 0000  
KENTON M. BASS, 0000  
KEVIN J. BELANGER, 0000  
MICHAEL T. BLOUNT, 0000  
JAMES R. BOLTON, 0000  
SHAWN T. BOOS, 0000  
LEONARD W. BOWLEY, 0000  
CHARLES D. BRADLEY, 0000  
MITA S. BRENNAN, 0000  
CARLTON C. BRINKLEY, 0000  
THOMAS C. BURZYNSKI, 0000  
KYLE C. CAMPBELL, 0000  
JACQUELINE CHANDO, 0000  
JACQUELINE B. \* CHIEN, 0000  
CHRISTOPHER H. CHUN, 0000  
JEFFERY M. \* CLELAND, 0000  
CHARLES D. \* COE, 0000  
REGINALD D. COFFEY, 0000  
FABIAN F. COOK, 0000  
ANTHONY L. COX, 0000  
JOHN P. CUELLAR, 0000  
ROBERT P. CURLEE, JR., 0000  
WILLIAM M. DARBY, 0000  
JAMES W. DAVIDSON, 0000

GRETCHEN L. DEMMIN, 0000  
SHERYL L. DUNN, 0000  
JAY E. \* EARLES, 0000  
PAMELA M. EVANS, 0000  
LAUREL S. FIELDS, 0000  
STEPHEN M. FORD, 0000  
KEVIN M. FORREST, 0000  
KARRIE A. FRISTOE, 0000  
JOSE L. \* GARCIA, 0000  
GREG S. GENTRY, 0000  
BRADLEY A. GOLDEN, 0000  
GILROY G. GOTIANGCO, 0000  
EMMETT \* GOUDINE, 0000  
PAUL J. GOYMERAC, 0000  
JOSEPH D. GRAHAM, 0000  
GERALD J. GRUBER, 0000  
JOHN J. GUARDIA, 0000  
LANETTE R. HAMILTON, 0000  
OWEN N. HARDY, JR., 0000  
BERNARD HARPER, 0000  
DAVID S. HENCHEL, 0000  
THOMAS S. HINES, 0000  
PENNIE L. \* HOOFFMAN, 0000  
MATTHEW S. HUFFMAN, 0000  
ARTHUR A. JACKSON, JR., 0000  
KEITH M. JOHNSON, 0000  
HENRY K. JUNG, 0000  
MARTIN D. KERKENBUSH, 0000  
JEFFERY S. KING, 0000  
KEITH D. KIZZIE, 0000  
CHRISTOPHER M. KNAPP, 0000  
THOMAS K. KOGER, 0000  
MICHAEL P. KOZAR, 0000  
DANIEL R. KRAL, 0000  
JOHN P. LAMOREUX, 0000  
JAMES A. LATERZA, 0000  
ROBERT E. LEONARD, 0000  
PAULA C. LODI, 0000  
BRYAN W. LONGMUIR, 0000  
ROBERT C. MAXHAM, 0000  
SHARON A. \* MCBRIDE, 0000  
WILLIAM MCCARTHY, 0000  
NEDRICK L. MCDADE, 0000  
WILLIAM M. MCGRATH, 0000  
MICHAEL D. MILLER, 0000  
KATHERINE R. MOORE, 0000  
JAMES W. \* NESS, 0000  
LAWRENCE P. NOLAN, 0000  
MICHAEL T. ONEIL, 0000  
DOUGLAS ONKST, 0000  
DAVID J. PARRAMORE, 0000  
BRADLEY D. PECOR, 0000  
JOHN L. \* PRESS, 0000  
CARLA S. PRICE, 0000  
JEFFREY A. ROBERTS, 0000  
PAUL L. ROBERTS, 0000  
CEPHUS L. ROUPE, 0000  
NANCY D. RUFFIN, 0000  
BRADLEY S. RUSTAN, 0000  
DAVID G. RYNDERS, 0000  
TERESA A. SAPP, 0000  
JOHN M. \* SCHERER, 0000  
SONYA S. SCHLEICH, 0000  
JAMES F. SCHWARTZ, 0000  
AARON J. SILVER, 0000  
JAMES B. SNOW, 0000  
STACIA L. SPRIDGEN, 0000  
WALTER M. STANISH, 0000  
RICHARD P. STARRS, 0000  
CHARLES H. STRITTE, JR., 0000  
ALEX H. STUBNER, 0000  
EDWIN C. \* SUPPLEE, 0000  
MICHAEL J. TALLEY, 0000  
JESSIE L. TUCKER III, 0000  
TROY L. WALKER, 0000  
RONALD T. WILLIAMS, 0000  
STEPHEN C. WOOLDRIDGE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(\*)) UNDER TITLE 10, U.S.C. SECTIONS 624, 531, AND 3064:

#### To be lieutenant colonel

DENISE D. ADAMSMANN, 0000  
PATRICK J. AHEARNE, 0000  
JAVIER F. ALTAMIRANO, 0000  
RAY C. ANTOINE, 0000  
FRED P. \* BAKER, JR., 0000  
KIRSTEN S. BAUTISTA, 0000  
DEBRA D. BOYKINS, 0000  
KELLY K. \* BRAMLEY, 0000  
CHERYL L. BROWN, 0000  
MYRA R. BROWN, 0000  
VICKI L. CARR, 0000  
THOMAS S. CLARK, 0000  
TINA L. CLEMENTS, 0000  
JAMES A. CLEVELAND, 0000  
DAVID L. COLVIN, 0000  
TINA A. CONNALLY, 0000  
MATTHEW H. COWELL, 0000  
JOCELYN P. CRITTENDEN, 0000  
JACK M. DAVIS, 0000  
LISA F. DAVIS, 0000  
MINERVA R. \* DEPACHECO, 0000  
CORINNE K. DEVLIN, 0000  
JEAN M. \* EDWARDS, 0000  
LAURA R. FAYAND, 0000  
PATRICIA A. FORTNER, 0000  
PAMELA F. GODINE, 0000  
MELISSA K. \* HALE, 0000  
PATRICIA A. HEMBREE, 0000  
TERESA H. HENDRIX, 0000  
KATHLEEN M. HERBERGER, 0000  
WENDELL M. HOLLADAY, 0000  
LISA A. INGULLI, 0000

SUSANNA S. ITARA, 0000  
 MELINDA L. JACKSON, 0000  
 SHARON Y. JACKSON, 0000  
 BEVERLY JEFFERSON, 0000  
 CLUNIE M. JOHNSON, 0000  
 IVETTE \* JUSTICE, 0000  
 BRIAN K. KONDRAT, 0000  
 JEANNE M. LARSON, 0000  
 LINDA R. LEBEDOVYCH, 0000  
 VERONICA S. LEWIS, 0000  
 TAYLOR T. LINEGAR, 0000  
 JANIE K. LOTT, 0000  
 VIVIAN G. LUDI, 0000  
 BARBARA A. \* MAHONEY, 0000  
 KAREN L. \* MARRS, 0000  
 PAULETTE B. MATTHIEBROWN, 0000  
 VAN E. MCCOY, 0000  
 DANIEL W. \* MCKAY, 0000  
 COLETTE L. MCKINNEY, 0000  
 DONNA E. \* MOORE, 0000  
 MARY S. MOORE, 0000  
 MARGARET M. NAVA, 0000  
 TERRY N. NELSON, 0000  
 SONIA T. NEUMEIER, 0000  
 THERESA H. NEWLIN, 0000  
 JOSEPH C. \* OSULLIVAN, 0000  
 KOLET R. PABLO, 0000  
 KELLY L. PEROUTKA, 0000  
 CHERYL N. POLLARD, 0000  
 RENEE M. \* PONCE, 0000  
 SHARON M. PRYOR, 0000  
 JAMES R. QUIGLEY, 0000  
 REBECCA S. RAB, 0000  
 JENNIFER ROBINSON, 0000  
 JANET L. ROGERS, 0000  
 DONNA L. SCHANCK, 0000  
 JACQUELINE R. SCHULER, 0000  
 JACQUELINE A. SHEEHAN, 0000  
 BETTY J. SIMMONS, 0000  
 BARBARA A. SION, 0000  
 MIRIAM A. SPELLS, 0000  
 NANCY J. \* STEIMER, 0000  
 CARLETTE T. TOFT, 0000  
 LISA A. TOVEN, 0000  
 ABEL TREVINO, 0000  
 SHIRLEY D. TUORINSKY, 0000  
 ROBIN A. VILLIARD, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(\*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

*To be major*

THOMAS H. AARSEN, 0000  
 KRISTIN A. \* ABERG, 0000  
 ALISSA R. ACKLEY, 0000  
 GEOFFREY R. ADAMS, 0000  
 JOHN D. \* ADAMS, 0000  
 STEPHANIE R. AHERN, 0000  
 THOMAS S. AKIN, 0000  
 SARAH K. \* ALBRYCHT, 0000  
 PAUL E. \* ALESSIO, 0000  
 CLARENCE C. \* ALFORD, 0000  
 ANDY R. \* ALLEN, 0000  
 CHRISTINE E. \* ALLEN, 0000  
 ZACHARY J. \* ALLEN, 0000  
 DANIEL P. ALLMACH, 0000  
 PATRICK S. ALTENBURG, 0000  
 JAMES C. \* ANDERSON, JR., 0000  
 JASON L. ANDERSON, 0000  
 JOHN P. ANDERSON, 0000  
 PHILIP W. \* ANDERSON, 0000  
 ROBERT R. ANDERSON, 0000  
 NIKOLAI L. ANDRESKY, 0000  
 MARIA T. \* ANGELL, 0000  
 PAUL M. ARMSTRONG, 0000  
 SHERMAN \* ARMSTRONG, 0000  
 ARIC N. ARNOLD, 0000  
 ROBERT \* \* ARNOLD, JR., 0000  
 WANDRA F. \* ARNOLD, 0000  
 BRYAN D. \* ASHER, 0000  
 JOHN M. \* ASKEW, 0000  
 KENNETH S. ATES, 0000  
 CINDY T. ATKINS, 0000  
 DENNIS R. ATKINS III, 0000  
 GAIL E. ATKINS, 0000  
 CHRISTOPHER S. AUCLAIR, 0000  
 RICK J. \* AVERA, 0000  
 GERALD AVILA, 0000  
 SCOTT C. \* BAGER, 0000  
 CHAD A. BAGLEY, 0000  
 JAMES E. BAGLEY, 0000  
 JOHN J. \* BAILEY, JR., 0000  
 DESMOND V. BAILEY, 0000  
 ROBERT G. \* BAILEY, 0000  
 VINCENT P. BAILEY, 0000  
 MARSHANNA BAIGIPSON, 0000  
 JAMES J. \* BAIRD III, 0000  
 THOMAS R. \* BAIRD, 0000  
 DARIEN L. BAISLEY, 0000  
 TODD E. \* BAJAKIAN, 0000  
 BRIAN K. \* BAKER, 0000  
 JEFFREY E. BAKER, 0000  
 KOO BAKER, 0000  
 MICHAEL D. \* BAKER, 0000  
 PATRICK J. \* BAKER, 0000  
 PHILLIP C. \* BAKER, 0000  
 SCOTT R. BAKER, 0000  
 THOMAS M. BALLENGER III, 0000  
 THOMAS W. \* BAMFORD, 0000  
 GARY A. \* BANTAD, 0000  
 CHARLES R. \* BARBER, JR., 0000  
 CLAUDE A. \* BARFIELD, 0000  
 STEPHEN K. \* BARKER, 0000  
 MARK W. \* BARLOW, 0000

SHANE A. \* BARNA, 0000  
 CATINA M. \* BARNES, 0000  
 SHANE C. \* BARNES, 0000  
 SHAWN M. \* BARNES, 0000  
 LESLIE A. BARNETT, 0000  
 MAURICE O. BARNETT, 0000  
 SEAN G. \* BARRETT, 0000  
 THOMAS J. BARRETT, 0000  
 CHRISTOPHER T. \* BARRY, 0000  
 JOHN M. \* BARRY, JR., 0000  
 STEVEN T. BARRY, 0000  
 AARON C. BARTA, 0000  
 LISA M. BARTEL, 0000  
 SCOTT L. \* BARTLEY, 0000  
 LAWRENCE O. \* BASHA, 0000  
 BASSEY E. BASSEY III, 0000  
 BRETT A. BASSINGER, 0000  
 JAMES E. \* BATCHELOR, 0000  
 CHAD T. BATES, 0000  
 BRYAN K. BATSON, 0000  
 THOMAS M. \* BAUCHSPIES, 0000  
 RANDALL G. BAUCOM, 0000  
 ANTHONY C. BAUER, 0000  
 JOHN W. BAUER, 0000  
 SHIRLEY J. BAUMANN, 0000  
 ERIC A. BAUS, 0000  
 RICARDO A. BAUTISTA, 0000  
 JEFFREY D. \* BEACHAM, 0000  
 JON P. BEALE, 0000  
 TIMOTHY R. \* BECK, 0000  
 JOHN R. BECKHAM, 0000  
 JOHN C. BECKING, 0000  
 DAMON A. BECKNEL, 0000  
 GARY M. \* BELCHER, 0000  
 LARRY A. \* BELCHER, 0000  
 RALPHEAL R. BELL, JR., 0000  
 VINCENT J. \* BELLISARIO, 0000  
 JASON M. BENDER, 0000  
 DANIEL J. BENICK, 0000  
 IAN S. \* BENNETT, 0000  
 LEROY D. \* BENTON, 0000  
 PAUL E. \* BERG, 0000  
 ROBERT S. BERG, 0000  
 JEREMY R. BERNADEAU, 0000  
 ARI CAI M. \* BERRY, 0000  
 PATRICK J. BERRY, 0000  
 STEPHEN M. BERT, 0000  
 MICHAEL R. BLANKOWSKI, JR., 0000  
 JOHN \* BIRDSONG, 0000  
 DREW A. \* BISSELL, 0000  
 BRIAN A. BISSONNETTE, 0000  
 WILLIAM R. \* BLACK, 0000  
 WARD T. \* BLACKLOCK III, 0000  
 DEVON M. BLAKE, 0000  
 JAY A. \* BLAKLEY, 0000  
 JOSEPH C. \* BLANKENSHIP, 0000  
 GLEN L. \* BLANTON II, 0000  
 JAMES T. \* BLEJSKI, JR., 0000  
 JASON B. BLEVINS, 0000  
 MARK A. BLISS, 0000  
 MARK A. BOESE, 0000  
 DEREK E. \* BOESE, 0000  
 BRIAN C. BOLIO, 0000  
 NATHAN J. \* BOLLINGER, 0000  
 AQUANITA R. \* BONDS, 0000  
 ELMER A. \* BONTRAGER, 0000  
 RONNELL \* BOOKER, 0000  
 TIMOTHY B. \* BORR, 0000  
 PETER S. \* BORETAS, 0000  
 LEONARD A. BORNISKY, 0000  
 JOSEPH W. BOSCHIA, 0000  
 CRAIG P. BOSTON, 0000  
 KIRT R. \* BOSTON, 0000  
 WILLIAM E. BOSWELL, 0000  
 JESUS E. BOTELLO, 0000  
 DON E. \* BOTTORFF, 0000  
 WADE R. BOVARD, 0000  
 DENNIS BOWERS, 0000  
 MATTHEW R. BOWLER, 0000  
 ANTHONY R. BOWMAN, 0000  
 BRADLEY L. BOWMAN, 0000  
 CLARENCE W. \* BOWMAN III, 0000  
 ALAN J. BOYER, 0000  
 TERRI L. \* BRADLEY, 0000  
 DONALD W. \* BRADY, JR., 0000  
 EDWARD A. BRADY, 0000  
 WILLIAM P. BRAMAN, 0000  
 SCOTT P. \* BRAMBLETT, 0000  
 THOMAS A. \* BRASHEARS, 0000  
 TODD I. \* BRATTMILLER, 0000  
 CHRISTOPHER C. \* BRESKO, 0000  
 BRIAN D. \* BRITTAIN, 0000  
 TIMOTHY S. \* BROADENAX, 0000  
 KEVIN \* BROADNAX, 0000  
 WILLIAM F. \* BROCKMAN III, 0000  
 JARET D. BROEMMEL, 0000  
 WILLIAM H. \* BROOKS, 0000  
 ANGELIQUE O. \* BROUGH, 0000  
 ERIC L. BROWN, 0000  
 GEORGE B. \* BROWN III, 0000  
 JUSTIN W. BROWN, 0000  
 KELVIN D. \* BROWN, 0000  
 ROBERT S. BROWN, 0000  
 DUDLEY C. \* BROWNELL III, 0000  
 TODD A. \* BROWNING, 0000  
 JAMES E. \* BROWNLEE, JR., 0000  
 BRADLEY N. BRUCE, 0000  
 JAKOB C. BRUHL, 0000  
 BOBBY W. BRYANT, 0000  
 CHARLES E. BRYANT, 0000  
 JAMES W. BRYANT, JR., 0000  
 LETITIA L. \* BRYANT, 0000  
 TED M. \* BRYANT, 0000  
 THOMAS B. \* BRYANT, 0000  
 JEFFREY C. \* BRYSON, 0000  
 BENJAMIN D. BUALAT, 0000  
 JEFFREY D. BUCK, 0000

TODD E. BUHR, 0000  
 ROBERT S. BUINISKIS, 0000  
 DALE W. BURBANK, 0000  
 MARIA V. BURGER, 0000  
 ROBERT L. \* BURGESS, 0000  
 SEAN M. \* BURKE, 0000  
 WILLIAM B. \* BURLEY, 0000  
 CHARLES R. BURNETT, 0000  
 BARRY A. BURNS, 0000  
 DONALD L. BURTON, 0000  
 JASON R. \* BURWELL, 0000  
 JAMES A. BUSHNELL, 0000  
 JAMES N. \* BUSLER, 0000  
 MATTHEW N. \* BUTLER, 0000  
 RAYMOND D. \* BUTLER, 0000  
 ALLEN R. \* BYRNE, 0000  
 ELLIOTT R. \* CAGGINS, 0000  
 CHRISTOPHER H. \* CALDWELL, 0000  
 JASON C. CALDWELL, 0000  
 TERENCE A. \* CALIGUIRE, 0000  
 KREG C. \* CALVERT, 0000  
 JAMES J. CAMERON, 0000  
 JONATHAN G. \* CAMERON, 0000  
 CHERYL R. \* CAMPBELL, 0000  
 MICHAEL L. CAMPBELL, 0000  
 CHAD E. CAMPFIELD, 0000  
 LUCIEN \* CAMPILLO, 0000  
 LANCE CANGELOSI, 0000  
 GREGORY A. \* CANNATA, 0000  
 JOHN M. \* CANTIN, 0000  
 JULIE L. CAPLES, 0000  
 KEVIN S. CAPRA, 0000  
 DAVID F. CAREY, 0000  
 HEATHER J. CARLISLE, 0000  
 BARRY R. CARLSON, JR., 0000  
 STEVEN P. CARPENTER, 0000  
 JULIE M. \* CARSKADON, 0000  
 ADAM J. CARSON, 0000  
 ANDREW T. CARTER, 0000  
 CHRISTOPHER M. \* CARTER, 0000  
 HORACE \* CARTER, JR., 0000  
 MARCUS D. \* CARTER, 0000  
 ROBERTO R. \* CASTILLO, 0000  
 RAFAEL E. \* CATHELINEAUD, 0000  
 JOHN R. \* CAUDILL, 0000  
 CHAD C. CHALFONT, 0000  
 JERRY E. \* CHANDLER, JR., 0000  
 MALCOLM O. \* CHANDLER, 0000  
 KEVIN S. CHANEY, 0000  
 JENNIFER CHAPMAN, 0000  
 DONALD J. \* CHARRON, 0000  
 THADDEUS E. \* CHASE, 0000  
 PATRICK C. CHAVEZ, 0000  
 PETER C. \* CHEN, 0000  
 DERRICK W. CHENG, 0000  
 CHRISTA M. CHEWAR, 0000  
 THOMAS A. \* CHIAPPETTA, 0000  
 MARK S. \* CHILDRESS, 0000  
 KEITH T. \* CHINN, 0000  
 MOBARAK H. \* CHOWDHURY, 0000  
 ERIC \* CHOY, 0000  
 DEREK P. CHRISTENSEN, 0000  
 MARK W. \* CHRISTENSEN, 0000  
 ROBERT B. CHURCH, 0000  
 BRIAN J. \* CHWOJDAK, 0000  
 CHRISTOPHER W. \* CIRINO, 0000  
 NICOLE N. CLARK, 0000  
 KENDALL J. \* CLARKE, 0000  
 KELVIN R. \* CLAUDE, 0000  
 CLIFFORD D. \* CLAUSEN, 0000  
 CHRISTOPHER J. \* CLAY, 0000  
 DOMENIC P. \* CLEMENTI, 0000  
 JAMES L. CLIFT, 0000  
 SPENCER J. CLOUATRE, 0000  
 NOAH C. CLOUD, 0000  
 MARC A. CLOUTIER, 0000  
 GREGORY S. \* COBURN, 0000  
 JERRY E. COBURN, 0000  
 DANIEL K. \* COFFEY, 0000  
 WILLIAM G. COLBERT, 0000  
 CURTIS L. \* COLE, 0000  
 STEVEN R. COLE, 0000  
 MICHAEL D. COLEMAN, 0000  
 TIMOTHY E. \* COLLIER, 0000  
 DARYL L. \* COLLINS, 0000  
 MICHAEL P. \* COLLINS, 0000  
 RICHARD C. COLLINS, 0000  
 PATRICK T. COLLOTON, 0000  
 JOHN D. COLWELL, JR., 0000  
 KRIS M. COLWELL, 0000  
 KEVIN A. COMFORT, 0000  
 CHRISTOPHER D. COMPTON, 0000  
 WILLIAM M. CONDE, 0000  
 MATHEW M. \* CONDRY, 0000  
 JASON P. \* CONROY, 0000  
 BRADLEY J. COOK, 0000  
 ROBERT J. COOK, 0000  
 KELVIN K. COOPER, 0000  
 WILLIAM F. \* COREY, JR., 0000  
 MICHAEL W. CORLEY, 0000  
 STACEY P. \* CORN, 0000  
 LAWRENCE E. CORNETT, 0000  
 TRAVIS W. CORNETT, 0000  
 BRANT R. \* CORNISH, 0000  
 JIM B. \* CORRELL, 0000  
 ERNESTO A. CORTEZ, 0000  
 BRENT D. \* CORYELL, 0000  
 ORLANDO V. COSME, 0000  
 MARYA D. \* COURTNEY, 0000  
 LAWRENCE M. COUSINS, 0000  
 DERICK F. \* COWART, 0000  
 CLINTON W. \* COX, 0000  
 DOUGLAS B. GRANDALL, 0000  
 BARBARA R. \* CRAWFORD, 0000  
 SHAWN P. \* CREMER, 0000  
 DAVID J. \* CREASMAN, 0000  
 STEPHANIE M. CREASMAN, 0000



DAVID W. \* CRIPE, 0000  
 JOHN R. \* CRISAFULLI, 0000  
 JESSE A. CRISPINO, 0000  
 DALE S. CROCKETT, 0000  
 EDWARD C. CROOT, 0000  
 COREY L. CROSBIE, 0000  
 IRVING H. CROSS, JR., 0000  
 RODNEY J. \* CRUM, 0000  
 MATTHEW J. \* CRYSTAL, 0000  
 LUIS A. \* CUBILLANHERNANDEZ, 0000  
 BENJAMIN F. \* CURETON, 0000  
 RICHARD E. \* CURETON, JR., 0000  
 JASON A. CURL, 0000  
 DANIEL J. CURTIS, 0000  
 JASON D. \* CZAR, 0000  
 WESLEY G. \* DABNEY, 0000  
 MATTHEW B. \* DALE, 0000  
 TIMOTHY G. \* DALTON, 0000  
 AMIT P. \* DANIEL, 0000  
 DAVID J. \* DANIELS II, 0000  
 LESLIE E. DARLING, 0000  
 MARY M. \* DASILVA, 0000  
 DEXTER B. DAVIS, 0000  
 GEORGE W. DAVIS, 0000  
 HAROLD K. \* DAVIS, 0000  
 JOHN C. \* DAVIS, 0000  
 JOHN P. DAVIS, 0000  
 JOSEPH C. \* DAVIS, 0000  
 JOSEPH M. \* DAVIS, 0000  
 ROGER K. \* DAVIS, 0000  
 SCOTT T. \* DAVIS, 0000  
 WILLIAM A. DAVIS III, 0000  
 WILLIAM E. DAVIS, 0000  
 JOHNATON L. \* DAWBER, 0000  
 KEITH L. \* DAWSON, 0000  
 PHILIP H. \* DAWSON, 0000  
 ALLISON L. DAY, 0000  
 ERIC J. \* DEAL, 0000  
 MICHAEL R. \* DEAN, 0000  
 JOSEPH S. DEGLIUCOMINI, 0000  
 ANDREW J. DEKEYER, 0000  
 ANTHONY R. \* DEKEYZER, 0000  
 ANTONIO \* DELGADO, 0000  
 TRAVIS C. DELK, 0000  
 RICHARD A. DENNIS, 0000  
 MATTHEW S. DENNY, 0000  
 JEROME F. DENTE, 0000  
 JAMES M. DEPOLO, JR., 0000  
 ALEXANDER G. \* DERANEY, 0000  
 DANNY M. DEVEREAUX, JR., 0000  
 KAREN J. \* DILL, 0000  
 RYAN S. DILLON, 0000  
 ABRAHM C. DIMARCO, 0000  
 MICHEL D. \* DINESMAN, 0000  
 DAVID S. DINKELMAN, 0000  
 ROBERT B. \* DIXON, 0000  
 BRAD L. DOBOSZENSKI, 0000  
 NEIL B. \* DOHERTY, 0000  
 BRIAN J. \* DOLAN, 0000  
 JULIAN A. DOMINGUEZ, 0000  
 DENNIS P. \* DONEGAN, JR., 0000  
 JAMES T. \* DONOVAN, 0000  
 JAMES R. DOOLEY, 0000  
 DARRELL A. DOREMUS, 0000  
 THOMAS W. \* DORREL, JR., 0000  
 JAMES L. DOTY III, 0000  
 MICHAEL A. DOUGLAS, 0000  
 WILLIAM M. \* DOWNING, 0000  
 STEVEN T. \* DOWNEY, 0000  
 CHARLES P. DOWNE, 0000  
 JONATHAN H. DOYLE, 0000  
 DEREK J. \* DRAPER, 0000  
 JOHN A. \* DRAZENOVICH, 0000  
 FREDERICK J. DUFAULT, 0000  
 RICHARD A. DUNBAR, 0000  
 RICHARD L. DUNTOFT, 0000  
 LUIS A. DUPERON, 0000  
 MICHAEL C. \* DUSAL, 0000  
 MICHAEL L. \* DUVAL, 0000  
 SEAN P. DUVAL, 0000  
 JOHN R. DYKE III, 0000  
 THOMAS S. EARNHARDT, 0000  
 MARY T. \* EBERST, 0000  
 JAY L. \* ECKHART, 0000  
 JAMES F. EDMONDS, 0000  
 YVONNE V. EDMONDS, 0000  
 DANIEL H. \* EDWAN, 0000  
 BRYAN D. \* EDWARDS, 0000  
 DEYNEL M. EDWARDS, 0000  
 DOMINICK L. EDWARDS, 0000  
 HEATHER C. \* EDWARDS, 0000  
 JEFFREY J. \* EDWARDS, 0000  
 STEPHEN F. \* ELDER, 0000  
 EDWARD D. ELDRIDGE, 0000  
 DANIEL P. \* ELLINGER, 0000  
 DANIEL G. \* ELLIOTT, 0000  
 TROY N. \* ELLIS, 0000  
 BRENT A. ELROD, 0000  
 DAVID P. ELSSEN, 0000  
 BRAD W. ENDRES, 0000  
 MICHAEL C. \* ENOS, 0000  
 JARED B. \* ERICKSON, 0000  
 DANIEL A. \* ERKER, 0000  
 MATTHEW D. ERLACHER, 0000  
 JASON L. ERWIN, 0000  
 JOSEPH E. ESCANDON, 0000  
 JOHN P. \* ESPINOSA, 0000  
 SHANNON ESPINOZA, 0000  
 MICHAEL L. ESSARY, 0000  
 MARCOS A. ESTRADA CASTRO, 0000  
 CHARLES D. EVANS, 0000  
 EDWARD R. EVANS III, 0000  
 LAKEI C. \* EVANS, 0000  
 TAWNIA S. EVANS, 0000  
 JASON A. EVERS, 0000  
 JOSEPH E. \* FAGAN, 0000  
 CHARLES D. \* FAINT, 0000

DUANE A. \* FAIRFAX, 0000  
 CARL J. \* FAISON, 0000  
 RAY C. \* FALLARIA, 0000  
 GARY E. \* FARLEY, JR., 0000  
 SYLVIA \* FARMER, 0000  
 PETER W. \* FARRELL, 0000  
 KATHLEEN B. \* FARREN, 0000  
 DAVID M. \* FAULK, 0000  
 MICHAEL J. FAZIO, 0000  
 RYAN D. FEARNOW, 0000  
 ROBERT S. \* FEATHERS, 0000  
 ANGEL M. FELICIANOCASILLAS, 0000  
 ERICH M. FELLELENZ, 0000  
 THOMAS B. FENOSEFF, 0000  
 YOLANDA S. \* FERGERSON, 0000  
 ANDREW T. \* FERGUSON, 0000  
 ALFREDO E. \* FERRER, 0000  
 JUSTIN S. FIEW, 0000  
 JASON E. FIGUEIREDO, 0000  
 JENNIFER P. FINCH, 0000  
 KEVIN E. FINCH, 0000  
 KEVIN L. \* FITTZ, 0000  
 PATRICIA M. FITZGERALD, 0000  
 SCOTT W. \* FITZGERALD, 0000  
 TOY G. \* FLORES, 0000  
 THOMAS M. \* FLOYD, JR., 0000  
 LUIS M. FONTANEZROLO, 0000  
 ANTHONY O. \* FONTES, JR., 0000  
 BRETT C. FORBES, 0000  
 MICHAEL D. FORBIS, 0000  
 CHRISTOPHER A. FORD, 0000  
 DEMENIAN A. \* FORD, 0000  
 GREGORY J. \* FORD, 0000  
 WILLIAM J. \* FORE, 0000  
 GREGORY S. FORTIER, 0000  
 YVETTE \* FOSTER, 0000  
 ALBERT R. \* FOX, JR., 0000  
 IAN E. FRANCIS, 0000  
 MICHAEL P. \* FRANK, 0000  
 RONALD L. \* FRANKLIN, JR., 0000  
 JOHNATHAN B. FRASIER, 0000  
 STEVEN J. FREDERIKSEN, 0000  
 JAMES J. FRIESE, 0000  
 LUIS A. FREGOSO, 0000  
 PHILLIP A. \* FRERES, 0000  
 DARREL J. \* FREUND, 0000  
 ERNEST A. FREUND, 0000  
 TIMOTHY R. \* FULLER, 0000  
 CARLTON A. \* FULLMORE, 0000  
 JOSEPH A. FUNDERBURKE, 0000  
 DONOVAN O. FUQUA, 0000  
 ARMAND L. GADOUY, 0000  
 DEZZAIRE D. \* GADSDEN, 0000  
 ROBERT A. \* GAGNON, 0000  
 NISIT A. \* GAINEY, 0000  
 WILLIAM A. \* GALINGER, 0000  
 MARK S. GALLAGHER, 0000  
 WILLIAM S. GALLAWAY, 0000  
 ISAAC C. \* GALLEGO, 0000  
 JOANNE S. \* GALVIN, 0000  
 ADAM \* GAMEZ, 0000  
 ROBERT J. GARBARINO, 0000  
 WILLIAM B. GARBER III, 0000  
 RICHARD R. GARREY, 0000  
 JAMES M. \* GARRETT, 0000  
 RAYFUS J. GARY, 0000  
 RANDOLPH C. \* GAUDET, 0000  
 JERRY E. \* GAUSSOIN, JR., 0000  
 WAYNE J. GAVIN, 0000  
 EDWARD J. GAWLIK III, 0000  
 CURTIS P. GEIGER, 0000  
 ISABEL E. GEIGER, 0000  
 JOHN D. \* GEMIN, 0000  
 MARCUS A. \* GENGLER, 0000  
 LAWRENCE E. \* GEORGE, 0000  
 PATRICIA L. GEORGE, 0000  
 RANDY D. \* GEORGE, 0000  
 COREY S. GERVING, 0000  
 RODNEY M. \* GIBSON, 0000  
 KURT D. GIESE, 0000  
 GLENDA A. \* GILL, 0000  
 MATTHEW T. \* GILL, 0000  
 MARK C. \* GILLESPIE, 0000  
 SCOTT D. GILMAN, 0000  
 JOHN W. GIOP, 0000  
 JOHN C. GIORDANO, 0000  
 DARRYL W. \* GLASS, 0000  
 H. G. \* GLASS, 0000  
 MICHAEL A. GLODE, 0000  
 BRANDON S. GLOVER, 0000  
 CHRISTOPHER N. \* GLOVER, 0000  
 JAMES J. GODFREY, 0000  
 DAVID E. \* GOFORTH, 0000  
 ELLIOTT Q. \* GOMEZ, 0000  
 SERGIO A. GONZALES, 0000  
 MICHAEL G. \* GONZALEZ, 0000  
 SAUL \* GONZALEZ, 0000  
 DAVID W. \* GORDON IV, 0000  
 THOMAS R. \* GORDON, JR., 0000  
 EDWARD C. GOSLINE III, 0000  
 AVERY B. GOSS, 0000  
 SIDNEY M. \* GOUDINE II, 0000  
 WILLIAM T. GRAHAM III, 0000  
 DEANNA M. \* GRANDE, 0000  
 EILEEN I. \* GRANFIELD, 0000  
 JOHN M. GRANTZ, 0000  
 RICHARD A. GRAVES, 0000  
 THOMAS L. \* GRAVLEE, 0000  
 ALONZO A. \* GRAY, 0000  
 TRAVIS B. GRAY, 0000  
 THOMAS M. GRECO, 0000  
 DAMIAN A. \* GREEN, 0000  
 MICHAEL L. \* GREEN, 0000  
 ROCHELLE Y. GREEN, 0000  
 MICHAEL H. GREENBERG, 0000  
 CHARLES E. \* GREENE, 0000  
 JOEL M. \* GREER, 0000

JEFFREY S. GRIBSCHAW, 0000  
 JON D. GRIESE, 0000  
 JENNIFER S. \* GRIFFIN, 0000  
 PATRICK M. \* GRIFFIN, 0000  
 RUDOLPH C. \* GRIMES, 0000  
 DENNIS M. GRIMSLEY, 0000  
 HEATHER J. GRODINUTMAN, 0000  
 JOHN D. \* GROH, 0000  
 DUANE K. \* GROHMANN, 0000  
 AARON M. \* GROSS, 0000  
 KEVIN J. \* GROTH, 0000  
 GREGORY J. \* GRUSENMEYER, 0000  
 PAUL B. GUNNISON, 0000  
 DAVID J. \* GUTHRIE, 0000  
 MATTHEW H. HAAS, 0000  
 BRIAN J. HACKENBERG, 0000  
 JUSTEN D. HACKENBERG, 0000  
 LYLE L. \* HACKETT, 0000  
 GEORGE C. \* HACKLER, 0000  
 DEWEY C. HAINES, 0000  
 CHRISTINE E. \* HALE, 0000  
 JOHN F. HALL, 0000  
 JOSEPH E. HALLORAN IV, 0000  
 SCOTT M. \* HALTER, 0000  
 ROBERT D. HALVORSON, 0000  
 GALE A. \* HAMILTON, 0000  
 MATTHEW T. HAMILTON, 0000  
 RAPHEAL J. HAMILTON, 0000  
 GEORGE L. HAMMAR IV, 0000  
 WILLIAM J. HAMPTON, 0000  
 DONALD E. \* HANNAH, 0000  
 MICHAEL P. \* HANSEN, 0000  
 ROGER S. \* HARBISON, 0000  
 ROBERT J. \* HARDING, 0000  
 TIMOTHY L. \* HARDY, 0000  
 PATRICK K. HARKINS, 0000  
 KEITH G. \* HARLEY, 0000  
 GROVER C. HARMS, JR., 0000  
 CHAD M. HARRIS, 0000  
 CHAD M. \* HARRIS, 0000  
 DUSTIN K. HARRIS, 0000  
 RICKEY E. HARRIS, 0000  
 SIDNEY A. \* HARRIS, 0000  
 TANYA L. \* HARRIS, 0000  
 VICTOR H. HARRIS, 0000  
 PETER G. HART, 0000  
 JOSEPH E. \* HARTEL, 0000  
 MELISSA D. \* HARTIGAN, 0000  
 ANTHONY J. HARTSOOK, 0000  
 BRADLEY P. \* HARVEY, 0000  
 STEPHEN S. HARVEY, 0000  
 ROBERT J. HASKIN, 0000  
 RONALD C. HASZ, 0000  
 JASON M. HATCH, 0000  
 JAMEY P. HAUKEP, 0000  
 DONALD A. HAUSER, JR., 0000  
 BRANDON H. HAVRON, 0000  
 JOSEPH A. \* HAWKINS, JR., 0000  
 SAMUEL W. \* HAYDEN, 0000  
 BYRON S. \* HAYES, 0000  
 JAMES E. HAYES, 0000  
 NICOLE B. \* HAYES, 0000  
 JUSTIN M. HAYNES, 0000  
 MARVIN G. HAYNES IV, 0000  
 BENNETT E. HAYTH, 0000  
 DANIEL J. HEAPE, 0000  
 CHRISTOPHER K. \* HEATH, 0000  
 CHRISTOPHER A. HEBERER, 0000  
 JENNIFER S. HEBERT, 0000  
 RAINER J. \* HEBERT, 0000  
 RICHARD D. HEMMELGARN, 0000  
 DUANE I. HENDERSON, 0000  
 GARY E. HENDERSON, 0000  
 STUART W. \* HENRY, 0000  
 BRADLEY J. HERMAN, JR., 0000  
 AXEL \* HERNANDEZ, 0000  
 FRANCES R. \* HERNANDEZ, 0000  
 MANUEL HERNANDEZ, JR., 0000  
 RENE S. \* HERNANDEZ, 0000  
 LUIS R. HERNANDEZQUARDIOLA, 0000  
 DAVID \* HERNANDEZMORALES, 0000  
 BRENT E. \* HERSHEY, 0000  
 RICHARD H. HETHERINGTON, 0000  
 NICOLE M. \* HEUMPHREUS, 0000  
 JENNIFER E. \* HEY, 0000  
 MACREASE L. \* HICKS, 0000  
 JOSHUA P. HIGGINS, 0000  
 JUSTIN L. HIGHLEY, 0000  
 ANGELA L. \* HILDEBRANT, 0000  
 ALBERT C. \* HILL, JR., 0000  
 KELIE C. \* HILLHUSTON, 0000  
 JAMES T. \* HILLMAN, JR., 0000  
 BRETT J. \* HISSAM, 0000  
 ERIC M. \* HIU, 0000  
 EDWARD L. HOBBS, 0000  
 CHRISTOPHER D. HOCKENBERRY, 0000  
 FREDERICK A. HOCKETT, JR., 0000  
 JOSEPH J. \* HODGSON, 0000  
 LINNEN E. HODO, 0000  
 EDWIN D. \* HOENIG, 0000  
 GARY A. \* HOFFMAN, JR., 0000  
 LANNY A. HOCABOOM, 0000  
 CHARLES P. \* HOGEBROOM IV, 0000  
 GREGORY L. HOLDEN, 0000  
 CHRISTOPHER B. \* HOLLIFIELD, 0000  
 DAVID A. HOLLIS, 0000  
 FRANK L. \* HOLMES, 0000  
 KENNETH K. \* HOLMSTROM, 0000  
 PETER H. \* HOPEWELL, 0000  
 ANDREA V. \* HOPSON, 0000  
 ROBERT E. HORNE, 0000  
 KEVIN G. HOSIER, 0000  
 MARK C. HOUSTON, 0000  
 LOWELL E. \* HOWARD, JR., 0000  
 JEFFREY M. HOWELL, 0000  
 JONATHAN D. \* HOWELL, 0000  
 STEPHEN M. \* HOWELL, 0000

JOHN M. \* HUBBARD, 0000  
TIMOTHY L. \* HUDSON, 0000  
SEAN F. \* HUGGINS, 0000  
ANTHONY V. \* HUGHES, 0000  
ADRIAN L. \* HUGHLEY, 0000  
CORT J. HUNT, 0000  
MARK P. \* HUNTANAR, 0000  
LAURA A. \* HUNTER, 0000  
STEVEN C. \* HUNTER, 0000  
CHRISTOPHER G. \* HURLBURT, 0000  
ANGELA R. \* HUTCHERSON, 0000  
SCOTT E. \* HUTCHISON, 0000  
BENJAMIN E. HWANG, 0000  
UNKYONG \* IM, 0000  
EDWARD D. \* INGE, JR., 0000  
LAWRENCE E. \* INGUAGIATO III, 0000  
TIMOTHY M. \* IRISH, 0000  
ERNEST J. IRVIN II, 0000  
ERIC M. \* ISPER, 0000  
EDWARD A. IVEY, 0000  
ERIK A. \* JABLONSKI, 0000  
CHARLES E. \* JACK, 0000  
STEPHEN S. \* JACKMAN, 0000  
ANGELA K. JACKSON, 0000  
CHAD S. \* JACKSON, 0000  
KATHRYN A. JACKSON, 0000  
MICHAEL J. \* JACKSON, 0000  
EDWARD M. \* JAGODZINSKI, 0000  
JAMES M. \* JAMES, 0000  
MARLON T. \* JAMES, 0000  
GREGORY C. \* JANKOWIAK, 0000  
CHRISTOPHER A. \* JAY, 0000  
MICHAEL R. \* JAZDYK, 0000  
JASPER JEFFERS III, 0000  
PHILLIP G. JENISON, 0000  
JOE D. \* JENNINGS, 0000  
PAIGE M. JENNINGS, 0000  
JAMES H. JENSEN, 0000  
PETER R. JENSEN, 0000  
PETER J. JERZAK, 0000  
MATTHEW A. JESOP, 0000  
CHARLES L. \* JOHNSON, 0000  
ERIC M. JOHNSON, 0000  
MARCUS P. \* JOHNSON, 0000  
MARILYN M. \* JOHNSON, 0000  
MARK C. JOHNSON, 0000  
MICHAEL W. JOHNSON, 0000  
RICHARD H. JOHNSON, JR., 0000  
WILLIAM W. \* JOHNSTON, 0000  
SEBASTIEN P. \* JOLY, 0000  
DAMAR K. \* JONES, 0000  
JACKIE D. JONES, JR., 0000  
JASON J. \* JONES, 0000  
OLIVIA A. \* JONES, 0000  
ALVIN L. \* JORDAN, JR., 0000  
WILLIAM L. \* JUDSON, 0000  
JONG H. JUN, 0000  
THEOPHILE KANG, 0000  
MARK G. KAPPELMANN, 0000  
DEBORAH S. KARAGOSIAN, 0000  
BRIAN A. KASTNING, 0000  
KREITON I. \* KAWANO, 0000  
DANIEL J. \* KEEL, 0000  
ROGER L. \* KEEN, JR., 0000  
RAYMOND D. \* KELLER, 0000  
ELLEN J. \* KELLEY, 0000  
MILTON G. KELLY, 0000  
JEMAINIE L. \* KEMP, 0000  
MATTHEW R. \* KENT, 0000  
STEPHEN J. KENT, 0000  
KEVIN H. KERBY, 0000  
LEONARD W. KERGOSENI, 0000  
MATTHEW F. KETCHUM, 0000  
JASON T. KIDDER, 0000  
DOUGLAS D. KIM, 0000  
RAYMOND A. KIMBALL, 0000  
JAMES M. KIMBROUGH IV, 0000  
WARREN E. KIMMEL, 0000  
CHARLES R. KING, 0000  
CURTIS W. KING, 0000  
DARREN L. \* KING, 0000  
MICHAEL J. \* KING, 0000  
STEFAN S. \* KING, 0000  
MATTHEW S. KINKADE, 0000  
MILTON L. KINSLow, 0000  
KEVIN L. \* KIRBY, 0000  
WILLIAM L. \* KIRBY, 0000  
SCOTT W. KIRKPATRICK, 0000  
TIMOTHY W. \* KLENSKE, 0000  
JOSEPH KLOIBER, 0000  
JONATHAN P. KLUG, 0000  
RODGER D. KNEDEL, 0000  
MATTHEW H. KNORR, 0000  
DANIEL L. \* KNOTT, 0000  
HYUNJU V. \* KO, 0000  
SCOTT W. \* KOAST, 0000  
MICHAEL A. \* KOEHL, 0000  
KEVIN W. KOERNER, 0000  
MATTHEW J. \* KONZ, 0000  
MICHAEL KORNBERGER, 0000  
CHERYL R. \* KORVER, 0000  
MICHAEL J. \* KOVACS, 0000  
ERIC G. KRANTZ, 0000  
PAUL J. KREMER, 0000  
ROBERT J. \* KRESS, 0000  
TIMOTHY R. \* KREUTTNER, 0000  
ROBERT A. KRIEG, 0000  
BRIDGET A. KROGER, 0000  
SCOTT C. \* KRUSE, 0000  
JOSEPH P. KUCHAN, 0000  
NICOLE J. \* KUCZYNSKI, 0000  
CORNELIUS W. KUGLER, 0000  
STEVEN A. \* KUHAIDA, 0000  
CHRISTOPHER T. KUHN, 0000  
MICHAEL J. KULIKOWSKI, 0000  
JOSEPH R. \* KURZ, 0000  
DOMINIC Y. \* KUSUMOTO, 0000

DOUGLAS A. LABOUFF, 0000  
JOSE R. LAGUNA, 0000  
MICHAEL B. LALOR, 0000  
CHRISTOPHER A. \* LAMBERT, 0000  
DAVID R. \* LAMY, 0000  
CHARLES N. \* LANGSTON, 0000  
JEFFREY L. \* LARGENT, 0000  
MARC V. LAROCHE, 0000  
ANNMARIE K. LAROQUE, 0000  
PAUL W. LAROQUE, 0000  
WILLIAM D. \* LASH, 0000  
NOEMI \* LAUREANO, 0000  
JAN B. \* LAUX, 0000  
MICHAEL G. \* LAZICH, 0000  
TROY L. LEACH, 0000  
SCOTT A. \* LEBLOND, 0000  
THEODORE J. LECOUFFE, 0000  
KARL F. \* LEDEBUHR, 0000  
DANIEL L. LEE, 0000  
JAMES K. \* LEE, JR., 0000  
ERIC W. LEETCH, 0000  
RYAN T. \* LEHMAN, 0000  
DARREN D. \* LEMASTER, 0000  
KELLEY A. \* LEMONS, 0000  
HEATHER A. \* LENTZ, 0000  
DOUGLAS R. LEONARD, 0000  
SHAWN E. LEONARD, 0000  
JOHN F. LEOPOLD, 0000  
MICHELLE M. \* LETCHER, 0000  
CHRISTOPHER M. \* LEU, 0000  
ALEXANDER F. LEWIS, 0000  
APISIT \* LEWIS, 0000  
CHAD B. LEWIS, 0000  
FRANKLIN B. \* LEWIS, JR., 0000  
GEORGE D. LEWIS IV, 0000  
MARK A. LIBBY, 0000  
DAVID T. \* LIBERT, 0000  
JASON T. LIDDELL, 0000  
CHRISTOPHER R. LIERMANN, 0000  
ANDREW N. \* LIFFRING, 0000  
PETER A. LIND, 0000  
TRAVIS J. LINDBERG, 0000  
JOEL S. \* LINDEMAN, 0000  
KARL S. \* LINDEMAN, 0000  
JOSEPH M. \* LINDQUIST, 0000  
ERIC N. \* LINDSAY, 0000  
TIMOTHY A. \* LINDSAY, 0000  
JOHN D. \* LINDSEY, 0000  
WILLIAM D. LINN II, 0000  
ABIGAIL T. LINNINGTON, 0000  
JOSEPH L. \* LISSELLA, 0000  
DAVID A. \* LITTLE, 0000  
MATTHEW R. LITTLE, 0000  
JOHN T. \* LITZ, 0000  
BRIAN S. LOCKE, 0000  
ANDREW R. \* LOEB, 0000  
BRIAN D. LOFTON, 0000  
RONALD E. LOFTON, JR., 0000  
DERRICK C. LONG, 0000  
JARED T. LONGFIELD, 0000  
ERIC P. LOPEZ, 0000  
WALTER \* LOPEZ, 0000  
BRETT K. LORD, 0000  
DARREN R. \* LORE, 0000  
DANIEL K. \* LORENZEN, 0000  
JOHN M. \* LORENZEN, 0000  
SHAUN S. LOTT, 0000  
JAMES B. \* LOVE, 0000  
KEVIN J. \* LOVELL, 0000  
GREGORY M. LUEDERS, 0000  
JESUS R. \* LUGORAMIREZ, 0000  
JEREMIAH C. LUMBACA, 0000  
WENDY Y. \* LUPO, 0000  
JON A. LUST, 0000  
CREDE J. \* LYONS, 0000  
ROMEO R. MACALINTAL, JR., 0000  
ALEXANDER D. MACALMAN, 0000  
KELLY G. MACDONALD, 0000  
HEATHER L. \* MACDON, 0000  
TIMMY R. \* MACK, 0000  
JILL L. \* MACKIN, 0000  
ANDREW F. MACLEAN, 0000  
JON P. MADDALONI, 0000  
RYAN O. MAENDER, 0000  
TOBIAS M. \* MAGAN, 0000  
JESSE L. \* MAGGITT, JR., 0000  
VERONICA H. \* MAGNOTTO, 0000  
TOBIN A. MAGSIG, 0000  
MELVIN T. MAGSINO, 0000  
MICHAEL I. \* MAHARAJ, 0000  
DENNIS C. MAJOR, 0000  
SEAN J. MALIK, 0000  
HENRIQUE C. \* MALINVERNI, 0000  
BRIAN J. \* MALISZEWSKI, 0000  
SCOTT J. \* MALONE II, 0000  
JOHN B. \* MALONEY, 0000  
ANTHONY T. \* MANERI, 0000  
ISAAC C. \* MANEAULT, 0000  
JOHN P. \* MANUEL III, 0000  
GERALD G. \* MAPP, 0000  
STEPHEN T. MARCHANT, 0000  
TANYA T. MARKOW, 0000  
RAUL E. MARQUEZHERNANDEZ, 0000  
RYAN M. MARRO, 0000  
HUNTER M. MARSHALL, 0000  
TODD H. MARSHORN, 0000  
HARRY C. \* MARSON, 0000  
CHASE S. \* MARTIN, 0000  
CHRISTOPHER S. \* MARTIN, 0000  
DANIEL P. \* MARTIN, 0000  
MISTY L. \* MARTIN, 0000  
REGINALD G. \* MARTIN, 0000  
RICHARD A. \* MARTIN, 0000  
ROBERTO R. \* MARTINEZ, 0000  
JOHN R. MARZAH, 0000  
RICHARD MARZANCOLLAZO, 0000  
CHERYL B. MASISAK, 0000

KEIDA \* MASSEYMURRAY, 0000  
THOMAS R. \* MATELSKI, 0000  
JONATHAN S. \* MATEY, 0000  
JAMES S. \* MATTHEWS IV, 0000  
PAUL J. \* MATTSO, 0000  
ERIC L. MAXWELL, 0000  
WILLIAM W. \* MAY, 0000  
MATTHEW R. MAYBOUER, 0000  
MARK W. \* MAYS, 0000  
JENNIFER A. MCAFEE, 0000  
JAMES J. \* MCANDREWS, 0000  
DANIEL J. MCAULIFFE, 0000  
KEVIN J. \* MCAULIFFE, 0000  
VIRGINIA A. MCCABE, 0000  
STUART T. \* MCCALL, 0000  
HUGH P. \* MCCAULEY, 0000  
RYAN W. MCCAUSLAND, 0000  
MICHAEL C. MCCAY, 0000  
DERRICK W. \* MCCCLUSKEY, 0000  
JEFFREY A. \* MCCOWEN, 0000  
JIMMY P. \* MCCRILLIS, 0000  
IAN A. MCCULLOH, 0000  
KIMEISHA Y. \* MCCULLUM, 0000  
ERIN A. \* MCDANIEL, 0000  
KENNETH P. MCDANIEL III, 0000  
JOHN J. MCDERMOTT III, 0000  
PATRICK H. \* MCDOLE, 0000  
BRENT L. \* MCDONALD, 0000  
BRIAN D. MCDONALD, 0000  
JEFF H. MCDONALD, 0000  
WILLIAM P. MCDONOUGH, 0000  
SCOTT M. MCFARLAND, 0000  
GEORGE F. MCGRATH III, 0000  
LADD D. MCGRAW, 0000  
MICHAEL J. \* MCGUIRE, 0000  
SCOTT W. \* MCINTOSH, 0000  
ANDREW S. MCINTYRE, 0000  
KELLEY L. \* MCINTYRE, 0000  
DANIEL S. MCKEEGAN, 0000  
CHRISTOPHER T. MCKINNEY, 0000  
WILLIAM J. MCKNIGHT, 0000  
GEOFFREY A. \* MCCLAUGHLIN, 0000  
WANDA Y. \* MCLEAN, 0000  
THELONIOUS F. \* MCLEANBURRELL, 0000  
MICHAEL G. \* MCLENDON, 0000  
THOMAS A. MCNALLY, 0000  
MICHAEL B. \* MCNEELY, 0000  
JAMES K. \* MCPHERSON, 0000  
SEAN J. \* MCWILLIAMS, 0000  
JASON A. \* MEAD, 0000  
CHRISTOPHER \* MEDINA, 0000  
GRETCHEN M. MEIER, 0000  
MICHELLE A. MEIER, 0000  
BRIAN A. MELANCON, 0000  
LOUIS P. MELANCON, 0000  
BRIAN C. \* MELLEN, 0000  
RICHARD V. MELNYK, 0000  
OTMARO MENJIVAR, 0000  
DOUGLAS W. \* MERRITT, 0000  
CHRISTOPHER C. \* MESSINA, 0000  
MARK D. \* METZGER, 0000  
RUSSELL D. MEYER, 0000  
RICHARD L. MICHAELS, 0000  
JOHN G. MICHAUD, 0000  
ROBERT J. MIKESH, JR., 0000  
MELISSA C. \* MILES, 0000  
TRICA M. MILES, 0000  
CHARLES L. \* MILLER, 0000  
HILARY J. MILLER, 0000  
JOHN A. MILLER, 0000  
KIMBERLY K. \* MILLER, 0000  
LUTHER A. \* MILLER, JR., 0000  
TIMOTHY W. \* MILLER, 0000  
WILLIAM P. \* MILLER, JR., 0000  
TRENT I. \* MILLS, 0000  
GEORGE O. \* MILMS, 0000  
KARL L. \* MIMS, 0000  
ROBERT \* MITCHELL, 0000  
CHARLES F. MOEHLNBROCK, 0000  
MATTHEW W. \* MOFFITT, 0000  
MACEDONIO R. \* MOLINA, 0000  
KAREEM P. MONTAGUE, 0000  
RAPHAEL B. \* MONTGOMERY, 0000  
DARLE E. \* MONTYOTH, 0000  
PAUL M. \* MOODY, 0000  
FELIPE C. \* MOON, 0000  
MICHAEL T. \* MOORE, 0000  
JULIO V. \* MORALES III, 0000  
JEFFREY T. \* MORAN, 0000  
MICHAEL P. \* MORAN, 0000  
MARIA L. \* MORGAN, 0000  
RANDOLPH M. \* MORGAN, 0000  
SHANE P. MORGAN, 0000  
JEROME S. MORRISON, 0000  
JASON A. MORROW, 0000  
JOHN C. MORROW, 0000  
SINLAN MORROW, 0000  
KEVIN D. \* MORSE, 0000  
THEDRIC J. \* MOSELEY, 0000  
BRADLEY D. \* MOSES, 0000  
CHRISTOPHER L. \* MCSLEY, 0000  
FRANCIS R. MOSS, 0000  
JOHN C. MOSTELLAR, 0000  
MARCUS A. \* MOTLEY, 0000  
DANIEL E. MOUTON, 0000  
HAROLD L. MOXLEY, 0000  
ANDREW S. MOY, 0000  
VANESSA Y. MOYE, 0000  
RICHARD A. MOYERS, 0000  
STEVEN E. \* MUNDY, 0000  
JENNIFER A. MURPHY, 0000  
DAVID J. \* MURPHY, 0000  
JEANJACQUES T. MURPHY, 0000  
ROBERT A. MURPHY, 0000  
STEPHEN O. MURPHY, 0000  
CHRIS H. \* MURRAY, 0000  
ROBERT C. \* MURRAY, 0000

MARGARET M. \* MUSSER, 0000  
 RONALD E. \* MUSSONE, 0000  
 KEVIN Y. NABB, 0000  
 FREDERICK G. \* NACE, JR., 0000  
 WILLIAM C. \* NALL, 0000  
 GREGORY J. NARDI, 0000  
 THOMAS E. \* NAUGLE, 0000  
 SCOTT C. NAUMAN, 0000  
 SCOTT M. NAUMANN, 0000  
 JAMES T. NAYLOR, 0000  
 KEVIN T. NEAL, 0000  
 GARY P. \* NELON, 0000  
 JOHN E. NELSON, 0000  
 KRISTEN A. NELSON, 0000  
 WIL B. \* NEUBAUER, 0000  
 MATTHEW P. NEUMEYER, 0000  
 ANTHONY E. NEW, 0000  
 STEPHEN T. NEWMAN, 0000  
 KHOI T. \* NGUYEN, 0000  
 THOMAS H. NGUYEN, 0000  
 KEVIN T. \* NICHOLAS, 0000  
 JAMES E. \* NICHOLS III, 0000  
 JANET \* NICKENS, 0000  
 LARRY \* NIEDRINGHAUS, 0000  
 SHANNON E. NIELSEN, 0000  
 JOHN T. NIEMEYER, 0000  
 COLIN P. NIKKILA, 0000  
 SETH A. NORBERG, 0000  
 QUENTIN C. NOREIGA, 0000  
 KATRISA L. \* NORWOOD, 0000  
 CLAY E. \* NOVAK, 0000  
 CHARLES G. \* NOVOTNY, 0000  
 JASON J. \* NOWAK, 0000  
 SEAN M. \* OBRIEN, 0000  
 JOSEPH M. \* OCALLAGHAN, JR., 0000  
 JOSE H. OCASIOSANTIAGO, 0000  
 MARIO D. \* OCHOA, 0000  
 SHAWN P. O'CONNOR, 0000  
 JEFFREY P. O'DONNELL, 0000  
 KENNETH G. \* O'DONNELL, 0000  
 CARL S. \* OELSCHIG, 0000  
 ANDREW B. OFF, 0000  
 BENJAMIN R. OGDEN, 0000  
 PATRICK M. \* O'HARA, 0000  
 TAMARA O. OHLHAVER, 0000  
 LANCE A. OKAMURA, 0000  
 KEVIN P. O'KEEFE, 0000  
 ALEXA G. \* O'LEARY, 0000  
 PATRICK G. O'LEARY, 0000  
 LARRY \* OLIVE, 0000  
 MARSHAL R. \* OLLER, 0000  
 SHEILA M. \* OLLISON, 0000  
 DAVID J. \* OLSON, 0000  
 MICHAEL D. O'NEAL, 0000  
 ARTHUR L. O'NEAL, JR., 0000  
 DANIEL L. O'NEAL, 0000  
 PATRICK S. O'NEAL, 0000  
 CAMERON M. O'NEIL, 0000  
 KEVIN M. \* O'NEIL, 0000  
 JOSE R. \* OROZCO, 0000  
 AARON D. OSBURN, 0000  
 CHRISTOPHER C. OSTBY, 0000  
 GARY R. \* O'SULLIVAN, 0000  
 MARK P. OTT, 0000  
 JOSEPH E. PACE, 0000  
 ARTHUR A. \* PACK, 0000  
 MICHAEL G. \* PADAR, 0000  
 WILLIAM P. \* PADJUNE, 0000  
 JENNIFER A. PAGE, 0000  
 JOHN D. PAGE, 0000  
 DAVID J. PALAZZO, 0000  
 CHARLES G. \* PALMER IV, 0000  
 JASON N. PALMER, 0000  
 MARK A. \* PAPPAL, 0000  
 JUSTIN M. \* PARKER, 0000  
 WILLIAM M. PARKER, 0000  
 GREGORY \* PARKINS, 0000  
 MARK E. PARSONS, 0000  
 MICHAEL D. \* PARSONS, 0000  
 SAMUEL L. PARTON, 0000  
 RODEL F. \* PASIBE, 0000  
 ROBERT S. \* PATTON, JR., 0000  
 ERIC W. PAVLICK, 0000  
 MATTHEW C. \* PAYNE, 0000  
 WILLIAM D. PAYTON, 0000  
 BRIAN A. PEDERSEN, 0000  
 MEGAN B. PEGUER, 0000  
 SAMUEL \* PENA, 0000  
 JON S. PENDELL, 0000  
 KATHERINE L. PENDRY, 0000  
 JOSEPH J. \* PENNINGTON, 0000  
 STEPHANIE T. PENNINGTON, 0000  
 JOSE N. PEREIRA, 0000  
 KEVIN J. PEREIRA, 0000  
 ROBERTO \* PEREZ, 0000  
 RALPH N. PERKINS IV, 0000  
 DAVID R. \* PERRY, 0000  
 HENRY C. PERRY, JR., 0000  
 MICHAEL N. \* PERRY, 0000  
 JAY L. \* PERSONS, 0000  
 LEE I. PETERS III, 0000  
 RICHARD G. PETERSEN, JR., 0000  
 STEVEN A. \* PETERSEN, 0000  
 AARON L. \* PETERSON, 0000  
 ERIC R. PETERSON, 0000  
 KEVIN L. \* PETERSON, 0000  
 WILLIAM R. PETERSON, 0000  
 PAUL A. \* PFEIFFER, 0000  
 KIMBERLY D. PHILLIPS, 0000  
 ROBERT L. \* PHILLIPS III, 0000  
 GARY D. \* PHILMAN, 0000  
 ROBIN K. PICKEL, 0000  
 ROBYN L. \* PIETRON, 0000  
 OSCAR PINTADORODRIGUEZ, 0000  
 JEROME L. PIONK, 0000  
 STEVEN R. \* PIOTROWSKI, 0000  
 JOSEPH C. PISANI, JR., 0000

JOSEPH M. PISHOCK, 0000  
 CHRISTOPHER S. \* PITTMAN, 0000  
 WARREN L. PITTMAN, 0000  
 DARMAN C. \* PLACE, JR., 0000  
 MICHAEL W. PLUMTREE, 0000  
 JESSE G. \* POOLER, JR., 0000  
 TRACY M. \* PORTER, 0000  
 VINSTON L. \* PORTER, JR., 0000  
 LAURA N. POSTON, 0000  
 JAREN P. \* POWELL, 0000  
 SHANE P. \* POWELL, 0000  
 SHERMAN S. POWELL, 0000  
 GARY L. \* PRATER, 0000  
 MARGARET H. PRATT, 0000  
 TED M. PREISTER, 0000  
 ALAN E. \* PREIZER, 0000  
 CARTER L. \* PRICE, 0000  
 FREDDIE B. \* PRICE, 0000  
 JAREN K. PRICE, 0000  
 KEVIN B. \* PRICE, 0000  
 RUSSELL M. \* PRICE, 0000  
 BRYCE D. PRINGLE, 0000  
 CARL G. \* PROBER, 0000  
 KERRY S. PROWELL, 0000  
 BRIAN K. \* PRUITT, 0000  
 NATHAN J. PRUSSIAN, 0000  
 DOUGLAS A. \* PRYER, 0000  
 CHARLES A. PUDIL II, 0000  
 CHRISTOPHER R. QUALE, 0000  
 ALAN J. \* QUATTRIN, 0000  
 WILLIAM N. RADICIC, 0000  
 RALPH J. RAGOSTA III, 0000  
 JASON M. RAILSBACK, 0000  
 JEFFREY S. RAINS, 0000  
 ANTONIO D. RALPH, 0000  
 CHAD O. \* RAMBO, 0000  
 RENE \* RAMOSRIVERA, 0000  
 HOPE C. RAMPY, 0000  
 RONALD V. \* RANALLI, 0000  
 THOMAS B. RANSOM, 0000  
 THOMAS M. \* RASCON IV, 0000  
 RICHARD A. \* RASSBACH, 0000  
 BRIAN C. \* RAU, 0000  
 BRENDAN C. RAYMOND, 0000  
 MARK G. REARDANZ, 0000  
 GREGORY J. \* RECK, 0000  
 JEFFREY E. \* REDECKER, 0000  
 PAUL M. \* REEB, 0000  
 KENNETH N. REED, 0000  
 KYLE A. REED, 0000  
 MARK J. \* REED, 0000  
 TIMOTHY J. \* REED, 0000  
 BRADLEY L. REES, 0000  
 BRANDON E. REEVES, 0000  
 DONALD W. \* REEVES, 0000  
 RYAN G. \* REGTUYT, 0000  
 ERIC A. \* REID, 0000  
 MATTHEW I. \* REIMOLD, 0000  
 JOHN T. \* REINERT, 0000  
 RODRIGUEZ L. REMIGIO, 0000  
 DANA E. RESNICK, 0000  
 JETHA B. REY, 0000  
 MICHAEL A. REYBURN, 0000  
 JORGE A. REYES, 0000  
 EDWIN REYESMONTANEZ, 0000  
 JOHN M. \* REYNOLDS, 0000  
 NATHAN P. \* REYNOLDS, 0000  
 JESUS T. REYNOSO, 0000  
 STEPHEN M. \* RHUDY, JR., 0000  
 DANIEL L. RICE, 0000  
 MASON J. RICE, 0000  
 THOMAS J. RICE, 0000  
 ARIE C. RICHARDS, 0000  
 JOHN P. RICHARDS, 0000  
 JOHNNIE L. \* RICHARDSON, JR., 0000  
 ROLAND C. \* RICHARDSON, 0000  
 BRIAN K. \* RICHIE, 0000  
 WALTER E. \* RICHTER, 0000  
 BRETT J. \* RIDDLE, 0000  
 PAUL H. \* RIGBY, 0000  
 TIMOTHY C. \* RIGGS, 0000  
 JAMES F. RILEY, 0000  
 JASON G. \* RILEY, 0000  
 JAWARA RILEY, 0000  
 LORENZO P. RIOS, 0000  
 STEVEN D. RIOS, 0000  
 MICHAEL T. RITTENHOUSE, 0000  
 MONIQUE N. RIVERA, 0000  
 ALVARO F. \* ROA, 0000  
 WALTER G. ROBERSON, JR., 0000  
 KURT W. ROBERTS, 0000  
 GREGORY D. ROBERTSON, 0000  
 JEFFERY D. ROBERTSON, 0000  
 CORINNA A. \* ROBINSON, 0000  
 ZANDRA D. \* ROBINSON, 0000  
 ADAM C. \* RODGERS, 0000  
 LUIS A. \* RODRIGUEZ, 0000  
 RICARDO \* RODRIGUEZ, 0000  
 SAMUEL R. RODRIGUEZ, 0000  
 EARL D. \* ROE, JR., 0000  
 JOHN H. \* ROGAN, 0000  
 ALAN G. \* ROGERS, 0000  
 KENNETH L. ROGERS, 0000  
 LUIS E. \* ROJAS, 0000  
 EDLEBECK N. \* ROLLING, 0000  
 PAUL R. ROMANO, 0000  
 ROBERT P. \* ROMANS, JR., 0000  
 CHRISTOPHER J. \* ROMERO, 0000  
 JASON E. \* RONCORONI, 0000  
 RICHARD K. ROPER, 0000  
 KATHERINE V. ROSE, 0000  
 DONALD J. ROSS II, 0000  
 FRED D. ROTHENBUSH, JR., 0000  
 JESSICA L. \* ROWELL, 0000  
 PETER J. \* ROWELL, 0000  
 GARY D. ROWLEY, 0000

MITCHELL A. \* RUEDEBUSCH, 0000  
 JONATHAN A. RUFENACHT, 0000  
 ROBERT W. \* RUGG, 0000  
 MICHAEL J. \* RUSSELL, 0000  
 THOMAS M. \* RUSSELLTUTT, 0000  
 MICHAEL J. \* RUTHERFORD, 0000  
 STEPHEN V. RUZICKA, 0000  
 SEAN J. \* RYAN, 0000  
 TODD D. \* SABALA, 0000  
 BILL N. \* SABBAGH, 0000  
 RAFAEL \* SAENZ, 0000  
 DENNIS A. \* SALCEDO, 0000  
 ERICK J. \* SALISBURY, 0000  
 MICHAEL J. \* SALVO, 0000  
 BRYAN W. SALTERS, 0000  
 AARON D. SAMMONS, 0000  
 AARON A. SAMPSON, 0000  
 LEONA M. SANDERS, 0000  
 PAUL R. SANDERS, 0000  
 HECTOR I. \* SANTOS, 0000  
 MATTHEW C. \* SAUNDERS, 0000  
 RICHARD D. \* SAVAGEAU, 0000  
 TIMOTHY L. SAVIDGE, 0000  
 ROBERT \* SAYRE, 0000  
 MATTHEW SCALIA, 0000  
 JOSEPH E. \* SCANLIN, JR., 0000  
 MICHAEL A. \* SCARPULLA, 0000  
 FRANK P. \* SCHANTZ, 0000  
 ROBERT J. SCHEXNAYDER, 0000  
 ADAM C. SCHLANG, 0000  
 ROBERT F. SCHLICHT, 0000  
 CRAIG M. SCHLOZMAN, 0000  
 MARTIN J. \* SCHMIDT, 0000  
 TIMOTHY J. \* SCHMITT, 0000  
 DARCY L. SCHNACK, 0000  
 DEBORAH R. \* SCHNEIDER, 0000  
 ARNOLD W. \* SCHNOBRICH, 0000  
 EDWARD J. SCHOBEL III, 0000  
 KURT P. SCHOMAKER, 0000  
 ROBERT B. SCHOPF, 0000  
 THOMAS W. \* SCHRAEDER, 0000  
 JEFFREY C. \* SCHRICK, 0000  
 DARRYL T. \* SCHROEDER, 0000  
 GERD D. \* SCHROEDER, 0000  
 ERIC \* SCHULER, 0000  
 SCOTT A. \* SCHUMACHER, 0000  
 STEVEN D. \* SCHWANTES, 0000  
 ERIC M. SCHWARTZ, 0000  
 JAMES C. \* SCHWARTZ, JR., 0000  
 MATTHEW J. SCHWARTZ, 0000  
 MARC A. SCVILLE, 0000  
 GREGORY C. \* SCRIVENS, 0000  
 KENNETH A. \* SCRUGGS, 0000  
 STACY M. \* SEAWORTH, 0000  
 RAYMOND X. SEGARRASANTIAGO, 0000  
 STEPHEN R. \* SEIGER, 0000  
 ALLAN M. \* SELBURG, 0000  
 ADAM D. SELLERS, 0000  
 TYRA S. \* SELLERS, 0000  
 SCOTT A. SENDMEYER, 0000  
 NANCY R. \* SERMONS, 0000  
 EDWIN S. \* SERANO, 0000  
 TIMOTHY R. SHAFFER, 0000  
 JEFFREY A. \* SHANER, 0000  
 CONNIE E. SHANOLDS, 0000  
 MICHAEL P. \* SHANNON, 0000  
 DAVID S. SHARE, 0000  
 WILLIAM J. SHAVCE, 0000  
 JEFFREY A. SHAW, 0000  
 JAY J. SHEBUSKI, 0000  
 KENNETH W. SHEETS, 0000  
 JERAL L. \* SHEGOG, 0000  
 JERAL J. \* SHELTON, 0000  
 ANTHONY E. SHEPARD, 0000  
 MARK B. SHERKEY, JR., 0000  
 ADAM P. \* SHERWOOD, 0000  
 HURLEY D. SHIELDS, 0000  
 THEODORE B. \* SHINKLE, 0000  
 CARLOS E. \* SHIPPY, 0000  
 ROBERT E. \* SHOLL, 0000  
 DONNIE L. \* SHORT, 0000  
 DAVID R. SHOUP, 0000  
 SAMUEL S. SHRAPER, 0000  
 JAMES D. \* SIDES, 0000  
 PAUL A. SIGLER, 0000  
 CHRISTOPHER A. SIKES, 0000  
 PHILIP J. \* SILEVINAC, JR., 0000  
 ALFRED R. SILVA, 0000  
 ALEXANDER V. SIMMONS, 0000  
 BRIDGETTE K. \* SIMMONS, 0000  
 NORBERT G. SIMONNET, 0000  
 RAYMOND T. SIMONS, 0000  
 JOHN E. \* SIMPSON II, 0000  
 JASON B. SIMS, 0000  
 STEVE S. \* SIN, 0000  
 BRYAN K. SIZEMORE, 0000  
 SANDRA L. SIZEMORE, 0000  
 DANETTE \* SKRAASTAD, 0000  
 MICHAEL D. SLOSON, 0000  
 ROBERT C. \* SLOSSON, 0000  
 JEFFREY A. \* SLOWN, 0000  
 MORGAN \* SMILEY, 0000  
 BRADFORD W. SMITH, 0000  
 BRADLEY H. \* SMITH, 0000  
 BRIAN A. \* SMITH, 0000  
 CHARLES J. \* SMITH, 0000  
 CLOYD A. \* SMITH, JR., 0000  
 EDLYN E. \* SMITH, 0000  
 JASON E. \* SMITH, 0000  
 JEFFREY A. SMITH, 0000  
 KEVIN Z. \* SMITH, 0000  
 REGINALD K. SMITH, 0000  
 SAMUEL R. \* SMITH, JR., 0000  
 STEVEN H. SMITH, 0000  
 TRACY L. SMITH, 0000  
 TYLER B. SMITH, 0000  
 DERRICK C. \* SMITS, 0000

THOMAS L. SNOW, 0000  
 VICTORIA L. \* SNOW, 0000  
 FREDERICK R. SNYDER, 0000  
 TOY Y. \* SOBERS, 0000  
 WAYNE C. SODOWSKY, 0000  
 ERIC G. SORENSON, 0000  
 JAVIER C. SORIA, 0000  
 PHILLIP D. SOUNIA, 0000  
 JOSEPH R. SOWERS, 0000  
 MICHAEL D. SPAKE, 0000  
 PAUL S. \* SPARKS, 0000  
 ROY W. \* SPEAKS, 0000  
 BRIAN SPEAS, 0000  
 NEAVOLIA N. SPEIRS, 0000  
 JON R. \* SPELL, 0000  
 RITA M. \* SPENCER, 0000  
 KEVIN \* SPIELMAN, 0000  
 NORMAN D. SPIVEY, 0000  
 ERICH C. SPRAGG, 0000  
 DANIEL P. \* SPRINGER, 0000  
 RYAN R. SQUIRES, 0000  
 MARC D. \* STAATS, 0000  
 LEE R. STAFKI, 0000  
 DENNIS L. \* STALEY, 0000  
 JOHN W. STANLEY, 0000  
 ROGER E. \* STANLEY, 0000  
 STEPHEN J. STASEVICH, 0000  
 JAMES E. \* STATON, 0000  
 THANE C. \* STCLAIR, 0000  
 DAVID A. \* STEELE, 0000  
 HARLEY J. STEELE, 0000  
 JENNESS F. STEELE, 0000  
 LESLIE T. \* STEELE, 0000  
 DAVID D. STENDER, 0000  
 BRIAN M. STEPHAN, 0000  
 JAMES M. STEPHENS, 0000  
 MICHAEL P. STEPHENS, JR., 0000  
 ALEXANDER D. STEPHENSON, 0000  
 MICHAEL D. \* STERRETT, 0000  
 JONATHAN A. \* STEVENS, 0000  
 RUBY J. \* STEWART, 0000  
 HEATHER L. \* STEWARTJOHNSTON, 0000  
 MICHAEL A. STINNETT, 0000  
 LARRY W. STOAFER, 0000  
 PATRICK P. \* STORRE, 0000  
 MARK L. STODDARD, 0000  
 CARRINGTON L. \* STOFFELS, 0000  
 KEVIN J. STOLL, 0000  
 BERNIE E. STONE, 0000  
 TOMMY E. \* STONER, 0000  
 DANA T. \* STOWELL, 0000  
 DAVID A. STRANGE, 0000  
 DONALD B. STREATER, 0000  
 BRIAN C. STRIDER, 0000  
 JENNIFER L. \* STRIEGEL, 0000  
 ELISABETH P. \* STRINGER, 0000  
 MATTHEW \* STUBBS, 0000  
 BRENDA J. \* SUGGARS, 0000  
 PATRICK J. SULLIVAN, 0000  
 SENODIATA F. \* SUNDIATS, 0000  
 RICHARD J. \* SUROWIEC, 0000  
 MARNE L. SUTTEN, 0000  
 MULEV A. \* SUVARI, 0000  
 CHRISTOPHER M. \* SWANSON, 0000  
 JACOB C. \* SWANTKOWSKI II, 0000  
 NATHAN M. \* SWARTZ, 0000  
 ELIZABETH A. SWEENEY, 0000  
 RICHARD L. \* SWEET II, 0000  
 GRAHAM R. SWENSON, 0000  
 JAMES B. SWIFT, 0000  
 STEPHEN P. SZYMANSKI, 0000  
 RONALD J. TALARICO, JR., 0000  
 IAN J. TARASEVITSCH, 0000  
 DAVID A. TARVIN, 0000  
 NEIL TATOR, 0000  
 DALE E. TAYLOR, JR., 0000  
 JAMES S. TAYLOR, JR., 0000  
 T. G. TAYLOR, 0000  
 TONY \* TAYLOR, 0000  
 WILLIAM C. TAYLOR, JR., 0000  
 EDWARD B. TEAGUE IV, 0000  
 JAMES C. \* TEAGUE, 0000  
 KIRBY K. TEAGUE, 0000  
 JOSEPH T. \* TEEHAN, 0000  
 BRANDON R. TEGTMEIER, 0000  
 JAMES L. \* TENPENNY, 0000  
 TODD N. \* TERRAL, 0000  
 STEPHEN D. TERSTEGGE, 0000  
 LAWRENCE A. TESSIER II, 0000  
 GREG R. THAYER, 0000  
 ERICH R. THEN, 0000  
 RYAN J. \* THIESSEN, 0000  
 ARMOND \* THOMAS III, 0000  
 CHRISTOPHER W. \* THOMAS, 0000  
 JOEL W. \* THOMAS II, 0000  
 JOSEPH P. THOMAS, 0000  
 STEPHEN \* THOMAS, 0000  
 CHARLES S. \* THOMPSON, 0000  
 CHRISTOPHER R. THOMPSON, 0000  
 MARK W. THOMPSON, 0000  
 MICHAEL A. \* THOMPSON, 0000  
 MICHELE A. \* THOMPSON, 0000  
 DARIN J. THOMSON, 0000  
 DEREK K. THOMSON, 0000  
 WILLIAM M. \* THORNHILL II, 0000  
 BRIAN R. TIDWELL, 0000  
 MATTHEW J. \* TIESZEN, 0000  
 MICHAEL S. \* TITUS II, 0000  
 BOGDAN T. \* TOCARCIUC, 0000  
 ENRIQUE P. \* TORRES, 0000  
 ERIC B. TOWNS, 0000  
 GREGORY S. \* TOWNSEND, 0000  
 GREGORY S. TRAHAN, 0000  
 KATHLEEN E. \* TRANT, 0000  
 LOREN G. \* TRAUGUTT, 0000  
 STEVEN B. \* TRAUM, 0000  
 THEODORE F. \* TRAVIS, 0000

STONEA A. \* TRENT, 0000  
 GARY \* TREVINO, 0000  
 WILLIAM \* TRIMBLE, JR., 0000  
 MICHAEL T. \* TRIPLETT, 0000  
 MARK L. TROMBLEE, 0000  
 MICHAEL J. TROTTER, 0000  
 AKINORI R. TSUCHIDA, 0000  
 JONATHAN E. \* TUGMAN, 0000  
 JAMES J. TUITE IV, 0000  
 JOHN K. \* TULIFUA, 0000  
 JAMES E. TURLEY, 0000  
 DIEDRA V. TURNER, 0000  
 RUSSELL G. \* TURNER, 0000  
 MARCIA J. \* TUTT, 0000  
 DANE A. TYNES, 0000  
 TIMOTHY S. TYSON, 0000  
 WILLIAM M. UNDERWOOD, 0000  
 SCOTT L. UNSWORTH, 0000  
 RONALD H. \* UPTON, 0000  
 MATTHEW S. URBANIC, 0000  
 CAINAZ A. \* VAKHARIA, 0000  
 FELIX J. \* VALENTIN, 0000  
 CARLOS M. \* VALENZUELA DURR, 0000  
 CHRISTOPHER M. \* VALERIANO, 0000  
 JAMES A. VAN ATTA, 0000  
 JOHN B. \* VAN HOOK, 0000  
 LITA NMN VAN HOOK, 0000  
 AARON J. \* VANALSTINE, 0000  
 STEWART J. \* VANBUREN, 0000  
 ERIC J. VANDENBOSCH, 0000  
 GEOFFREY R. VANEPPS, 0000  
 RICHARD D. VANGORDEN, 0000  
 CHRISTIAN G. VANKUREN, 0000  
 TERRY R. \* VEENEMAN, 0000  
 BRYAN D. VELARDE, 0000  
 MARK D. VERTULI, 0000  
 TIMOTHY C. VILES, 0000  
 TITO M. VILLANUEVA, 0000  
 WILLIAM C. \* VILLNOW, 0000  
 NATALIE C. \* VINES, 0000  
 SAMUEL L. VOLKMAN, 0000  
 JOSEPH W. VONGSIVARNRUNG RUANG, 0000  
 WILLIAM D. WADDINGTON, 0000  
 WILLIAM E. WADE, 0000  
 CHRIS A. \* WADE, 0000  
 SCOTT O. WADYKO, 0000  
 ELIAS G. \* WAHESH, 0000  
 ROY R. \* WALDHOF, 0000  
 BLAINE N. \* WALES, 0000  
 JENNIFER S. WALKAWICZ, 0000  
 BERNETTE \* WALKER, 0000  
 JOHNNIE R. \* WALKER, JR., 0000  
 JOSHUA H. WALKER, 0000  
 BRADLEY J. WALLACE, 0000  
 KEVIN A. \* WALLACE, 0000  
 DOUGLAS R. WALTER, 0000  
 MARK D. WALTERS, 0000  
 JOHN P. WALTON, 0000  
 CHRISTOPHER J. \* WARD, 0000  
 MARK S. WARDEN, 0000  
 BRIAN E. WARFEL, 0000  
 STEPHEN \* WARGO, 0000  
 RONALD A. WARNER, 0000  
 ANDREW H. \* WARNINGHOFF, 0000  
 MICHELLE G. \* WASHINGTON, 0000  
 BRIAN T. WATKINS, 0000  
 MICHAEL B. WEATHERS, 0000  
 LYDIA \* WEATHERSPOON, 0000  
 SETH A. WEAVER, 0000  
 DAVID L. \* WEBSTER, 0000  
 WILLIAM C. \* WEDLEY, 0000  
 SYLVESTER O. \* WEGWU, 0000  
 ALEX L. WEHMEYER, 0000  
 HEATHER E. WEIGNER, 0000  
 JEFFREY J. WEINHOFFER, 0000  
 MATTHEW R. WEINSHEL, 0000  
 DAVID C. \* WELCH, 0000  
 SHAMAI T. WELLONS, 0000  
 CHARLOTTA D. WELLS, 0000  
 JAMES S. WELLS, 0000  
 PATRICK C. \* WENTZ, 0000  
 RYAN M. WERLING, 0000  
 JAMES R. WEST, 0000  
 DENNIS E. \* WHEELER, 0000  
 CHRISTOPHER M. \* WHELAN, 0000  
 EDWARD S. WHITAKER, 0000  
 DALE M. WHITE, 0000  
 PAUL A. \* WHITE, 0000  
 STEPHANIE J. WHITE, 0000  
 TIMOTHY D. WHITE, 0000  
 CLAUDE W. \* WHITNEY, JR., 0000  
 RYAN H. WHITTEMORE, 0000  
 JESSE R. WIGHTMAN III, 0000  
 MARCUS A. \* WILEY, 0000  
 CARLOS A. \* WILEY, 0000  
 CURTIS D. \* WILEY, 0000  
 RONALD D. \* WILKES, 0000  
 PATRICK S. WILKINS, 0000  
 DENNIS G. WILLE, 0000  
 JOHN C. \* WILLIAMS, 0000  
 JOHN M. \* WILLIAMS, 0000  
 KENNETH A. WILLIAMS, 0000  
 LEEVAINE \* WILLIAMS, JR., 0000  
 LEON O. \* WILLIAMS, 0000  
 MICHAEL R. WILLIAMS, 0000  
 RAYMOND E. \* WILLIAMS, 0000  
 RHONDA Y. \* WILLIAMS, 0000  
 XAVIERA C. \* WILLIAMS, 0000  
 WESLEY J. WILLIAMS, 0000  
 HERBERT R. \* WILLINGHAM, JR., 0000  
 PATRICK R. WILLIS, 0000  
 JAMES D. WILLSON, 0000  
 CHRISTOPHER R. \* WILSON, 0000  
 FRANKLIN M. WILSON, 0000  
 JEREMY S. WILSON, 0000  
 KENNETH C. WILSON, 0000  
 PETER B. \* WILSON, 0000

KEVIN P. \* WIMBERLY, 0000  
 RITA J. \* WINBORNE, 0000  
 MARK A. \* WINKLER, 0000  
 SCOTT M. \* WINTER, 0000  
 GARTH K. WINTERLE, 0000  
 JASON M. WINTERLE, 0000  
 KEVIN D. \* WISSEL, 0000  
 LAWRENCE H. WITTE, 0000  
 AARON W. \* WOLF, 0000  
 MARK D. \* WOLF, 0000  
 KIEU D. \* WOLFORD, 0000  
 PHILLIP E. WOLFORD, 0000  
 FREDERICK D. \* WONG, 0000  
 WARREN R. WOOD, 0000  
 JOHN A. WOODARD, 0000  
 KEVIN G. \* WOOLEY, 0000  
 BRIAN D. WOOLWORTH, 0000  
 JOHNNY \* WORKMAN, JR., 0000  
 BRIAN K. WORTINGER, 0000  
 JOHN J. \* WRANN, 0000  
 DAVIE L. \* WRIGHT, JR., 0000  
 JOSHUA D. \* WRIGHT, 0000  
 MARESE R. \* WRIGHT, 0000  
 NANCE J. \* WRIGHT, 0000  
 RICHARD W. \* WRIGHT, 0000  
 ROMEO \* WRIGHT, JR., 0000  
 NATHAN YANCY, 0000  
 TED D. \* YATES, 0000  
 MITCHELL L. \* YBARRA, 0000  
 JOHN B. \* YORKO, 0000  
 CHRISTOPHER J. YOUNG, 0000  
 GREGORY H. \* YOUNG, 0000  
 RODNEY R. YOUNG, 0000  
 WILLIAM R. \* YOUNG, 0000  
 DAMON M. \* YOURCHISIN, 0000  
 MICHAEL R. ZAHURANIC, 0000  
 JOHN J. \* ZEIGLER, 0000  
 ANDREW S. ZIESENIS, 0000  
 KIRK F. \* ZIMPEL, 0000  
 RAYMOND C. ZINDELL III, 0000  
 \* X0000  
 \* X0000  
 \* X0000  
 \* X0000  
 X0000  
 \* X0000  
 \* X0000  
 X0000

#### IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C. SECTION 531:

#### To be captain

JAMES R. MARTIN, 0000  
 MICHAEL F. ROCKLIN, 0000

#### To be commander

JAMES K. AMSBERRY, 0000  
 DOUGLAS N. CARBINE, 0000  
 PATRICK J. DAIGLE, 0000  
 MARK E. HAMMETT, 0000  
 KENNETH P. GREEN, 0000  
 RUBY S. HENDERSON, 0000  
 BENJAMIN W. JORDAN, 0000  
 JEFFREY N. KORSNES, 0000  
 PATRICK R. LARABY, 0000  
 GARY W. LATSON, 0000  
 STEPHEN J. LEPP, 0000  
 JAMES A. LOWDER, 0000  
 SCOTT A. MAGNES, 0000  
 ROBERT W. MARTIN, 0000  
 LORING I. PERRY, 0000  
 ANDREW POTTS, 0000  
 JOHN W. SANDERS II, 0000  
 PETER K. SCHROEDER, 0000  
 JOEL A. SMITHWICK, 0000  
 TIMOTHY C. SORRELLS, 0000  
 JEFFREY A. TERRY, 0000  
 JEFFREY W. TIMBY, 0000  
 MARTHA P. VILLALOBOS, 0000  
 PETER J. WEIS, 0000  
 ROBIN M. WILKENING, 0000

#### To be lieutenant commander

KEVIN L. ANDERSON, JR., 0000  
 ROBERT A. CHURCH, 0000  
 DAVID L. CLINE, 0000  
 REGINALD S. DANIELS, 0000  
 PAUL J. DEMIERI, 0000  
 LOUIS P. GONCALVES, 0000  
 MARK G. LIEB, 0000  
 JAMES B. MOORE, 0000  
 RONALD R. RINGO, JR., 0000  
 KIMBERLY SAWATSKY, 0000  
 DAVID A. TUBLEY, 0000  
 RANDY E. WILLIAMS, 0000  
 GLEN WOOD, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

#### To be commander

MARJORIE ALEXANDER, 0000  
 THERESA M. ANTOLDI, 0000  
 ELLEN A. ARGO, 0000  
 VERONICA G. ARMSTRONG, 0000  
 ELIZABETH A. C. ASHBY, 0000  
 MARY BAKER-DOVE, 0000  
 LAWRENCE M. BATEMAN, 0000  
 GERALD BOYLE, 0000  
 DENA A. BRADLEY, 0000  
 NORMAN F. J. CHARBONEAU, 0000

PATRICIA CORLEY, 0000  
VIVIAN M. DEVINE, 0000  
RAMONA M. DOMEN-HERBERT, 0000  
DENISE J. EICHER, 0000  
REBEKAH J. EID, 0000  
KAREN F. ELGIN, 0000  
ELIZABETH J. FRENCH, 0000  
ANGELA B. GARDNER, 0000  
ELIZABETH K. GILLARD, 0000  
ROBIN C. GREGORY, 0000  
ROSANNE I. HARTLEY, 0000  
DINETA C. HAUGHTON, 0000  
KATHLEEN E. HEWITT, 0000  
MICHELE C. HUDDLESTON, 0000  
DEBBIE R. JENKINS, 0000  
SCOTT A. JOHNSON, 0000  
ETHAN B. JOSIAH, 0000  
GLORIA S. KASCAK, 0000  
MICHAEL T. KELLEY, 0000  
DANIEL P. KINSTLER, 0000  
LENORA C. LANGLAIS, 0000  
ELIZABETH D. LASSEK, 0000  
CLYDA L. LAURENT, 0000  
LAURIE S. MACGILLIVRAY, 0000  
LORI J. MARTINELLI, 0000  
MARYANN C. MATTONEN, 0000  
CATHY M. MCCRARY, 0000  
FRITZI J. MCDONALD, 0000  
JULIE C. MCNALLY, 0000  
ROSARIO P. MERRELL, 0000

JULIE D. MILBURN, 0000  
LISA M. MORRIS, 0000  
CHERYL A. MOSLEY, 0000  
CINDY A. MURRAY, 0000  
LISA A. OSBORNE, 0000  
SUSAN M. PENNEBECKER, 0000  
DREW S. PINILLA, 0000  
EVELYN M. QUATTRONE, 0000  
MICHAEL D. RAMOS, 0000  
LOVETTE T. ROBINSON, 0000  
SHERRI L. SANTOS, 0000  
CANDY M. SIMMONS, 0000  
FAWN R. SNOW, 0000  
TANYA STEVENSON-GAINES, 0000  
WANDA J. STONE, 0000  
DEBORAH M. SWEETMAN, 0000  
DAVID A. TAIT, 0000  
YVONNE TAPIA, 0000  
CHRISTINE M. WARD, 0000  
ROBYN C. WARD, 0000  
KARIN E. WARNER, 0000  
TERESE M. WARNER, 0000  
JOHN J. WHITCOMB, 0000  
RICHARD D. WHITE, 0000  
CATHERINE E. WIDMER, 0000  
MARIA A. YOUNG, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES NAVY  
UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

ERIC M. AABY, 0000  
JOSEPH F. ALLING, 0000  
KEITH E. AUTRY, 0000  
JOHN F. BENNETT, 0000  
GORDON E. CLARK, JR., 0000  
MARC R. DELAO, 0000  
STEPHEN J. DONLEY, 0000  
WILLIAM C. DUERDEN, 0000  
DAMON S. FETTERS, 0000  
PATRICK A. GARIN, 0000  
MARK T. GERONIME, 0000  
BRADLEY S. HANCOCK, 0000  
CHERYL M. HANSEN, 0000  
ANDREW J. HOLLAND, 0000  
GLENN W. HUBBARD, 0000  
KEVIN M. KREIDE, 0000  
CHRISTOPHER M. KURGAN, 0000  
JONATHAN W. LEBARON, 0000  
NICHOLAS L. MERRY, 0000  
THOMAS J. MITORAJ, 0000  
DARREN C. MORTON, 0000  
MICHAEL P. OESTEREICHER, 0000  
NORMAN D. STIEGLER, JR., 0000  
ALEX D. STITES, 0000  
GREGORY S. WAGNER, 0000  
STANLEY W. WILES, 0000  
CHARLES S. WILLMORE, 0000