

“(9) INDIAN TRIBE.—The term ‘Indian tribe’ means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

“(10) REGION.—The term ‘region’ means any geographic area—

“(A) certified by the Secretary under section 1802(a)(3);

“(B) consisting of all or parts of 2 or more counties, municipalities, or other local governments and including a city with a core population exceeding 500,000 according to the most recent estimate available from the United States Census; and

“(C) that, for purposes of an application for a covered grant—

“(i) is represented by 1 or more local governments or governmental agencies within such geographic area; and

“(ii) is established by law or by agreement of 2 or more such local governments or governmental agencies, such as through a mutual aid agreement.

“(11) RISK-BASED FUNDING.—The term ‘risk-based funding’ means the allocation of funds based on an assessment of threat, vulnerability, and consequence.

“(12) TASK FORCE.—The term ‘Task Force’ means the Task Force on Essential Capabilities established under section 1804.

“(13) THREAT.—The term ‘threat’ means the assessment of the plans, intentions, and capability of an adversary to implement an identified attack scenario.

“(14) VULNERABILITY.—The term ‘vulnerability’ means the degree to which a facility is available or accessible to an attack, including the degree to which the facility is inherently secure or has been hardened against such an attack.”.

(2) DEFINITION OF EMERGENCY RESPONSE PROVIDERS.—Paragraph (6) of section 2 of the Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C. 101(6)) is amended by striking “includes” and all that follows and inserting “includes Federal, State, and local governmental and nongovernmental emergency public safety, law enforcement, fire, emergency response, emergency medical (including hospital emergency facilities), and related personnel, organizations, agencies, and authorities.”.

(d) TABLE OF CONTENTS.—Section 1(b) of the Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C. 101 note) is amended in the table of contents by adding at the end the following:

“TITLE XVIII—RISK-BASED FUNDING FOR HOMELAND SECURITY

“Sec. 1801. Risk-based funding for homeland security.

“Sec. 1802. Covered grant eligibility and criteria.

“Sec. 1803. Essential capabilities for homeland security.

“Sec. 1804. Task Force on Essential Capabilities.

“Sec. 1805. National standards for first responder equipment and training.

“Sec. 1806. Use of funds and accountability requirements.

“Sec. 1807. Definitions.”.

PRIVILEGE OF THE FLOOR

Mr. BYRD. I ask unanimous consent Sean MacKenzie, a Coast Guard detailee to the Subcommittee on

Homeland Security, be given floor privileges during consideration of H.R. 2360.

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

RELATIVE TO THE DEATH OF FORMER SENATOR GAYLORD A. NELSON

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 194, which was submitted earlier today.

THE PRESIDING OFFICER. The clerk will state the resolution by title.

A resolution (S. Res. 194) relative to the death of Gaylord A. Nelson, a former United States Senator from the State of Wisconsin.

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

Mr. FEINGOLD. Mr. President, I rise to speak on a resolution submitted by Senator FRIST and Senator REID to commemorate the life and work of Senator Gaylord Nelson. It is with mixed emotions that I make this statement honoring Senator Nelson.

I am proud—proud to have known Gaylord Nelson, proud to be from the same State as him, and proud to occupy his Senate seat. I am also deeply saddened—saddened by the loss to his family, especially to his wife of 58 years, Carrie Lee; saddened by the loss to our Nation; and saddened that a personal hero and dear friend of mine is gone. I am also thankful—thankful for Senator Nelson’s long life, thankful for the example he set of how to make a difference in this world, and thankful to his family for sharing this good and decent man with the Nation. We mourn his death, but we also celebrate his remarkable legacy.

Gaylord Anton Nelson was born on June 4, 1916, in Clear Lake, WI. Gaylord’s parents were always interested in politics, and in true Wisconsin tradition, they were La Follette Progressive Republicans at the State level and Democrats at the national level. Their Wisconsin-style progressive politics rubbed off on young Gaylord.

When he was 10, Gaylord traveled with his dad to hear a campaign speech by Senator Bob La Follette, Jr., who succeeded his father in the Senate in 1925. Gaylord recalls in his biography:

On the way back home to Clear Lake, my dad asked if I wanted to be a senator. I said I’d love to be a senator, but I’m afraid that Bob La Follette will solve all of our problems before I get a chance to serve.

Thirty-three years later, Gaylord was nominated to be the Democrat candidate for Governor of Wisconsin. At the 1958 Democrat convention in La-Crosse, Gaylord’s father had a heart attack. When Gaylord went to see him in the hospital, the elder Nelson smiled and then said to his son, “Do you think Bob La Follette left enough problems behind for you to solve?” Gaylord’s father died 10 days later.

Unfortunately, Gaylord’s father did not get to see his son’s rise to the na-

tional political level. If he had, he would have seen Gaylord attack those “remaining problems left to solve” with La Follette-like dogged determination and commitment to Progressive politics. From consumer protection to employee rights, Senator Nelson fought doggedly to address problems affecting countless Americans.

Gaylord Nelson was also willing to take a tough stand. When President Johnson requested money to escalate the war in Vietnam, for example, Nelson was one of three senators to vote against the proposal. In a speech on this floor, he said:

At a time in history when the Senate should be vindicating its historic reputation as the greatest deliberative body in the world, we are stumbling over each other to see who can say ‘yea’ the quickest and the loudest. I regret it, and I think some day we shall all regret it. . . . Reluctantly, I express my opposition . . . here by voting ‘nay.’ The support in the Congress for this measure is clearly overwhelming. Obviously, you need my vote less than I need my conscience.

Whether it was issues of war and foreign affairs, worker safety and health, or access to affordable healthcare, Gaylord Nelson was guided by his conscience, and by the wellbeing of Wisconsinites. Out of his impressive record, however, one issue stands out as central to his legacy—Gaylord Nelson’s passion and commitment to protecting our environment.

Not many people who have served in this distinguished body can lay claim to a day, but Gaylord Nelson can. On April 22, 1970, Gaylord Nelson created a day to celebrate the glory of the Earth. Where did Nelson get his lifelong interest and dedication to the environment? “By osmosis,” Nelson would say, “while growing up in Clear Lake, WI.”

It’s true that Wisconsin has a tradition of great conservationists—Aldo Leopold, author of *A Sand County Almanac*; Sigurd Olson, one of the founders of the Wilderness Society; and John Muir, founder of the Sierra Club. The people of Wisconsin, living in such a beautiful and ecologically diverse State, feel a special connection to our natural resources. We share a long tradition of our State government achieving excellence in its conservation policies. Many Wisconsinites would agree with Senator Nelson that our conservation ethic comes “by osmosis” from the intense natural beauty of our State. Every year I hold a town hall meeting in each one of Wisconsin’s 72 counties, and protecting the environment is always one of the top issues raised at these forums.

Senator Nelson’s vision and determination helped crystallize this Wisconsin conservation ethic into an international phenomenon. Thanks to Gaylord Nelson, Wisconsin can lay claim to the genesis of Earth Day, a day of national and international reflection on the importance of our natural resources and a clean environment. Thanks to him, for the past 35

years, people around the world have taken time out of our lives to think about, learn about and dedicate themselves to conservation. An astonishing 20 million Americans—10 percent of the U.S. population at the time—participated in the first observance of Earth Day on April 22, 1970. American Heritage magazine described the event as “one of the most remarkable happenings in the history of democracy.” The day was marked by marches, rallies, teach-ins, and concerts. Fifth Avenue was closed for two hours and over 100,000 people celebrated Earth Day on Union Square in New York City.

Earth Day has become an important part of who we are. From Milwaukee, WI to Mumbai, India, millions of people across the world have taken Senator Nelson’s legacy to heart. People have dedicated thousands of hours to volunteer to conserve the environment—whether it’s in their backyard, local river, or park.

During his 18 years of service in the Senate, Gaylord Nelson brought about significant change for the “greener” in both our Nation’s laws and the institution of the Senate itself. He was the co-author of the Environmental Education Act, which he sponsored with the senior Senator from Massachusetts, Mr. KENNEDY, and the Wild and Scenic Rivers Act, and he sponsored the amendment to give the St. Croix and the Namekagon Rivers scenic protection.

In the wake of Rachel Carson’s book *Silent Spring*, Gaylord Nelson, along with Senator Philip Hart of Michigan, directed national attention to the documented persistent bioaccumulative effects of organochlorine pesticides used in the Great Lakes by authoring the ban on DDT in 1972. He was the primary sponsor of the Apostle Islands National Lakeshore Act, protecting one of Northern Wisconsin’s most beautiful areas.

It is to Gaylord’s lasting credit that he was able to fight tenaciously for environmental and other causes without alienating or antagonizing a soul. His decency, modesty and charm won over even those who didn’t share his goals. By all accounts, he was one of the most beloved members this body has seen and, at a time when partisan tensions are running high, his willingness to reach out to people across the political spectrum should remind all of us that political disagreement does not have to be personal.

As we honor Senator Nelson and his legacy, I hope Congress will re-dedicate itself to achieving the bipartisan consensus on protecting the environment that existed for nearly two decades.

This April, Senator Nelson issued a statement to mark the 35th anniversary of Earth Day and calling Earth Day 2005 “a wake up call.” Senator Nelson said:

On environmental issues, our intelligence is reliable. Our scientists have the facts, if we will only listen. It is a “slam dunk” that we cannot continue on our present course.

But without Presidential and Congressional leadership, even an enlightened public cannot cope with the greatest challenge of our time.

As always, Gaylord was right. I know that Wisconsinites value a clean environment, not just for purely aesthetic or philosophical purposes, but because a clean environment ensures that Wisconsin and the United States as a whole remains a good place to raise a family, to start a business, or to buy a home. People across this country share those values, and we in this body owe it to them and to Gaylord’s memory to protect our natural resources.

Gaylord Nelson changed the consciousness of a nation. He was a distinguished Governor and Senator, a recipient of the Presidential Medal of Freedom, and a personal hero of mine. And he was the embodiment of the principle that one person can change the world. But Senator Nelson’s biographer may have said it best:

He was always the boy from Clear Lake, Wisconsin, off on adventure.

Clear Lake is where he will return, but future generations will carry on his adventure, and his example and principles will show them the way.

Mr. President, I yield the floor.

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

Mrs. CLINTON. Mr. President, I thank my friend and colleague from Wisconsin for that beautiful tribute to Gaylord Nelson. He was a hero to many of us, and I actually remember the first Earth Day, which certainly does date me. We need more and more people who would follow his example and heed his words about what our obligation to the Earth is. So I thank my friend.

Mr. KOHL. Mr. President, I rise today to honor the life and achievements of Senator Gaylord Nelson. The people of Wisconsin owe him a debt a gratitude for his years of service to the State. And the Nation owes him honor as the founder of Earth Day and the driving force behind the way the American people and the world view the environment and environmental conservation.

Gaylord Nelson was born the third of four children on June 4, 1916 in Clear Lake, WI, a community of about 700 people in the northwest corner of the State. Nelson’s parents were deeply involved in Clear Lake civic activities and his first lessons in political discourse were around his boyhood kitchen table. Those early days were a foundation on which Senator Nelson built a lifetime of public service.

Senator Nelson first won elected office in 1948, after 4 years in the military during World War II. He served as a Wisconsin State Senator, Governor, and then as a U.S. Senator for 18 years. As Governor, he fought to preserve Wisconsin’s forests and wetlands long before those causes became popular nationally. As a Senator, he built on his environmentalist legacy working to protect the Appalachian Trail corridor and to create the national trail system.

He fought for consumer protection and was one of only three Senators to vote against the \$700 million appropriation that signaled the start of the ground war in Vietnam.

However, Gaylord Nelson’s greatest gift was his vision of a national day to protect and celebrate our environment. What started out as an idea in the early 1960’s blossomed into a national day of observance with an estimated 20 million demonstrators participating in the first Earth Day in 1970. Earth Day is still celebrated. This year 500 million people in 167 countries took part.

Earth Day publicized in an unprecedented manner the dangers of poisons in our water and air, pesticides in our drinking water, and chemicals in our soil. Armed with information and a spirit of activism, Americans turned their Earth Day celebrations into a movement pressuring Congress and the President to pass the Clean Air Act, the Clean Water Act, the Resource Conservation and Recovery Act, and Superfund legislation. These are the foundation of our environmental law today, and they would not have been possible without the work and vision of Senator Gaylord Nelson.

Though Gaylord Nelson left the Senate in 1981, he never stopped working for the Earth and environment, going on to lead the Wilderness Society’s important work on environmental conservation. In 1990, he received the Ansel Adams Conservation Award, given to a Federal official who has shown tireless commitment to the cause of conservation and the fostering of an American land ethic. In 1992, the United Nations Environment Programme presented Gaylord Nelson with the Only One World Award. And in 1995, Senator Nelson received the Nation’s highest civilian award: the Presidential Medal of Freedom. On that day, President Clinton proclaimed: “As the father of Earth Day, he is the grandfather of all that grew out of that event: the Environmental Protection Act, the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act.”

Senator Gaylord Nelson worked not just for our State, or even just our country. His gift was to the Earth and his legacy, a cleaner, healthier world. And though Gaylord is gone, he lives on—for us and into the future—in every clear stream, breath of fresh air and virgin trail. We honor him by thinking as he did, globally and responsibly. We honor him by—on every day, not just Earth day—taking seriously our responsibility to the air, land and water that sustain us.

Mr. MCCONNELL. Mr. President, 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. 194) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 194

Whereas Gaylord A. Nelson served in the United States Army from 1942–1946;

Whereas Gaylord A. Nelson served as Governor of the State of Wisconsin from 1959–1963;

Whereas Gaylord A. Nelson served the people of Wisconsin with distinction for 18 years in the United States Senate;

Whereas Gaylord A. Nelson served the Senate as Chairman of the Select Committee on Small Business from the Ninety-Third through the Ninety-Sixth Congresses and as Chairman of the Special Committee on Official Conduct in the Ninety-Fifth Congress;

Whereas Gaylord A. Nelson received the Presidential Medal of Freedom in 1995;

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Gaylord A. Nelson, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Gaylord A. Nelson.

MEASURES READ THE FIRST TIME—S. 1374 AND S. 1375

Mr. McCONNELL. Mr. President, I understand there are two bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will read the bills for the first time.

The assistant 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. McCONNELL. Mr. President, I ask for a second reading, and in order to place the bills on the calendar under

the provisions of rule XIV, I object to my own requests en bloc.

The PRESIDING OFFICER. The bills will be read for the second time on the next legislative day.

MEASURE PLACED ON CALENDAR—H.R. 748

Mr. McCONNELL. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 748) to amend Title 18 United States Code to prevent the transportation of minors in circumvention of certain laws related to abortion, and for other purposes.

Mr. McCONNELL. Mr. President, in order to place the bill on the calendar, I object to further proceedings.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

REQUEST FOR RETURN OF PAPERS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate request that the House return the papers with respect to H.R. 2985, the Legislative Branch appropriations bill.

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

ORDERS FOR TUESDAY, JULY 12, 2005

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m., Tuesday, July 12. 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. I further ask unanimous consent that the Senate recess from 12:30 p.m. until 2:15 p.m. for the weekly party luncheons.

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

PROGRAM

Mr. McCONNELL. Mr. President, tomorrow, the Senate will resume consideration of the Homeland Security appropriations bill. Several amendments are currently pending, including the Collins grant formula amendment, as well as a second-degree amendment on the same subject matter offered by Senator FEINSTEIN. It is my hope that we will be able to lock in a time agreement with respect to those amendments tomorrow morning. In addition, there is an amendment relating to veterans health funding that we hope to dispose of tomorrow.

Chairman GREGG and Senator BYRD will be here tomorrow to work through additional amendments, and Senators who have time to file the amendments and wish to offer them should contact the bill managers, obviously, as soon as possible. Senators should expect roll-call votes throughout the day tomorrow as the Senate continues to make progress on this important piece of legislation.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. McCONNELL. 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 as a mark of further respect to the memory of former Senator Gaylord Nelson.

There being no objection, the Senate, at 7:11 p.m., adjourned until Tuesday, July 12, 2005, at 9:45 a.m.