



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150

WASHINGTON, SATURDAY, OCTOBER 9, 2004

No. 128

House of Representatives

The House met at noon.

The Reverend Stephen J. Rossetti, President, St. Luke Institute, Silver Spring, Maryland, offered the following prayer:

Good and gracious God, we gather in a time of challenge. We labor long and hard for peace, but continue to be visited by war. We work hard for unity, but continue to be plagued with conflict and division. We strive for charity among sisters and brothers, but experience so much hatred in our world.

Give us the grace to know that it is You who are the source of our unity and our peace, You who are the one God, living and true. It is You who unites us.

Bring peace to our world, peace to our families, and peace to our hearts. Bind us together in harmony across the divisions and aisles of life. Make us one in unity and love.

And when we have finally looked upon the face of unity, the face of charity, and the face of peace, it will be Your beautiful face we have gazed upon.

We make this prayer in God's name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Michigan (Mr. KILDEE) come forward and lead the House in the Pledge of Allegiance.

Mr. KILDEE 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.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 5 1-minute speeches on each side.

PRESIDENT BUSH PROMOTES JOB GROWTH

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, today The New York Times reported that employment had grown for 13 consecutive months. This reflects the impact of President Bush's economic plan for tax cuts to revive the economy by people investing their own money.

President Bush came to office in a recession, and the economy lost 1 million jobs due to the terrorist attacks of September 11. Despite this, the President helped create nearly 2 million new jobs.

The gross domestic product has been growing faster than in 20 years. Productivity has grown faster than in 20 years.

As a former real estate attorney, I am happy to see construction spending the highest ever, over \$1 trillion, creating wonderful job opportunities.

In contrast, JOHN KERRY last night proposed tax increases, which sounded like an exclusive group, but in fact, over 80 percent of the Kerry tax increases would be on small businesses which create the most jobs.

All Americans can take pride in our economy that is improving under the leadership of President Bush.

In conclusion, God bless our troops, and we will always remember September 11.

NEW ECONOMIC POLICY FOR AMERICA

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, it is official. President Bush will be the first President since Herbert Hoover to face reelection with fewer people working than when he started.

Yesterday, the Labor Department issued its last update on job creation before the elections. The stock market dropped sharply, reacting to the job report that raised significant doubts about the economy's strength under President Bush.

Most economists agree that Bush's tax cuts failed to stimulate the economy because they overwhelmingly favored very wealthy households. Mr. Speaker, 1.6 million private sector jobs have been lost since President Bush entered office. Economists estimate that the Nation needs to add roughly 150,000 jobs a month to keep pace with the growth in the workforce, and we need to add many more than that to make up for the ground that has been lost under President Bush. Since July, the economy has added only, on the average, 103,000 jobs a month.

Mr. Speaker, clearly, there is a need for a change in economic policy here in Washington, which can only occur with a new President, JOHN KERRY.

PRESIDENT FATED TO STRIKE OUT

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, the President stepped up to the plate last night and, Strike 2, the President swung right through on an easy pitch. It was not a fast ball or a curve or a slider or a sinker. It was ordinary Americans pitching the truth to the

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Printed on recycled paper.

H9053

President of the United States, and he could not even foul it off. He flat out missed it again.

He has not kept his eye on the ball on the war on terror; he has not kept his eye on the ball on the faltering economy. Everyone saw the pitch last night and everyone saw what the President did with it.

The truth is, a home run pitch right down the middle, and the self-proclaimed steward of the land missed it again. For the third and last night, next week the President steps up to the plate. On November 2, 24 days from now, it will be Strike 3, and the American people will say, "You're out, Mr. President."

MANY DISAPPOINTED WITH PRESIDENT'S USE OF POWER

(Mr. SHERMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHERMAN. Mr. Speaker, now Bremer has told us what went wrong in Iraq and why. He said we did not have enough troops and, specifically, we did not have enough troops in the days immediately following the fall of Saddam. This led to violence and looting immediately after that fall and created the sense of lawlessness which is killing our troops today.

The question is, why did we not have enough troops?

We had a plan worked out by our superb military not only to bring 200,000 troops from the south, but to bring 60,000 from the north, the Fourth Infantry Division, et cetera. When the Turkish parliament refused to let those 60,000 troops through Turkey, the President could have gone to the U.N. and got the U.N. resolution the Turkish parliament required. He could have delayed the invasion until those troops could be positioned in the south. He did neither. He was too impatient, too foolhardy with the lives of the Americans. He threw away the plan, threw away the northern half of the plan and moved on with the southern half of the plan.

Mr. Speaker, no wonder so many of us who voted to empower the President are so disappointed in how he used that power.

REPUBLICANS STRIP HATE CRIME PREVENTION PROVISIONS FROM DEFENSE AUTHORIZATION BILL

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, later this afternoon we will be voting on the Defense authorization bill, which I strongly support, and I commend the committee for bringing it to the floor. I want to especially acknowledge the great work of our ranking member, the gentleman from Missouri (Mr. SKELTON) for his leadership on the legislation.

I want to particularly acknowledge two things. One is, under the leadership of the gentleman from Texas (Mr. EDWARDS), we had the phased-in elimination of the 2-tier survivor benefit over a period of 3½ years. The gentleman from Texas (Mr. EDWARDS) and the gentleman from Missouri (Mr. SKELTON) took the lead on that initiative with the Edwards discharge petition. They made it possible for the survivors.

I want to acknowledge the work of the gentleman from Georgia (Mr. MARSHALL), working with the gentleman from Missouri (Mr. SKELTON) to eliminate the 10-year phase-in of the disabled veterans tax for those with 100 percent VA disability ratings.

However, one area where I was very disappointed, and I condemn the action of the conference committee, for the second time in 4 years, the Republican leadership has unconscionably ignored the will of the House and the Senate and stripped the hate crimes prevention provisions from the bill. The needs of law enforcement, which has repeatedly requested Federal assistance in solving and preventing a wide range of violent hate crimes, have been ignored. The measure enjoyed strong bipartisan support, was endorsed by over 175 law enforcement, civil rights, civic and religious organizations, including the National Sheriffs Association, the International Association of Chiefs of Police, and many others.

That list would have added sexual orientation, gender, and disability to the Federal hate crimes laws, allowing the Federal Government the ability to provide critical assistance to the States. It is very, very unfortunate that it has happened. I want the RECORD to show that this is the second time that this has happened.

Four years ago, there was strong bipartisan support in both Houses supporting adding this to the Defense authorization bill. It was rejected 4 years ago. Once again, the Republican leadership of the House has decided that we will continue to discriminate against those on the basis of their sexual orientation.

Having said that, I plan to support the Defense authorization and, once again, commend our colleagues for bringing it to the floor.

SENATOR KERRY STUMBLES BADLY ON STEM CELLS RESEARCH

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, in the debate last night, Senator KERRY stumbled badly when asked a question on the stem cell research debate. He suggested that the only choice was between continuing cryogenically freezing those embryos or their destruction. That is not the only option. Those embryos can be and are being adopted.

A couple of weeks ago, right nearby, in the Capitol here, I met with more than a dozen little children who were once cryogenically frozen embryos who were adopted. Their parents, in their love and compassion, those who had made the contribution and had created these new embryos, allowed those individuals to be adopted; and those kids had names like Michael and Katie. They are not throwaways. No human being is a throwaway.

I hope we will disabuse ourselves, Mr. Speaker, of this false idea that there is such a thing as a "spare" embryo. Every embryo that is not wanted, that is not going to be implanted in the donor mother—these mothers, ought to allow that embryo to be adopted.

□ 1215

PRETTY PATHETIC

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, the Republican-controlled Congress is shambling to the end of one of the lightest workloads in decades without a hint of embarrassment, New York Times, 9/24/04. No budget, no budget enforcement plan. No energy bill. No highway bill. No intelligence reform. No export tax relief. No welfare reform. Eleven of 13 appropriations bills still on the desk. Lost jobs.

The 108th Congress is a do-nothing Congress, contemptuously arrogant and disdainful of long-established political and parliamentary procedures. So said Al Hunt in the New York Times.

Norman Ornstein's much simpler, much more pointed observation about the 108th Congress. "Pretty pathetic," said Norm Ornstein. And the last 24 hours have been a stunning testament to the pathetic product of this 108th do-nothing, do-bad Congress.

CONFERENCE REPORT ON H.R. 4837, MILITARY CONSTRUCTION AP- PROPRIATIONS ACT, 2005

Mr. KNOLLENBERG submitted the following conference report and statement on the bill (H.R. 4837) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes:

CONFERENCE REPORT (H. REPT. 108-773)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4837) "making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and

agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act, 2005”.

SEC. 2. REFERENCES.

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

DIVISION A—MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2005

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for military construction, family housing, and base realignment and closure functions administered by the Department of Defense, for the fiscal year ending September 30, 2005, and for other purposes, namely:

MILITARY CONSTRUCTION, ARMY

(INCLUDING RESCISSIONS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, \$1,981,084,000, to remain available until September 30, 2009: Provided, That of this amount, not to exceed \$156,999,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That of the funds appropriated for “Military Construction, Army” under Public Law 107-249, \$7,276,000 are rescinded: Provided further, That of the funds appropriated for “Military Construction, Army” under Public Law 107-64; \$3,924,000 are rescinded: Provided further, That of the funds appropriated for “Military Construction, Army” under Public Law 106-246, \$7,776,000 are rescinded.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

(INCLUDING RESCISSION)

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, \$1,069,947,000, to remain available until September 30, 2009: Provided, That of this amount, not to exceed \$90,830,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That of the funds appropriated for “Military Construction, Navy” under Public Law 108-132, \$24,000,000 are rescinded.

MILITARY CONSTRUCTION, AIR FORCE

(INCLUDING RESCISSION)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, \$866,331,000, to remain available until September 30, 2009: Provided, That of

this amount, not to exceed \$130,711,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That of the funds appropriated for “Military Construction, Air Force” under Public Law, 108-106, \$21,800,000 are rescinded.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS AND RESCISSIONS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, \$686,055,000, to remain available until September 30, 2009: Provided, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided further, That of the amount appropriated, not to exceed \$62,800,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That of the funds appropriated for “Military Construction, Defense-Wide” under Public Law 107-249, \$16,737,000 are rescinded: Provided further, That of the funds appropriated for “Military Construction, Defense-Wide” under Public Law 107-64, \$6,000,000 are rescinded.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$446,748,000, to remain available until September 30, 2009.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

(INCLUDING RESCISSION)

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$243,043,000, to remain available until September 30, 2009: Provided, That of the funds appropriated for “Military Construction, Air National Guard” under Public Law 108-132, \$5,000,000 are rescinded.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$92,377,000, to remain available until September 30, 2009.

MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$44,246,000, to remain available until September 30, 2009.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$123,977,000, to remain available until September 30, 2009.

NORTH ATLANTIC TREATY ORGANIZATION

SECURITY INVESTMENT PROGRAM

(INCLUDING RESCISSION)

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, \$165,800,000, to remain available until expended: Provided, That of the funds appropriated for “North Atlantic Treaty Organization Security Investment Program” under Public Law 108-132, \$5,000,000 are rescinded.

FAMILY HOUSING CONSTRUCTION, ARMY

(INCLUDING RESCISSION)

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$636,099,000, to remain available until September 30, 2009: Provided, That of the funds appropriated for “Family Housing Construction, Army” under Public Law 107-249, \$21,000,000 are rescinded.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$926,507,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

(INCLUDING RESCISSIONS)

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$139,107,000, to remain available until September 30, 2009: Provided, That of the funds appropriated for “Family Housing Construction, Navy and Marine Corps” under Public Law 108-132, \$6,737,000 are rescinded: Provided further, That of the funds appropriated for “Family Housing Construction, Navy and Marine Corps” under Public Law 107-64, \$5,564,000 are rescinded.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$696,304,000.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

(INCLUDING RESCISSIONS)

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$846,959,000, to remain available until September 30, 2009: Provided, That of the funds appropriated for “Family Housing Construction, Air Force” under Public Law 108-132, \$6,000,000 are rescinded: Provided further, That of the funds appropriated for “Family Housing Construction, Air Force” under Public Law 107-64, \$25,720,000 are rescinded: Provided further, That of the funds appropriated for “Family Housing Construction, Air Force” under Public Law 106-246, \$13,451,000 are rescinded.

**FAMILY HOUSING OPERATION AND MAINTENANCE,
AIR FORCE**

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$853,384,000.

FAMILY HOUSING CONSTRUCTION, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$49,000, to remain available until September 30, 2009.

**FAMILY HOUSING OPERATION AND MAINTENANCE,
DEFENSE-WIDE**

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, \$49,575,000.

**DEPARTMENT OF DEFENSE FAMILY HOUSING
IMPROVEMENT FUND**

(INCLUDING RESCISSIONS)

For the Department of Defense Family Housing Improvement Fund, \$2,500,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities: Provided, That of the funds appropriated for "Department of Defense Family Housing Improvement Fund" under Public Law 108-132, \$8,301,000 are rescinded: Provided further, That of the funds appropriated for "Department of Defense Family Housing Improvement Fund" under Public Law 107-249, \$10,808,000 are rescinded.

**CHEMICAL DEMILITARIZATION CONSTRUCTION,
DEFENSE-WIDE**

(INCLUDING TRANSFER OF FUNDS)

For expenses of construction, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, as currently authorized by law, \$81,886,000, to remain available until September 30, 2009: Provided, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation to which transferred.

BASE REALIGNMENT AND CLOSURE ACCOUNT

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), \$246,116,000, to remain available until expended.

GENERAL PROVISIONS

SEC. 101. None of the funds made available in this Act shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed \$25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the

construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds made available in this Act may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

SEC. 105. None of the funds made available in this Act shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or his designee; (3) where the estimated value is less than \$25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds made available in this Act shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Military Construction Appropriations Acts.

SEC. 107. None of the funds made available in this Act for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 108. None of the funds made available in this Act may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this Act may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 111. None of the funds made available in this Act may be obligated for architect and engineer contracts estimated by the Government to exceed \$500,000 for projects to be accomplished in Japan, in any NATO member country, or in countries bordering the Arabian Sea, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds made available in this Act for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Sea, may be used to award any contract estimated by the Government to exceed \$1,000,000 to a foreign contractor: Provided, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: Provided further, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed \$100,000.

SEC. 114. Not more than 20 percent of the funds made available in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

SEC. 118. The Secretary of Defense is to provide the Committees on Appropriations of both Houses of Congress with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies bordering the Arabian Sea to assume a greater share of the common defense burden of such nations and the United States.

(TRANSFER OF FUNDS)

SEC. 119. In addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to be merged with, and to be available for the same purposes and the same time period as that account.

(TRANSFER OF FUNDS)

SEC. 120. Subject to 30 days prior notification to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund, or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in "Military Construction" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: Provided, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169, title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

SEC. 121. None of the funds made available in this Act may be obligated for Partnership for Peace Programs in the New Independent States of the former Soviet Union.

SEC. 122. (a) Not later than 60 days before issuing any solicitation for a contract with the

private sector for military family housing the Secretary of the military department concerned shall submit to the Committees on Appropriations of both Houses of Congress the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(TRANSFER OF FUNDS)

SEC. 123. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 124. Notwithstanding this or any other provision of law, funds made available in this Act for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: Provided, That not more than \$35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification to the appropriate Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: Provided further, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

SEC. 125. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 126. None of the funds made available in this Act under the heading "North Atlantic Treaty Organization Security Investment Program", and no funds appropriated for any fiscal year before fiscal year 2005 for that program that remain available for obligation, may be obligated or expended for the conduct of studies of missile defense.

SEC. 127. Section 128(b)(3)(A) of Public Law 108-132 is amended by striking the words "December 31, 2004" and replacing with "August 15, 2005".

SEC. 128. Whenever the Secretary of Defense or any other official of the Department of Defense is requested by the Subcommittee on Military Construction of the Committee on Appropriations of either House of Congress to respond to a question or inquiry submitted by the chairman or another member of that subcommittee pursuant to a subcommittee hearing or other activity, the Secretary (or other official) shall respond to the request, in writing, within 21 days of the date on which the request is transmitted to the Secretary (or other official).

SEC. 129. Amounts contained in the Ford Island Improvement Account established under 10 U.S.C. 2814(h) are appropriated and shall be available until expended for the purposes specified in 10 U.S.C. 2814(i)(1) or until transferred pursuant to the provisions of 10 U.S.C. 2814(i)(3).

SEC. 130. The fitness center at Homestead Air Reserve Base, Florida, shall be known and designated as the "Sam Johnson Fitness Center". Any reference to such facility in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Sam Johnson Fitness Center.

SEC. 131. (a) TRANSFER OF CERTAIN EXCESS PROPERTY AT FORT HUNTER LIGGETT, CALIFORNIA.—

(1) Notwithstanding any other provision of law, whenever the Secretary of the Army determines that any portion of real property consisting of approximately 165,000 acres at Fort Hunter Liggett, California, is excess to the military needs of the Army, and the Secretary of Defense concurs that the property is not needed to meet other Department of Defense requirements, the Secretary of the Army shall first offer the property to the Secretary of Agriculture.

(2) If the Secretary of Agriculture determines, pursuant to negotiations with the Secretary of the Army, to accept the property offered under paragraph (1), the Secretary of the Army shall transfer administrative jurisdiction of such property to the Secretary of Agriculture.

(b) MANAGEMENT OF TRANSFERRED PROPERTY.—

(1) The Secretary of Agriculture shall manage any property transferred under subsection (a) as part of the National Forest System under the Act of March 1, 1911 (commonly known as "Weeks Law") (16 U.S.C. 480 et seq.), and other laws relating to the National Forest System.

(2) Any property managed under paragraph (1) shall be subject to the concurrent jurisdiction of the State of California.

(c) ADJUSTMENT OF BOUNDARIES.—

(1) Effective upon the transfer of property under subsection (a), the boundaries of Los Padres National Forest shall be modified to incorporate such property. The Chief of the United States Forest Service shall file and make available for public inspection in the Office of the Chief of the United States Forest Service in Washington, District of Columbia, a map reflecting any modification of the boundaries of Los Padres National Forest pursuant to the preceding sentence.

(2) Any property incorporated within the boundaries of Los Padres National Forest under this section shall be deemed to have been within the boundaries of Los Padres National Forest as of January 1, 1965, for purposes of section 7(a) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9(a)).

(d) ENVIRONMENTAL MATTERS.—As part of the transfer of property under subsection (a), the Secretary of the Army shall perform, in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), all environmental remediation actions necessary to respond to environmental contamination or injury to natural resources attributable to former military activities on the property.

SEC. 132. Unless stated otherwise, all reports and notifications required by division A shall be submitted to the Subcommittee on Military Construction of the Committee on Appropriations of each House of Congress.

This division may be cited as the "Military Construction Appropriations Act, 2005".

DIVISION B—EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR HURRICANE DISASTERS ASSISTANCE ACT, 2005

AN ACT

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2004, FOR ADDITIONAL DISASTER ASSISTANCE RELATING TO NATURAL DISASTERS, AND FOR OTHER PURPOSES.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2005, to provide emergency supplemental appropriations for additional disaster assistance relating to natural disasters, and for other purposes, namely:

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

For an additional amount for "Emergency Conservation Program", for expenses resulting from natural disasters, \$100,000,000, to remain available until expended: Provided, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

NATURAL RESOURCES CONSERVATION SERVICE

EMERGENCY WATERSHED PROTECTION PROGRAM

For an additional amount for "Emergency Watershed Protection Program" to repair damages to the waterways and watersheds resulting from natural disasters, \$250,000,000, to remain available until expended: Provided, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

RURAL DEVELOPMENT

RURAL COMMUNITY ADVANCEMENT PROGRAM

For an additional amount for the "Rural Community Advancement Program", \$68,000,000, to remain available until expended: Provided, That \$50,000,000 shall be available for water and waste disposal grants as authorized by 7 U.S.C. 1926(a): Provided further, That \$18,000,000 shall be for the cost of community facility direct loans and grants as authorized by 7 U.S.C. 1926(a): Provided further, That loans and grants under this heading shall be available for projects in communities affected by hurricanes and tropical storms in calendar year 2003 or 2004: Provider further, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM

ACCOUNT

For additional gross obligations for the principal amount of direct loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, \$17,000,000 for section 504 housing repair loans: Provided, That this loan level shall be considered an estimate and not a limitation.

For the additional cost of direct loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974: section 504 housing repair loans, \$5,000,000, to remain available until expended: Provided, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of S. Con.

Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

RURAL HOUSING ASSISTANCE GRANTS

For an additional amount for "Rural Housing Assistance Grants", \$13,000,000, to remain available until expended, of which \$8,000,000 shall be for grants and contracts for very low-income housing repair, made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, and of which \$5,000,000 shall be for domestic farm labor housing grants and contracts, as authorized by 42 U.S.C. 1486: Provided, That of the funds made available for domestic farm labor housing grants, the Secretary may use up to \$3,000,000 to provide grants authorized under 42 U.S.C. 5177a(a): Provided further, That such grants and contracts under this heading shall only be available for projects in communities affected by hurricanes and tropical storms in calendar year 2003 or 2004: Provided further, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 101. AGRICULTURAL DISASTER ASSISTANCE.

(a) **CROP DISASTER ASSISTANCE.**—

(1) **DEFINITIONS.**—In this subsection:

(A) **ADDITIONAL COVERAGE.**—The term "additional coverage" has the meaning given the term in section 502(b)(1) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)(1)).

(B) **INSURABLE COMMODITY.**—The term "insurable commodity" means an agricultural commodity (excluding livestock) for which the producers on a farm are eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(C) **NONINSURABLE COMMODITY.**—The term "noninsurable commodity" means an eligible crop for which the producers on a farm are eligible to obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(2) **EMERGENCY FINANCIAL ASSISTANCE.**—Notwithstanding section 508(b)(7) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(7)), the Secretary of Agriculture shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this subsection available to producers on a farm other than producers of cottonseed or sugar cane that have incurred qualifying crop or quality losses for the 2003, 2004, or 2005 crop (as elected by a producer), but limited to only one of the crop years listed, due to damaging weather or related condition, as determined by the Secretary: Provided, That qualifying crop losses for the 2005 crop are limited to only those losses caused by a hurricane or tropical storm of the 2004 hurricane season in counties declared disaster areas by the President of the United States: Provided further, That notwithstanding the crop year election limitation in this paragraph, \$53,000,000 shall be provided to the Secretary of Agriculture, of which \$50,000,000 shall be for crop losses in the Commonwealth of Virginia, and of which \$3,000,000 shall be for fruit and vegetable losses in the State of North Carolina: Provided further, That these losses resulted from hurricanes, tropical storms, and other weather related disasters that occurred during calendar year 2003, to remain available until expended.

(3) **ADMINISTRATION.**—The Secretary shall make assistance available under this subsection in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-55), including using the same loss thresholds for the quantity and quality

losses as were used in administering that section.

(4) **INELIGIBILITY FOR ASSISTANCE.**—Except as provided in paragraph (5), the producers on a farm shall not be eligible for assistance under this subsection with respect to losses to an insurable commodity or noninsurable commodity if the producers on the farm—

(A) in the case of an insurable commodity, did not obtain a policy or plan of insurance for the insurable commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the crop incurring the losses;

(B) in the case of a noninsurable commodity, did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) for the crop incurring the losses;

(C) had adjusted gross incomes, as defined by section 1001D of the Food Security Act of 1985, of greater than \$2,500,000 in 2003; or

(D) were not in compliance with highly erodible land conservation and wetland conservation provisions.

(5) **CONTRACT WAIVER.**—The Secretary may waive paragraph (4) with respect to the producers on a farm if the producers enter into a contract with the Secretary under which the producers agree—

(A) in the case of an insurable commodity, to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) providing additional coverage for the insurable commodity for each of the next 2 crops; and

(B) in the case of a noninsurable commodity, to file the required paperwork and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity for each of the next 2 crops under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(6) **EFFECT OF VIOLATION.**—In the event of the violation of a contract under paragraph (5) by a producer, the producer shall reimburse the Secretary for the full amount of the assistance provided to the producer under this subsection.

(7) **PAYMENT LIMITATIONS.**—

(A) **LIMIT ON AMOUNT OF ASSISTANCE.**—Assistance provided under this subsection to a producer for losses to a crop, together with the amounts specified in subparagraph (B) applicable to the same crop, may not exceed 95 percent of what the value of the crop would have been in the absence of the losses, as estimated by the Secretary.

(B) **OTHER PAYMENTS.**—In applying the limitation in subparagraph (A), the Secretary shall include the following:

(i) Any crop insurance payment made under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or payment under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) that the producer receives for losses to the same crop.

(ii) The value of the crop that was not lost (if any), as estimated by the Secretary.

(C) **EFFECT OF FLORIDA DISASTER PROGRAMS.**—Persons that received payments from section 32 of the Act of August 24, 1935 with respect to 2004 hurricane crop losses are not eligible for payments under this subsection.

(b) **LIVESTOCK ASSISTANCE PROGRAM.**—

(1) **EMERGENCY FINANCIAL ASSISTANCE.**—The Secretary of Agriculture shall use such sums as are necessary of funds of the Commodity Credit Corporation to make and administer payments for livestock losses to producers for 2003 or 2004 losses (as elected by a producer), but not both, in a county that has received an emergency designation by the President or the Secretary after January 1, 2003, of which an amount determined by the Secretary shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related

Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-51).

(2) **ADMINISTRATION.**—The Secretary shall make assistance available under this subsection in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-51).

(3) **MITIGATION.**—In determining the eligibility for or amount of payments for which a producer is eligible under the livestock assistance program, the Secretary shall not penalize a producer that takes actions (recognizing disaster conditions) that reduce the average number of livestock the producer owned for grazing during the production year for which assistance is being provided.

(c) **TREE ASSISTANCE PROGRAM.**—

(1) **EMERGENCY ASSISTANCE.**—The Secretary of Agriculture shall use such sums as are necessary of the funds of the Commodity Credit Corporation to provide assistance under the tree assistance program established under sections 10201 through 10204 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8201 et seq.) to producers who suffered tree losses during the period beginning on December 1, 2003, and ending on December 31, 2004.

(2) **ADDITIONAL ASSISTANCE.**—In addition to providing assistance to eligible orchardists under the tree assistance program, the Secretary shall use an additional \$15,000,000 of the funds of the Commodity Credit Corporation to provide reimbursement under sections 10203 and 10204 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8203, 8204) to eligible forest land owners who produce periodic crops of timber from trees for commercial purposes and who have suffered tree losses during the period specified in paragraph (1).

(3) **EFFECT OF FLORIDA DISASTER PROGRAMS.**—Persons that received payments from section 32 of the Act of August 24, 1935 with respect to 2004 hurricane crop losses are not eligible for payments under this section.

(d) **EMERGENCY CONSERVATION PROGRAM.**—The Secretary of Agriculture shall use an additional \$50,000,000 of the funds of the Commodity Credit Corporation to provide assistance under the Emergency Conservation Program under title IV of the Agriculture Credit Act of 1978 (16 U.S.C. 2201 et seq.).

(e) **OFFSET.**—Section 1241(a)(3) of the Food Security Act of 1985 (16 U.S.C. 3841(a)(3)) is amended by inserting before the period at the end the following: " , using not more than \$6,037,000,000 for the period of fiscal years 2005 through 2014".

(f) That for purposes of the budget scoring guidance in effect for the Congress and the Executive branch respectively, and notwithstanding the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105-217, any savings from subsection (e) shall not be scored until fiscal year 2008.

(g) The issuance of regulations shall be made without regard to: (1) the notice and comment provisions of section 553 of title 5, United States Code; (2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and (3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act"): Provided, That in carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SEC. 102. The Secretary of Agriculture shall use \$40,000,000, of which, \$7,200,000 shall be provided to the State of Hawaii for assistance to an agricultural transportation cooperative in Hawaii, the members of which are eligible to participate in the Farm Service Agency administered Commodity Loan Program, and of which

\$32,800,000 shall be to make payments to processors in Florida that are eligible to obtain a loan under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)) to compensate first processors and producers for crop and other losses that are related to hurricanes, tropical storms, excessive rains, and floods in Florida during calendar year 2004, to be calculated and paid on the basis of losses on 40 acre harvesting units, in counties declared a disaster by the President of the United States in 2004 due to hurricanes, on the same terms and conditions, to the extent practicable, as the payments made under section 207 of the Agricultural Assistance Act of 2003 (Public Law 108-7).

SEC. 103. The Secretary of Agriculture shall use \$10,000,000 to make payments to dairy producers for dairy production losses, and dairy spoilage losses in counties declared a disaster by the President of the United States in 2004 due to hurricanes.

SEC. 104. The Secretary of Agriculture shall use \$10,000,000 to provide assistance to producers and first handlers of the 2004 crop of cottonseed located in counties declared a disaster by the President of the United States in 2004 due to hurricanes.

SEC. 105. (a) The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out section 101, 102, 103, 104, 108, 109, 110, and 111 of this chapter, to remain available until expended.

(b) The amounts provided under sections 101, 102, 103, 104, 108, 109, 110, and 111 in this chapter are designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

SEC. 106. (a) RURAL COMMUNITY ADVANCEMENT PROGRAM.—The communities in Burlington and Camden Counties in New Jersey, affected by the flood which occurred on July 12, 2004, are deemed to be rural areas during fiscal year 2005 for purposes of subtitle E of the Consolidated Farm and Rural Development Act. Any limitations under subtitle E of the Consolidated Farm and Rural Development Act that are based on the income of families shall not apply during fiscal year 2005 with respect to such communities, or to businesses or families residing in such communities.

(b) RURAL HOUSING INSURANCE FUND AND RURAL HOUSING ASSISTANCE GRANTS.—The communities referred to in subsection (a) are deemed to be rural areas during fiscal year 2005 for purposes of the direct and guaranteed loan programs under title V of the Housing Act of 1949 and the grant programs under sections 504, 509(c), 525, and 533 of such title V. Any limitations under title V of the Housing Act of 1949 that are based on the income of families shall not apply during fiscal year 2005 with respect to such communities or to families residing in such communities.

SEC. 107. The Secretary of Agriculture shall provide financial and technical assistance to repair, and if necessary, replace Hope Mills Dam, Cumberland County, North Carolina, in accordance with the dam safety standards of the state of North Carolina: Provided, That from within the funds provided in this chapter for the Emergency Watershed Protection program of the Natural Resources Conservation Service \$1,600,000 is provided for this purpose.

SEC. 108. The Secretary shall provide \$90,000,000 to the fund established by section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to make payments with respect to 2004 hurricane losses.

SEC. 109. The Secretary, acting through the Farm Service Agency, may use not more than \$4,000,000 to cover administrative expenses associated with the implementation of sections 101 and 102 of this chapter.

SEC. 110. In addition to amounts provided in this Act for the tree assistance program,

\$10,000,000 shall be made available to the Secretary of Agriculture, to remain available until expended, to provide assistance to eligible private forest landowners owning not more than 5,000 acres of forest crop in counties declared Presidential disaster areas as a result of hurricane, tropical storm, or related events for the purposes of debris removal, replanting of timber, and other such purposes.

SEC. 111. In addition to amounts provided in this Act for the tree assistance program, \$8,500,000 shall be made available to the Secretary of Agriculture, to remain available until expended, to provide assistance under the tree assistance program established under subtitle C of title X of the Farm Security and Rural Investment Act of 2002 to pecan producers in counties declared a disaster by the President of the United States who suffered tree loss or damage due to damaging weather related to any hurricane or tropical storm of the 2004 hurricane season: Provided, That the funds made, available under this section shall also be made available to cover costs associated with pruning, rehabilitating, and other appropriate activities as determined by the Secretary.

CHAPTER 2

DEPARTMENT OF JUSTICE

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$5,500,000, to remain available until September 30, 2005, for emergency hurricane-related expenses: Provided, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

BUILDINGS AND FACILITIES

For an additional amount for "Buildings and Facilities", \$18,600,000, to remain available until expended for emergency hurricane-related expenses: Provided, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH AND FACILITIES

For an additional amount for "Operations, Research, and Facilities", \$16,900,000, to remain available until September 30, 2006, of which \$9,000,000 shall be for reseeding, rehabilitation and restoration of oyster reefs in Alabama, Florida, Louisiana, and Mississippi: Provided, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for "Procurement, Acquisition and Construction", \$3,800,000, to remain available until September 30, 2007: Provided, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for "Disaster Loans Program Account" for the cost of direct loans, \$501,000,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in Section 502 of the Congressional Budget Act of 1974.

In addition, for an additional amount for "Disaster Loans Program Account" for administrative expenses to carry out the disaster loan program, \$428,000,000, to remain available until expended, which may be transferred to the appropriations for "Salaries and Expenses": Provided, That no funds shall be transferred to the appropriations for "Salaries and Expenses" for indirect administrative expenses: Provided further, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

CHAPTER 3

DEPARTMENT OF DEFENSE

DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Army", \$8,600,000, for emergency hurricane and other natural disaster-related expenses, which shall be available for transfer to reimburse costs incurred in fiscal year 2004: Provided, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Navy", \$458,000,000, for emergency hurricane and other natural disaster-related expenses, which shall be available for transfer to reimburse costs incurred in fiscal year 2004: Provided, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

OPERATION AND MAINTENANCE, MARINE CORPS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Marine Corps", \$1,300,000, for emergency hurricane and other natural disaster-related expenses, which shall be available for transfer to reimburse costs incurred in fiscal year 2004: Provided, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

OPERATION AND MAINTENANCE, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Air Force", \$165,400,000, for emergency hurricane and other natural disaster-related expenses, which shall be available for transfer to reimburse costs incurred in fiscal year 2004: Provided, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Defense-Wide", \$100,000,000, for emergency hurricane and other natural disaster-related expenses, which shall be available for transfer to reimburse costs incurred in fiscal year 2004: Provided, That the Secretary of Defense may transfer these funds to appropriations

for military personnel; operation and maintenance; the Defense Health Program; and working capital funds: Provided further, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: Provided further, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

OPERATION AND MAINTENANCE, ARMY RESERVE
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Army Reserve", \$1,400,000, for emergency hurricane and other natural disaster-related expenses, which shall be available for transfer to reimburse costs incurred in fiscal year 2004: Provided, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

OPERATION AND MAINTENANCE, NAVY RESERVE
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Navy Reserve", \$1,000,000, for emergency hurricane and other natural disaster-related expenses, which shall be available for transfer to reimburse costs incurred in fiscal year 2004: Provided, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

OPERATION AND MAINTENANCE, AIR FORCE
RESERVE
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Air Force Reserve", \$2,400,000, for emergency hurricane and other natural disaster-related expenses, which shall be available for transfer to reimburse costs incurred in fiscal year 2004: Provided, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

OPERATION AND MAINTENANCE, ARMY NATIONAL
GUARD
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Army National Guard", \$10,500,000, for emergency hurricane and other natural disaster-related expenses, which shall be available for transfer to reimburse costs incurred in fiscal year 2004: Provided, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the

House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

OPERATION AND MAINTENANCE, AIR NATIONAL
GUARD
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Air National Guard", \$2,200,000, for emergency hurricane and other natural disaster-related expenses, which shall be available for transfer to reimburse costs incurred in fiscal year 2004: Provided, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

PROCUREMENT

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", \$2,500,000, to remain available until September 30, 2007, for emergency hurricane and other natural disaster-related expenses, which shall be available for transfer to reimburse costs incurred in fiscal year 2004: Provided, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

PROCUREMENT, DEFENSE-WIDE
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Procurement, Defense-Wide", \$140,000,000, to remain available until September 30, 2007, for emergency hurricane and other natural disaster-related expenses, which shall be available for transfer to reimburse costs incurred in fiscal year 2004, for the costs of repairs to structures and facilities, replacement of destroyed or damaged equipment, and preparation and recovery of naval vessels under construction: Provided, That the Secretary of Defense may transfer these funds to appropriations for operation and maintenance; procurement; and research, development, test and evaluation: Provided further, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: Provided further, That not less than \$10,500,000 shall be transferred to "Aircraft Procurement, Air Force" for the procurement of WC-130 Hurricane Tracking Equipment: Provided further, That not less than \$10,000,000 shall be transferred to "Missile Procurement, Air Force", and not less than \$10,000,000 shall be transferred to "Other Procurement, Air Force" for costs associated with delayed satellite launches: Provided further, That not less than \$18,700,000 shall be transferred to "Other Procurement, Air Force" for Continuity of Operations equipment procurement at Headquarters United States Central Command: Provided further, That not less than \$20,000,000 shall be available only for replacement of laboratory and test range equipment at Eglin Air Force Base: Provided further, That

such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Defense Working Capital Funds", \$4,100,000, for emergency hurricane and other natural disaster-related expenses, and which shall be available for transfer to reimburse costs incurred in fiscal year 2004: Provided, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

OTHER DEPARTMENT OF DEFENSE
PROGRAMS

DEFENSE HEALTH PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Defense Health Program", \$12,000,000, for emergency hurricane and other natural disaster-related expenses, which shall be available for transfer to reimburse costs incurred in fiscal year 2004: Provided, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 301. Appropriations provided in this chapter are available for obligation until September 30, 2005, unless otherwise so provided in this chapter.

SEC. 302. Funds appropriated in this Act, or made available by the transfer of funds in or pursuant to this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 303. Unless specifically enumerated elsewhere in this chapter, none of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal years 2004 and 2005 defense appropriations, or to initiate a procurement or research, development, test and evaluation new start program without prior notification to the congressional defense committees.

SEC. 304. Section 8007 of the Department of Defense Appropriations Act, 2005 (Public Law 108-287); 118 Stat. 970), is amended by striking the words "in session".

(TRANSFER OF FUNDS)

SEC. 305. Upon his determination that such action is necessary in the national interest to address emergency hurricane and other natural disaster-related expenses, the Secretary of Defense may transfer between appropriations up to \$200,000,000 of the funds made available to the Department of Defense in this chapter: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2005 (Public Law 108-287): Provided further, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

SEC. 306. Section 9010(b) of the Department of Defense Appropriations Act, 2005 (Public Law

108-287; 118 Stat. 1008; 10 U.S.C. 113 note), is amended by striking "section 12304" in paragraphs (7) and (8) and inserting "section 12302".

(INCLUDING TRANSFER OF FUNDS)

SEC. 307. TECHNICAL ADJUSTMENTS TO PUBLIC LAW 108-287. Notwithstanding any other provision in law, the following adjustments and transfers shall apply to funds previously made available and to restrictions in the Department of Defense Appropriations Act, 2005 (Public Law 108-287):

(1) ARMORED PASSENGER VEHICLES.—Under the heading, "Other Procurement, Army", strike "purchase of 1 vehicle" and insert "purchase of 21 vehicles", and under the heading, "Other Procurement, Army", strike "not to exceed \$200,000" and insert "not to exceed \$275,000": Provided, That any purchases under the authority of this section in excess of one vehicle may only be in direct support of force protection requirements.

(2) TRANSFER OF FUNDS.—Upon enactment of this Act, the Secretary of Defense shall make the following transfer of funds: Provided, That the amounts transferred shall be made available for the same purpose and the same time period as the appropriation to which transferred: Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense: Provided further, That all such amounts in this section are designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287: Provided further, That the amounts shall be transferred between the following appropriations, in the amounts specified:

To:

Under the heading, "Research, Development, Test and Evaluation, Defense-Wide, 2005/2006", \$5,950,000;

From:

Under the heading, "Operation and Maintenance, Army", \$5,950,000.

To:

Under the heading, "Procurement, Marine Corps, 2005/2007", as provided in title IX of Public Law 108-287, \$7,000,000;

From:

Under the heading, "Operation and Maintenance, Marine Corps", as provided in title IX of Public Law 108-287, \$7,000,000.

To:

The Department of Veterans Affairs, under the heading, "Medical Services", \$500,000;

From:

Under the heading, "Defense Health Program", Operation and Maintenance, \$500,000.

To:

Under the heading, "Operation and Maintenance, Army National Guard", \$1,400,000;

From:

Under the heading, "Operation and Maintenance, Army", \$1,400,000.

(3) SECTION 9014 AUTHORITIES.—The authority provided in section 9014 of the Department of Defense Appropriations Act, 2005 (Public Law 108-287; 118 Stat. 1009), shall apply with respect to the period beginning on June 29, 2003, and ending on August 4, 2004, in addition to the period of applicability provided pursuant to section 9001 of that Act.

SEC. 308. Section 9007 of the Department of Defense Appropriations Act, 2005 (Public Law 108-287), is amended by striking "\$300,000,000", and inserting "\$500,000,000".

SEC. 309. Section 9006 of the Department of Defense Appropriations Act, 2005 (Public Law 108-287), is amended by striking "New Iraqi Army", and inserting "Iraqi Armed Forces, to include the Iraqi National Guard".

CHAPTER 4

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

For an additional amount for "General Investigations" for emergency expenses for the update of studies necessitated by storm damage to shore protection projects, \$400,000, to remain available until expended: Provided, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

CONSTRUCTION, GENERAL

For an additional amount for "Construction, General" for emergency expenses for repair of storm damage for authorized shore protection projects and assessment of project performance of such projects, \$62,600,000, to remain available until expended: Provided, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI AND TENNESSEE

For an additional amount for "Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri and Tennessee" for emergency expenses for levee and revetment repair and for emergency dredging, \$6,000,000, to remain available until expended: Provided, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for "Operation and Maintenance, General" for emergency expenses for repair of storm damage to authorized projects, \$145,400,000, to remain available until expended: Provided, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies" for emergency expenses for repair of damage to flood control and hurricane shore protection projects by storms and other natural disasters, \$148,000,000, to remain available until expended: Provided, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

SEC. 401. For an additional amount to address drought conditions in the State of Nevada, \$5,000,000 is provided to the Secretary of Interior, acting through the Commissioner of the Bureau of Reclamation, for the Southern Nevada Water Authority for modification of the water intake at Lake Mead, to remain available until expended: Provided, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

SEC. 402. For an additional amount to address storm damage, \$10,000,000 is provided for the

Secretary of the Army, acting through the Chief of Engineers, to repair, restore, and clean-up Corps projects and facilities; dredge navigation channels; restore and clean out area streams; provide emergency streambank protection; restore other crucial public infrastructure (including sewer and water facilities); document flood impacts; and undertake other flood recovery efforts deemed necessary and advisable by the Chief of Engineers for Federally declared disaster areas in West Virginia, to remain available until expended: Provided, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

CHAPTER 5

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE

PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL

DEVELOPMENT

INTERNATIONAL DISASTER AND FAMINE

ASSISTANCE

For an additional amount for "International Disaster and Famine Assistance", \$100,000,000, to remain available until September 30, 2005: Provided, That funds appropriated by this paragraph shall be available to respond to the disasters caused by hurricanes and tropical storms in the Caribbean region: Provided further, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287: Provided further, That funds appropriated by this paragraph shall be available notwithstanding section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956.

CHAPTER 6

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses" for expenses resulting from the recent natural disasters in the southeastern United States, \$33,367,310, to remain available until expended: Provided, That the amounts provided herein are designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

EMERGENCY PREPAREDNESS AND

RESPONSE

DISASTER RELIEF

For an additional amount for "Disaster Relief", \$6,500,000,000, to remain available until expended: Provided, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

CHAPTER 7

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION

For an additional amount for "Construction", \$40,552,000, to remain available until expended, to address damages from natural disasters: Provided, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

NATIONAL PARK SERVICE
CONSTRUCTION

For an additional amount for "Construction", \$50,802,000, to remain available until expended, to address damages from natural disasters: Provided, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

UNITED STATES GEOLOGICAL SURVEY
SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research", \$1,000,000, to remain available until expended: Provided, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

RELATED AGENCY
DEPARTMENT OF AGRICULTURE
FOREST SERVICE

STATE AND PRIVATE FORESTRY

For an additional amount for "State and Private Forestry", \$49,100,000, to remain available until expended, to address damages from natural disasters: Provided, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

NATIONAL FOREST SYSTEM

For an additional amount for "National Forest System", \$12,153,000, to remain available until expended, to address damages from natural disasters: Provided, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

WILDLAND FIRE MANAGEMENT

For an additional amount for "Wildland Fire Management", \$1,028,000, to remain available until expended, to address damages from natural disasters: Provided, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

CAPITAL IMPROVEMENT AND MAINTENANCE

For an additional amount for "Capital Improvement and Maintenance", \$50,815,000, to remain available until expended, to address damages from natural disasters: Provided, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

CHAPTER 8

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DEPARTMENTAL MANAGEMENT

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For an additional amount for "Public Health and Social Services Emergency Fund" to support aging services, social services and health services associated with natural disaster recovery and response efforts, \$50,000,000, to remain available until expended: Provided, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the

House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

CHAPTER 9

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for "Military Construction, Navy and Marine Corps", \$138,800,000, to remain available until September 30, 2007, for emergency expenses resulting from natural disasters: Provided, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287: Provided further, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That none of these funds may be obligated for new construction projects until fourteen days after the Secretary of the Navy provides a notification that describes the project, including the form 1391, to the Subcommittee on Military Construction of the Committee on Appropriations and the Committee on Armed Services of both Houses of Congress.

MILITARY CONSTRUCTION, ARMY RESERVE

For an additional amount for "Military Construction, Army Reserve", \$8,700,000, to remain available until September 30, 2007, for emergency expenses resulting from natural disasters: Provided, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287: Provided further, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Family Housing Operation and Maintenance, Army", \$1,200,000, to remain available until September 30, 2005, for emergency expenses resulting from natural disasters: Provided, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For an additional amount for "Family Housing Operation and Maintenance, Navy and Marine Corps", \$9,100,000, to remain available until September 30, 2005, for emergency expenses resulting from natural disasters: Provided, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Family Housing Operation and Maintenance, Air Force", \$11,400,000, to remain available until September 30, 2005, for emergency expenses resulting from natural disasters: Provided, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress)

and applicable to the Senate by section 14007 of Public Law 108-287.

BASE REALIGNMENT AND CLOSURE ACCOUNT

For an additional amount to be deposited into the Department of Defense Base Closure Account 1990, \$50,000, to remain available until September 30, 2005, for emergency expenses resulting from natural disasters: Provided, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

CHAPTER 10

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount for "Facilities and Equipment", for expenses resulting from the recent natural disasters in the southeastern United States, \$5,100,000, to be derived from the airport and airway trust fund and to remain available until expended: Provided, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

EMERGENCY ASSISTANCE TO AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

For emergency capital costs to repair or replace public use facilities at public use airports listed in the Federal Aviation Administration's National Plan of Integrated Airport Systems resulting from damage from hurricanes Charley, Frances, Ivan, and Jeanne, to enable the Federal Aviation Administrator to compensate airports for such costs, \$25,000,000, to be derived from the airport and airway trust fund and to remain available until expended: Provided, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

For an additional amount for "Emergency Relief Program", emergency expenses resulting from 2004 Hurricanes Charley, Frances, Gaston, Ivan, and Jeanne, as authorized by 23 U.S.C. 125, \$1,202,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: Provided, That notwithstanding 23 U.S.C. 125(d)(1), the Secretary of Transportation may obligate more than \$100,000,000 for projects arising from hurricanes Charley, Frances, Ivan, and Jeanne: Provided further, That any amounts in excess of those necessary for emergency expenses relating to the above hurricanes may be used for other projects authorized under 23 U.S.C. 125: Provided further, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

EXECUTIVE OFFICE OF THE PRESIDENT

UNANTICIPATED NEEDS

For an additional amount for "Unanticipated Needs", not to exceed \$70,000,000, to remain available until September 30, 2005, for the American Red Cross for reimbursement of disaster relief and recovery expenditures and emergency

services associated with Hurricanes Charley, Frances, Ivan, and Jeanne, and only to the extent funds are not made available for those activities by other federal sources: Provided, That these funds may be administered by any authorized federal government agency to meet the purposes of this provision and that total administrative costs shall not exceed three percent of the total appropriation: Provided further, That the Comptroller General shall audit the use of these funds by the American Red Cross: Provided further, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

CHAPTER 11

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For an additional amount for "Medical services" for expenses related to recent natural disasters in the Southeast, \$38,283,000, to remain available until September 30, 2005: Provided, That the amounts provided herein are designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

MEDICAL ADMINISTRATION

For an additional amount for "Medical administration" for expenses related to recent natural disasters in the Southeast, \$1,940,000, to remain available until September 30, 2005: Provided, That the amounts provided herein are designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

MEDICAL FACILITIES

For an additional amount for "Medical facilities" for expenses related to recent natural disasters, \$46,909,000, to remain available until September 30, 2006: Provided, That the amounts provided herein are designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For an additional amount for "General operating expenses", for expenses related to recent natural disasters, \$545,000, to remain available until September 30, 2005: Provided, That the amounts provided herein are designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

NATIONAL CEMETERY ADMINISTRATION

For an additional amount for "National Cemetery Administration", for expenses related to recent natural disasters in the Southeast, \$50,000, to remain available until September 30, 2005: Provided, That the amounts provided herein are designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

CONSTRUCTION, MINOR PROJECTS

For an additional amount for "Construction, minor projects", for expenses related to recent natural disasters, \$36,343,000, to remain available until expended: Provided, That the

amounts provided herein are designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

For an additional amount for "Community development fund", for activities authorized under title I of the Housing and Community Development Act of 1974, for use only for disaster relief, long-term recovery, and mitigation in communities affected by disasters designated by the President between August 31, 2003 and October 1, 2004, except those activities reimbursable by the Federal Emergency Management Agency or available through the Small Business Administration, and for reimbursement for expenditures incurred from the regular Community Development Block Grant formula allocation used to achieve these same purposes, \$150,000,000, to remain available until September 30, 2007: Provided, That the amounts provided herein are designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287: Provided further, That all funds under this heading shall be awarded by the Secretary to states (including Indian tribes for all purposes under this heading) to be administered by each state in conjunction with its community development block grants program: Provided further, That notwithstanding 42 U.S.C. 5306(d)(2), states are authorized to provide such assistance to entitlement communities: Provided further, That in administering these funds, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding that such waiver is required to facilitate the use of such funds, and would not be inconsistent with the overall purpose of the statute: Provided further, That the Secretary may waive the requirements that activities benefit persons of low and moderate income, except that at least 50 percent of the funds under this heading must benefit primarily persons of low and moderate income unless the Secretary makes a finding of compelling need: Provided further, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation authorized under this heading no later than 5 days before the effective date of such waiver: Provided further, That any project or activity underway prior to a Presidential disaster declaration may not receive funds under this heading unless the disaster directly impacted the project: Provided further, That each state shall provide not less than 10 percent in non-Federal public matching funds or its equivalent value (other than administrative costs) for any funds allocated to the state under this heading.

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

BUILDINGS AND FACILITIES

For an additional amount for "Buildings and facilities" for expenses related to recent natural disasters, \$3,000,000, to remain available until September 30, 2006: Provided, That the amounts provided herein are designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SPACE FLIGHT CAPABILITIES

For an additional amount for "Space flight capabilities", to repair assets damaged and take other emergency measures due to the effects of hurricanes and other disasters declared by the President, \$126,000,000, to remain available until expended: Provided, That the amounts provided herein are designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

GENERAL PROVISION—THIS CHAPTER

(TRANSFER OF FUNDS)

SEC. 1101. From funds that are available in the unobligated balances of any funds appropriated under "Medical services", for fiscal year 2004, the Secretary of Veterans Affairs may transfer up to \$125,000,000 to "General operating expenses", for costs associated with processing claims where the basis of the entitlement is claimed disability incurred as a result of a veteran's service, subject to a determination by the Secretary of Veterans Affairs that such additional funds are necessary.

CHAPTER 12

GENERAL PROVISION—THIS ACT

SEC. 1201. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

This division may be cited as the "Emergency Supplemental Appropriations for Hurricane Disasters Assistance Act, 2005".

DIVISION C—ALASKA NATURAL GAS PIPELINE

SEC. 101. SHORT TITLE.

This division may be cited as the "Alaska Natural Gas Pipeline Act".

SEC. 102. DEFINITIONS.

In this division:

(1) ALASKA NATURAL GAS.—The term "Alaska natural gas" means natural gas derived from the area of the State of Alaska lying north of 64 degrees north latitude.

(2) ALASKA NATURAL GAS TRANSPORTATION PROJECT.—The term "Alaska natural gas transportation project" means any natural gas pipeline system that carries Alaska natural gas to the border between Alaska and Canada (including related facilities subject to the jurisdiction of the Commission) that is authorized under—

(A) the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719 et seq.); or

(B) section 103.

(3) ALASKA NATURAL GAS TRANSPORTATION SYSTEM.—The term "Alaska natural gas transportation system" means the Alaska natural gas transportation project authorized under the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719 et seq.) and designated and described in section 2 of the President's decision.

(4) COMMISSION.—The term "Commission" means the Federal Energy Regulatory Commission.

(5) FEDERAL COORDINATOR.—The term "Federal Coordinator" means the head of the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects established by section 106(a).

(6) PRESIDENT'S DECISION.—The term "President's decision" means the decision and report to Congress on the Alaska natural gas transportation system—

(A) issued by the President on September 22, 1977, in accordance with section 7 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719e); and

(B) approved by Public Law 95-158 (15 U.S.C. 719f note; 91 Stat. 1268).

(7) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(8) STATE.—The term “State” means the State of Alaska.

SEC. 103. ISSUANCE OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

(a) AUTHORITY OF THE COMMISSION.—Notwithstanding the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719 et seq.), the Commission may, in accordance with section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)), consider and act on an application for the issuance of a certificate of public convenience and necessity authorizing the construction and operation of an Alaska natural gas transportation project other than the Alaska natural gas transportation system.

(b) ISSUANCE OF CERTIFICATE.—

(1) IN GENERAL.—The Commission shall issue a certificate of public convenience and necessity authorizing the construction and operation of an Alaska natural gas transportation project under this section if the applicant has satisfied the requirements of section 7(e) of the Natural Gas Act (15 U.S.C. 717f(e)).

(2) CONSIDERATIONS.—In considering an application under this section, the Commission shall presume that—

(A) a public need exists to construct and operate the proposed Alaska natural gas transportation project; and

(B) sufficient downstream capacity will exist to transport the Alaska natural gas moving through the project to markets in the contiguous United States.

(c) EXPEDITED APPROVAL PROCESS.—Not later than 60 days after the date of issuance of the final environmental impact statement under section 104 for an Alaska natural gas transportation project, the Commission shall issue a final order granting or denying any application for a certificate of public convenience and necessity for the project under section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)) and this section.

(d) PROHIBITION OF CERTAIN PIPELINE ROUTE.—No license, permit, lease, right-of-way, authorization, or other approval required under Federal law for the construction of any pipeline to transport natural gas from land within the Prudhoe Bay oil and gas lease area may be granted for any pipeline that follows a route that—

(1) traverses land beneath navigable waters (as defined in section 2 of the Submerged Lands Act (43 U.S.C. 1301)) beneath, or the adjacent shoreline of, the Beaufort Sea; and

(2) enters Canada at any point north of 68 degrees north latitude.

(e) OPEN SEASON.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Commission shall issue regulations governing the conduct of open seasons for Alaska natural gas transportation projects (including procedures for the allocation of capacity).

(2) REGULATIONS.—The regulations referred to in paragraph (1) shall—

(A) include the criteria for and timing of any open seasons;

(B) promote competition in the exploration, development, and production of Alaska natural gas; and

(C) for any open season for capacity exceeding the initial capacity, provide the opportunity for the transportation of natural gas other than from the Prudhoe Bay and Point Thomson units.

(3) APPLICABILITY.—Except in a case in which an expansion is ordered in accordance with section 105, initial or expansion capacity on any Alaska natural gas transportation project shall be allocated in accordance with procedures to be established by the Commission in regulations issued under paragraph (1).

(f) PROJECTS IN THE CONTIGUOUS UNITED STATES.—

(1) IN GENERAL.—An application for additional or expanded pipeline facilities that may be required to transport Alaska natural gas from

Canada to markets in the contiguous United States may be made in accordance with the Natural Gas Act (15 U.S.C. 717a et seq.).

(2) EXPANSION.—To the extent that a pipeline facility described in paragraph (1) includes the expansion of any facility constructed in accordance with the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719 et seq.), that Act shall continue to apply.

(g) STUDY OF IN-STATE NEEDS.—The holder of the certificate of public convenience and necessity issued, modified, or amended by the Commission for an Alaska natural gas transportation project shall demonstrate that the holder has conducted a study of Alaska in-State needs, including tie-in points along the Alaska natural gas transportation project for in-State access.

(h) ALASKA ROYALTY GAS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Commission, on a request by the State and after a hearing, may provide for reasonable access to the Alaska natural gas transportation project by the State (or State designee) for the transportation of royalty gas of the State for the purpose of meeting local consumption needs within the State.

(2) EXCEPTION.—The rates of shippers of subscribed capacity on an Alaska natural gas transportation project described in paragraph (1), as in effect as of the date on which access under that paragraph is granted, shall not be increased as a result of such access.

(i) REGULATIONS.—The Commission may issue such regulations as are necessary to carry out this section.

SEC. 104. ENVIRONMENTAL REVIEWS.

(a) COMPLIANCE WITH NEPA.—The issuance of a certificate of public convenience and necessity authorizing the construction and operation of any Alaska natural gas transportation project under section 103 shall be treated as a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(b) DESIGNATION OF LEAD AGENCY.—

(1) IN GENERAL.—The Commission—

(A) shall be the lead agency for purposes of complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) shall be responsible for preparing the environmental impact statement required by section 102(2)(c) of that Act (42 U.S.C. 4332(2)(c)) with respect to an Alaska natural gas transportation project under section 103.

(2) CONSOLIDATION OF STATEMENTS.—In carrying out paragraph (1), the Commission shall prepare a single environmental impact statement, which shall consolidate the environmental reviews of all Federal agencies considering any aspect of the Alaska natural gas transportation project covered by the environmental impact statement.

(c) OTHER AGENCIES.—

(1) IN GENERAL.—Each Federal agency considering an aspect of the construction and operation of an Alaska natural gas transportation project under section 103 shall—

(A) cooperate with the Commission; and

(B) comply with deadlines established by the Commission in the preparation of the environmental impact statement under this section.

(2) SATISFACTION OF NEPA REQUIREMENTS.—The environmental impact statement prepared under this section shall be adopted by each Federal agency described in paragraph (1) in satisfaction of the responsibilities of the Federal agency under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) with respect to the Alaska natural gas transportation project covered by the environmental impact statement.

(d) EXPEDITED PROCESS.—The Commission shall—

(1) not later than 1 year after the Commission determines that the application under section

103 with respect to an Alaska natural gas transportation project is complete, issue a draft environmental impact statement under this section; and

(2) not later than 180 days after the date of issuance of the draft environmental impact statement, issue a final environmental impact statement, unless the Commission for good cause determines that additional time is needed.

SEC. 105. PIPELINE EXPANSION.

(a) AUTHORITY.—With respect to any Alaska natural gas transportation project, on a request by 1 or more persons and after giving notice and an opportunity for a hearing, the Commission may order the expansion of the Alaska natural gas project if the Commission determines that such an expansion is required by the present and future public convenience and necessity.

(b) RESPONSIBILITIES OF COMMISSION.—Before ordering an expansion under subsection (a), the Commission shall—

(1) approve or establish rates for the expansion service that are designed to ensure the recovery, on an incremental or rolled-in basis, of the cost associated with the expansion (including a reasonable rate of return on investment);

(2) ensure that the rates do not require existing shippers on the Alaska natural gas transportation project to subsidize expansion shippers;

(3) find that a proposed shipper will comply with, and the proposed expansion and the expansion of service will be undertaken and implemented based on, terms and conditions consistent with the tariff of the Alaska natural gas transportation project in effect as of the date of the expansion;

(4) find that the proposed facilities will not adversely affect the financial or economic viability of the Alaska natural gas transportation project;

(5) find that the proposed facilities will not adversely affect the overall operations of the Alaska natural gas transportation project;

(6) find that the proposed facilities will not diminish the contract rights of existing shippers to previously subscribed certificated capacity;

(7) ensure that all necessary environmental reviews have been completed; and

(8) find that adequate downstream facilities exist or are expected to exist to deliver incremental Alaska natural gas to market.

(c) REQUIREMENT FOR A FIRM TRANSPORTATION AGREEMENT.—Any order of the Commission issued in accordance with this section shall be void unless the person requesting the order executes a firm transportation agreement with the Alaska natural gas transportation project within such reasonable period of time as the order may specify.

(d) LIMITATION.—Nothing in this section expands or otherwise affects any authority of the Commission with respect to any natural gas pipeline located outside the State.

(e) REGULATIONS.—The Commission may issue such regulations as are necessary to carry out this section.

SEC. 106. FEDERAL COORDINATOR.

(a) ESTABLISHMENT.—There is established, as an independent office in the executive branch, the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects.

(b) FEDERAL COORDINATOR.—

(1) APPOINTMENT.—The Office shall be headed by a Federal Coordinator for Alaska Natural Gas Transportation Projects, who shall be appointed by the President, by and with the advice and consent of the Senate, to serve a term to last until 1 year following the completion of the project referred to in section 103.

(2) COMPENSATION.—The Federal Coordinator shall be compensated at the rate prescribed for level III of the Executive Schedule (5 U.S.C. 5314).

(c) DUTIES.—The Federal Coordinator shall be responsible for—

(1) coordinating the expeditious discharge of all activities by Federal agencies with respect to

an Alaska natural gas transportation project; and

(2) ensuring the compliance of Federal agencies with the provisions of this division.

(d) **REVIEWS AND ACTIONS OF OTHER FEDERAL AGENCIES.**—

(1) **EXPEDITED REVIEWS AND ACTIONS.**—All reviews conducted and actions taken by any Federal agency relating to an Alaska natural gas transportation project authorized under this section shall be expedited, in a manner consistent with completion of the necessary reviews and approvals by the deadlines under this division.

(2) **PROHIBITION OF CERTAIN TERMS AND CONDITIONS.**—No Federal agency may include in any certificate, right-of-way, permit, lease, or other authorization issued to an Alaska natural gas transportation project any term or condition that may be permitted, but is not required, by any applicable law if the Federal Coordinator determines that the term or condition would prevent or impair in any significant respect the expeditious construction and operation, or an expansion, of the Alaska natural gas transportation project.

(3) **PROHIBITION OF CERTAIN ACTIONS.**—Unless required by law, no Federal agency shall add to, amend, or abrogate any certificate, right-of-way, permit, lease, or other authorization issued to an Alaska natural gas transportation project if the Federal Coordinator determines that the action would prevent or impair in any significant respect the expeditious construction and operation, or an expansion, of the Alaska natural gas transportation project.

(4) **LIMITATION.**—The Federal Coordinator shall not have authority to—

(A) override—

(i) the implementation or enforcement of regulations issued by the Commission under section 103; or

(ii) an order by the Commission to expand the project under section 105; or

(B) impose any terms, conditions, or requirements in addition to those imposed by the Commission or any agency with respect to construction and operation, or an expansion of, the project.

(e) **STATE COORDINATION.**—

(1) **IN GENERAL.**—The Federal Coordinator and the State shall enter into a joint surveillance and monitoring agreement similar to the agreement in effect during construction of the Trans-Alaska Pipeline, to be approved by the President and the Governor of the State, for the purpose of monitoring the construction of the Alaska natural gas transportation project.

(2) **PRIMARY RESPONSIBILITY.**—With respect to an Alaska natural gas transportation project—

(A) the Federal Government shall have primary surveillance and monitoring responsibility in areas where the Alaska natural gas transportation project crosses Federal land or private land; and

(B) the State government shall have primary surveillance and monitoring responsibility in areas where the Alaska natural gas transportation project crosses State land.

(f) **TRANSFER OF FEDERAL INSPECTOR FUNCTIONS AND AUTHORITY.**—On appointment of the Federal Coordinator by the President, all of the functions and authority of the Office of Federal Inspector of Construction for the Alaska Natural Gas Transportation System vested in the Secretary under section 3012(b) of the Energy Policy Act of 1992 (15 U.S.C. 719e note; Public Law 102-486), including all functions and authority described and enumerated in the Reorganization Plan No. 1 of 1979 (44 Fed. Reg. 33663), Executive Order No. 12142 of June 21, 1979 (44 Fed. Reg. 36927), and section 5 of the President's decision, shall be transferred to the Federal Coordinator.

(g) **TEMPORARY AUTHORITY.**—The functions, authorities, duties, and responsibilities of the Federal Coordinator shall be vested in the Secretary until the later of the appointment of the

Federal Coordinator by the President, or 18 months after the date of enactment of this Act.

SEC. 107. JUDICIAL REVIEW.

(a) **EXCLUSIVE JURISDICTION.**—Except for review by the Supreme Court on writ of certiorari, the United States Court of Appeals for the District of Columbia Circuit shall have original and exclusive jurisdiction to determine—

(1) the validity of any final order or action (including a failure to act) of any Federal agency or officer under this division;

(2) the constitutionality of any provision of this title, or any decision made or action taken under this division; or

(3) the adequacy of any environmental impact statement prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any action under this division.

(b) **DEADLINE FOR FILING CLAIM.**—A claim arising under this division may be brought not later than 60 days after the date of the decision or action giving rise to the claim.

(c) **EXPEDITED CONSIDERATION.**—The United States Court of Appeals for the District of Columbia Circuit shall set any action brought under subsection (a) for expedited consideration, taking into account the national interest of enhancing national energy security by providing access to the significant gas reserves in Alaska needed to meet the anticipated demand for natural gas.

(d) **AMENDMENT OF THE ALASKA NATURAL GAS TRANSPORTATION ACT OF 1976.**—Section 10(c) of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719h) is amended—

(1) by striking “(c)(1) A claim” and inserting the following:

“(c) **JURISDICTION.**—

“(1) **SPECIAL COURTS.**—

“(A) **IN GENERAL.**—A claim”;

(2) by striking “Such court shall have” and inserting the following:

“(B) **EXCLUSIVE JURISDICTION.**—The Special Court shall have”;

(3) by inserting after paragraph (1) the following:

“(2) **EXPEDITED CONSIDERATION.**—The Special Court shall set any action brought under this section for expedited consideration, taking into account the national interest described in section 2.”; and

(4) in paragraph (3), by striking “(3) The enactment” and inserting the following:

“(3) **ENVIRONMENTAL IMPACT STATEMENTS.**—The enactment”.

SEC. 108. STATE JURISDICTION OVER IN-STATE DELIVERY OF NATURAL GAS.

(a) **LOCAL DISTRIBUTION.**—Any facility receiving natural gas from an Alaska natural gas transportation project for delivery to consumers within the State—

(1) shall be deemed to be a local distribution facility within the meaning of section 1(b) of the Natural Gas Act (15 U.S.C. 717(b)); and

(2) shall not be subject to the jurisdiction of the Commission.

(b) **ADDITIONAL PIPELINES.**—Except as provided in section 103(d), nothing in this division shall preclude or otherwise affect a future natural gas pipeline that may be constructed to deliver natural gas to Fairbanks, Anchorage, Matanuska-Susitna Valley, or the Kenai peninsula or Valdez or any other site in the State for consumption within or distribution outside the State.

(c) **RATE COORDINATION.**—

(1) **IN GENERAL.**—In accordance with the Natural Gas Act (15 U.S.C. 717a et seq.), the Commission shall establish rates for the transportation of natural gas on any Alaska natural gas transportation project.

(2) **CONSULTATION.**—In carrying out paragraph (1), the Commission, in accordance with section 17(b) of the Natural Gas Act (15 U.S.C. 717p(b)), shall consult with the State regarding rates (including rate settlements) applicable to natural gas transported on and delivered from

the Alaska natural gas transportation project for use within the State.

SEC. 109. STUDY OF ALTERNATIVE MEANS OF CONSTRUCTION.

(a) **REQUIREMENT OF STUDY.**—If no application for the issuance of a certificate or amended certificate of public convenience and necessity authorizing the construction and operation of an Alaska natural gas transportation project has been filed with the Commission by the date that is 18 months after the date of enactment of this Act, the Secretary shall conduct a study of alternative approaches to the construction and operation of such an Alaska natural gas transportation project.

(b) **SCOPE OF STUDY.**—The study under subsection (a) shall take into consideration the feasibility of—

(1) establishing a Federal Government corporation to construct an Alaska natural gas transportation project; and

(2) securing alternative means of providing Federal financing and ownership (including alternative combinations of Government and private corporate ownership) of the Alaska natural gas transportation project.

(c) **CONSULTATION.**—In conducting the study under subsection (a), the Secretary shall consult with the Secretary of the Treasury and the Secretary of the Army (acting through the Chief of Engineers).

(d) **REPORT.**—On completion of any study under subsection (a), the Secretary shall submit to Congress a report that describes—

(1) the results of the study; and

(2) any recommendations of the Secretary (including proposals for legislation to implement the recommendations).

SEC. 110. CLARIFICATION OF ANGTA STATUS AND AUTHORITIES.

(a) **SAVINGS CLAUSE.**—Nothing in this division affects—

(1) any decision, certificate, permit, right-of-way, lease, or other authorization issued under section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g); or

(2) any Presidential finding or waiver issued in accordance with that Act.

(b) **CLARIFICATION OF AUTHORITY TO AMEND TERMS AND CONDITIONS TO MEET CURRENT PROJECT REQUIREMENTS.**—Any Federal agency responsible for granting or issuing any certificate, permit, right-of-way, lease, or other authorization under section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g) may add to, amend, or rescind any term or condition included in the certificate, permit, right-of-way, lease, or other authorization to meet current project requirements (including the physical design, facilities, and tariff specifications), if the addition, amendment, or rescission—

(1) would not compel any change in the basic nature and general route of the Alaska natural gas transportation system as designated and described in section 2 of the President's decision; or

(2) would not otherwise prevent or impair in any significant respect the expeditious construction and initial operation of the Alaska natural gas transportation system.

(c) **UPDATED ENVIRONMENTAL REVIEWS.**—The Secretary shall require the sponsor of the Alaska natural gas transportation system to submit such updated environmental data, reports, permits, and impact analyses as the Secretary determines are necessary to develop detailed terms, conditions, and compliance plans required by section 5 of the President's decision.

SEC. 111. SENSE OF CONGRESS CONCERNING USE OF STEEL MANUFACTURED IN NORTH AMERICA NEGOTIATION OF A PROJECT LABOR AGREEMENT.

It is the sense of Congress that—

(1) an Alaska natural gas transportation project would provide significant economic benefits to the United States and Canada; and

(2) to maximize those benefits, the sponsors of the Alaska natural gas transportation project should make every effort to—

(A) use steel that is manufactured in North America; and

(B) negotiate a project labor agreement to expedite construction of the pipeline.

SEC. 112. SENSE OF CONGRESS AND STUDY CONCERNING PARTICIPATION BY SMALL BUSINESS CONCERNS.

(a) **DEFINITION OF SMALL BUSINESS CONCERN.**—In this section, the term “small business concern” has the meaning given the term in section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) an Alaska natural gas transportation project would provide significant economic benefits to the United States and Canada; and

(2) to maximize those benefits, the sponsors of the Alaska natural gas transportation project should maximize the participation of small business concerns in contracts and subcontracts awarded in carrying out the project.

(c) **STUDY.**—

(1) **IN GENERAL.**—The Comptroller General of the United States shall conduct a study to determine the extent to which small business concerns participate in the construction of oil and gas pipelines in the United States.

(2) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report that describes results of the study under paragraph (1).

(3) **UPDATES.**—The Comptroller General shall—

(A) update the study at least once every 5 years until construction of an Alaska natural gas transportation project is completed; and

(B) on completion of each update, submit to Congress a report containing the results of the update.

SEC. 113. ALASKA PIPELINE CONSTRUCTION TRAINING PROGRAM.

(a) **PROGRAM.**—

(1) **ESTABLISHMENT.**—The Secretary of Labor (in this section referred to as the “Secretary”) shall make grants to the Alaska Workforce Investment Board—

(A) to recruit and train adult and dislocated workers in Alaska, including Alaska Natives, in the skills required to construct and operate an Alaska gas pipeline system; and

(B) for the design and construction of a training facility to be located in Fairbanks, Alaska, to support an Alaska gas pipeline training program.

(2) **COORDINATION WITH EXISTING PROGRAMS.**—The training program established with the grants authorized under paragraph (1) shall be consistent with the vision and goals set forth in the State of Alaska Unified Plan, as developed pursuant to the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).

(b) **REQUIREMENTS FOR GRANTS.**—The Secretary shall make a grant under subsection (a) only if—

(1) the Governor of the State of Alaska requests the grant funds and certifies in writing to the Secretary that there is a reasonable expectation that the construction of the Alaska natural gas pipeline system will commence by the date that is 2 years after the date of the certification; and

(2) the Secretary of Energy concurs in writing to the Secretary with the certification made under paragraph (1) after considering—

(A) the status of necessary Federal and State permits;

(B) the availability of financing for the Alaska natural gas pipeline project; and

(C) other relevant factors.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary to carry out this section \$20,000,000. Not more than 15 percent of the funds may be used for the facility described in subsection (a)(1)(B).

SEC. 114. SENSE OF CONGRESS CONCERNING NATURAL GAS DEMAND.

It is the sense of Congress that—

(1) North American demand for natural gas will increase dramatically over the course of the next several decades;

(2) both the Alaska Natural Gas Pipeline and the Mackenzie Delta Natural Gas project in Canada will be necessary to help meet the increased demand for natural gas in North America;

(3) Federal and State officials should work together with officials in Canada to ensure both projects can move forward in a mutually beneficial fashion;

(4) Federal and State officials should acknowledge that the smaller scope, fewer permitting requirements, and lower cost of the Mackenzie Delta project means it will most likely be completed before the Alaska Natural Gas Pipeline;

(5) natural gas production in the 48 contiguous States and Canada will not be able to meet all domestic demand in the coming decades; and

(6) as a result, natural gas delivered from Alaskan North Slope will not displace or reduce the commercial viability of Canadian natural gas produced from the Mackenzie Delta or production from the 48 contiguous States.

SEC. 115. SENSE OF CONGRESS CONCERNING ALASKAN OWNERSHIP.

It is the sense of Congress that—

(1) Alaska Native Regional Corporations, companies owned and operated by Alaskans, and individual Alaskans should have the opportunity to own shares of the Alaska natural gas pipeline in a way that promotes economic development for the State; and

(2) to facilitate economic development in the State, all project sponsors should negotiate in good faith with any willing Alaskan person that desires to be involved in the project.

SEC. 116. LOAN GUARANTEES.

(a) **AUTHORITY.**—(1) The Secretary may enter into agreements with 1 or more holders of a certificate of public convenience and necessity issued under section 103(b) of this division or section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g) to issue Federal guarantee instruments with respect to loans and other debt obligations for a qualified infrastructure project.

(2) Subject to the requirements of this section, the Secretary may also enter into agreements with 1 or more owners of the Canadian portion of a qualified infrastructure project to issue Federal guarantee instruments with respect to loans and other debt obligations for a qualified infrastructure project as though such owner were a holder described in paragraph (1).

(3) The authority of the Secretary to issue Federal guarantee instruments under this section for a qualified infrastructure project shall expire on the date that is 2 years after the date on which the final certificate of public convenience and necessity (including any Canadian certificates of public convenience and necessity) is issued for the project. A final certificate shall be considered to have been issued when all certificates of public convenience and necessity have been issued that are required for the initial transportation of commercially economic quantities of natural gas from Alaska to the continental United States.

(b) **CONDITIONS.**—(1) The Secretary may issue a Federal guarantee instrument for a qualified infrastructure project only after a certificate of public convenience and necessity under section 103(b) of this division or an amended certificate under section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g) has been issued for the project.

(2) The Secretary may issue a Federal guarantee instrument under this section for a qualified infrastructure project only if the loan or other debt obligation guaranteed by the instrument has been issued by an eligible lender.

(3) The Secretary shall not require as a condition of issuing a Federal guarantee instrument under this section any contractual commitment

or other form of credit support of the sponsors (other than equity contribution commitments and completion guarantees), or any throughput or other guarantee from prospective shippers greater than such guarantees as shall be required by the project owners.

(c) **LIMITATIONS ON AMOUNTS.**—(1) The amount of loans and other debt obligations guaranteed under this section for a qualified infrastructure project shall not exceed 80 percent of the total capital costs of the project, including interest during construction.

(2) The principal amount of loans and other debt obligations guaranteed under this section shall not exceed, in the aggregate, \$18,000,000,000, which amount shall be indexed for United States dollar inflation from the date of enactment of this Act, as measured by the Consumer Price Index.

(d) **LOAN TERMS AND FEES.**—(1) The Secretary may issue Federal guarantee instruments under this section that take into account repayment profiles and grace periods justified by project cash flows and project-specific considerations. The term of any loan guaranteed under this section shall not exceed 30 years.

(2) An eligible lender may assess and collect from the borrower such other fees and costs associated with the application and origination of the loan or other debt obligation as are reasonable and customary for a project finance transaction in the oil and gas sector.

(e) **REGULATIONS.**—The Secretary may issue regulations to carry out this section.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to cover the cost of loan guarantees under this section, as defined by section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)). Such sums shall remain available until expended.

(g) **DEFINITIONS.**—In this section:

(1) **CONSUMER PRICE INDEX.**—The term “Consumer Price Index” means the Consumer Price Index for all-urban consumers, United States city average, as published by the Bureau of Labor Statistics, or if such index shall cease to be published, any successor index or reasonable substitute thereof.

(2) **ELIGIBLE LENDER.**—The term “eligible lender” means any non-Federal qualified institutional buyer (as defined by section 230.144A(a) of title 17, Code of Federal Regulations (or any successor regulation), known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Securities Act of 1933), including—

(A) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986 (26 U.S.C. 4974(c)) that is a qualified institutional buyer; and

(B) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986 (26 U.S.C. 414(d)) that is a qualified institutional buyer.

(3) **FEDERAL GUARANTEE INSTRUMENT.**—The term “Federal guarantee instrument” means any guarantee or other pledge by the Secretary to pledge the full faith and credit of the United States to pay all of the principal and interest on any loan or other debt obligation entered into by a holder of a certificate of public convenience and necessity.

(4) **QUALIFIED INFRASTRUCTURE PROJECT.**—The term “qualified infrastructure project” means an Alaskan natural gas transportation project consisting of the design, engineering, finance, construction, and completion of pipelines and related transportation and production systems (including gas treatment plants), and appurtenances thereto, that are used to transport natural gas from the Alaska North Slope to the continental United States.

And the Senate agree to the same.

JOE KNOLLENBERG,
JAMES T. WALSH,
ROBERT B. ADERHOLT,

KAY GRANGER,
VIRGIL GOODE,
DAVID VITTEB,
JACK KINGSTON,
ANDER CRENSHAW,
BILL YOUNG,
CHET EDWARDS,
SAM FARR,
ALLEN BOYD,
SANFORD D. BISHOP, Jr.,
NORMAN D. DICKS,

Managers on the Part of the House.

KAY BAILEY HUTCHISON,
CONRAD BURNS,
LARRY E. CRAIG,
MIKE DEWINE,
SAM BROWNBACK,
TED STEVENS,
DIANNE FEINSTEIN,
DANIEL K. INOUYE,
TIM JOHNSON,
MARY L. LANDRIEU,
ROBERT C. BYRD,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE
COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4837) making appropriations for Military Construction, Family Housing, and Base Realignment and Closure for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes, submit the following joint statement to the House of Representatives and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

This conference report includes, in addition to the Military Construction Appropriations Act, 2005, Division B—Emergency Supplemental Appropriations for Hurricane Disaster Assistance Act, 2005, and Division C—Alaska Natural Gas Pipeline.

DIVISION A—MILITARY CONSTRUCTION
APPROPRIATIONS ACT, 2005
ITEMS OF GENERAL INTEREST

Matters Addressed by Only One Committee.—
The language and allocations set forth in

House Report 108-607 and Senate Report 108-309 should be complied with unless specifically addressed to the contrary in the conference report and statement of the managers. Report language included by the House which is not changed by the report of the Senate or the conference, and Senate report language which is not changed by the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases where the House or the Senate have directed the submission of a report from the Department of Defense, such report is to be submitted to both the House and the Senate Committees on Appropriations.

Audit Trail Documents.—The conferees direct the Department of Defense to continue the semi-annual submission of audit trail documents, a practice reinstated by the fiscal year 2004 Military Construction Appropriations conference report. The conferees emphasize that the documents shall describe the following: the appropriated amount, the amount formally reprogrammed, the amount of below threshold reprogramming, the current funded level, the contract award date, the contract amount, and the current working estimate, along with explanatory notes as necessary, for each project as budgeted in the Construction Annex, as well as projects funded under Minor Construction and Family Housing Improvements. All of this information shall be described in no more than one line item for each project. The audit trail documents shall reflect projects from the current fiscal year plus the previous four fiscal years.

Notification Requirements for Changes in Scope.—Title 10, Section 2853 of U.S. Code states that “the scope of work for a military construction project or for the construction, improvement, and acquisition of a military family housing project may be reduced by not more than 25 percent from the amount approved for that project, construction, improvement, or acquisition by Congress” subject to certain limitations, one of which is notification of Congressional Committees. It

is the understanding of the conferees that the services have interpreted this provision to mean that scope reduction notification is required only when a reduction is made to engineering based attributes such as square footage. The conferees emphasize that scope reduction notification also applies when a reduction of 25 percent or more is taken from the amount appropriated for a project. The conferees also emphasize that scope reductions in excess of 25 percent may not be made until the appropriate Congressional Committees have been notified and a 21-day period has elapsed. The notification is a statutory requirement independent of any reprogramming request and must precede by at least 21 days any request to reprogram funds that are excess to a project due to a scope reduction.

This corrected understanding of the requirement is necessary to ensure transparency in the military construction program and to restore the ability of Congress to exercise proper oversight of appropriated funds for military construction. For example, the Army reduced a barracks project at Camp Hovey, Korea, from \$26,000,000 to \$17,000,000, a 35 percent reduction and well above the 25 percent threshold. Congress often learns of these scope reductions only when the services submit reprogramming requests to use the savings for other projects. The conferees therefore agree that it is highly necessary to clarify the scope reduction requirement.

MILITARY CONSTRUCTION, ARMY
(INCLUDING RESCISSIONS)

The conference agreement appropriates \$1,981,084,000 for Military Construction, Army, instead of \$1,862,854,000 as proposed by the House and \$1,977,166,000 as proposed by the Senate. Within this amount, the conference agreement provides \$156,999,000 for study, planning, design, architect and engineer services, and host nation support instead of \$140,554,000 as proposed by the House and \$166,216,000 as proposed by the Senate. The conference agreement also rescinds \$18,976,000 from funds previously provided to this account as follows:

Public Law / location	Project title	House	Senate	Conference
PL 106-246 (FY 2001):				
Korea: Camp Hovey.....	Whole Barracks Complex Renewal.....	0	0	-7,776,000
Subtotal.....		0	0	-7,776,000
PL 107-64 (FY 2002):				
New York: Fort Drum.....	Battle Simulation Center, Phase II.....	0	0	-2,751,000
Korea: Camp Carroll.....	Physical Fitness Training Center.....	0	0	-1,173,000
Subtotal.....		0	0	-3,924,000
PL 107-249 (FY 2003):				
DC: Walter Reed AMC.....	Electrical Switch Station.....	0	0	-670,000
Kansas: Fort Riley.....	Cantonment Fence (DERF).....	0	0	-1,275,000
North Carolina: Fort Bragg.....	Force Protection Plan Phase 2 (DERF)..	0	0	-2,975,000
Washington: Fort Lewis.....	Barracks Complex-17th & B St, PH2.....	0	0	-2,356,000
Subtotal.....		0	0	-7,276,000
Total.....		0	0	-18,976,000

MILITARY CONSTRUCTION, NAVY, AND MARINE
CORPS
(INCLUDING RESCISSION)

The conference agreement appropriates
\$1,069,947,000 for Military Construction, Navy

and Marine Corps, instead of \$1,081,042,000 as
proposed by the House and \$1,016,315,000 as
proposed by the Senate. Within this amount,
the conference agreement provides \$90,830,000
for study, planning, design, architect and en-

gineer services instead of \$93,284,000 as pro-
posed by the House and \$110,277,000 as pro-
posed by the Senate. The conference agree-
ment also rescinds \$24,000,000 from funds pre-
viously provided to this account as follows:

Public Law / location	Project title	House	Senate	Conference
PL 108-132 (FY 2004):				
Unspecified Worldwide.....	Outlying Landing Field Facilities (PH I)...	0	0	-24,000,000
Total.....		<u>0</u>	<u>0</u>	<u>-24,000,000</u>

The conferees direct the Secretary of the Navy to report by February 15, 2005 on efforts to incorporate reserve component requirements into land disposal agreements resulting from the closure of Naval Air Station Roosevelt Roads, Puerto Rico.

California-North Island Special Operations Forces Ground Mobility Support Building.—The conferees are aware of the City of Coronado's goal to expedite military personnel traffic to and from the base through the construction of the State Route 75 Corridor Tunnel from

the western terminus of the San Diego-Coronado Bridge directly into the Naval Air Station, North Island. The conferees urge the Navy to ensure that the Base Main Gate and Entrance Street project is fully compatible with the design for the State Route 75 Corridor Tunnel.

MILITARY CONSTRUCTION, AIR FORCE

(INCLUDING RESCISSION)

The conference agreement appropriates \$866,331,000 for Military Construction, Air

Force, instead of \$797,865,000 as proposed by the House and \$841,131,000 as proposed by the Senate. Within this amount, the conference agreement provides \$130,711,000 for study, planning, design, architect and engineer services instead of \$165,367,000 as proposed by the House and \$180,507,000 as proposed by the Senate. The conference agreement also rescinds \$21,800,000 from funds previously provided to this account as follows:

Public Law / location	Project title	House	Senate	Conference
PL 108-106 (FY 2004):				
Qatar: Al Udeid AB.....	Refueler Ramp.....	0	0	-21,800,000
Total.....		<u>0</u>	<u>0</u>	<u>-21,800,000</u>

MILITARY CONSTRUCTION, DEFENSE-WIDE
(INCLUDING TRANSFER OF FUNDS AND
RESCISSIONS)

The conference agreement appropriates
\$686,055,000 for Military Construction, De-

fense-wide, instead of \$718,837,000 as proposed
by the House and \$696,491,000 as proposed by
the Senate. Within this amount, the con-
ference agreement provides \$62,800,000 for
study, planning, design, architect and engi-

neer services instead of \$63,482,000 as pro-
posed by the House and \$66,336,000 as pro-
posed by the Senate. The conference agree-
ment also rescinds \$22,737,000 from funds pre-
viously provided to this account as follows:

Public Law / location	Project title	House	Senate	Conference
PL 107-64 (FY 2002):				
Germany: Heidelberg	Hospital Addition/Clinic Alteration.....	0	0	-6,000,000
PL 107-249 (FY 2003):				
Arkansas: Pine Bluff.....	Non-stockpile Ammunition Demoliton.....	0	0	-8,737,000
Maryland: Aberdeen PG.....	Ammunition Demilitarization Phase V.....	0	0	-8,000,000
Subtotal.....		0	0	-16,737,000
Total.....		0	0	-22,737,000

The conference agreement provides \$50,000,000 for the Energy Conservation Improvement Program as proposed by the House instead of \$60,000,000 as proposed by the Senate.

MILITARY CONSTRUCTION, ARMY NATIONAL
GUARD

The conference agreement appropriates \$446,748,000 for Military Construction, Army National Guard, instead of \$394,100,000 as proposed by the House and \$381,765,000 as proposed by the Senate. The conference agreement does not include a provision proposed by the House to earmark funds for planning

and design activities. The Senate bill contained no similar provision.

Georgia-Army National Guard Armory, Fulton County Airport-Brown Field.—The conferees agree that within funds provided for planning and design in this account, \$100,000 shall be made available to conduct a feasibility study on the relocation of this armory to Dobbins Air Reserve Base, Georgia.

MILITARY CONSTRUCTION, AIR NATIONAL
GUARD

(INCLUDING RESCISSION)

The conference agreement appropriates \$243,043,000 for Military Construction, Air

National Guard, instead of \$180,533,000 as proposed by the House and \$231,083,000 as proposed by the Senate. The conference agreement does not include a provision proposed by the House to earmark funds for planning and design activities. The Senate bill contained no similar provision. The conference agreement also rescinds \$5,000,000 from funds previously provided to this account as follows:

Public Law / location	Project title	House	Senate	Conference
PL 108-132 (FY 2004):				
Tennessee: Memphis.....	C-5 Upgrade Shops.....	0	0	-5,000,000
Total.....		<u>0</u>	<u>0</u>	<u>-5,000,000</u>

MILITARY CONSTRUCTION, ARMY RESERVE

The conference agreement appropriates \$92,377,000 for Military Construction, Army Reserve, instead of \$116,521,000 as proposed by the House and \$66,325,000 as proposed by the Senate. The conference agreement does not include a provision proposed by the House to earmark funds for planning and design activities. The Senate bill contained no similar provision.

MILITARY CONSTRUCTION, NAVAL RESERVE

The conference agreement appropriates \$44,246,000 for Military Construction, Naval Reserve, instead of \$30,955,000 as proposed by the House and \$33,735,000 as proposed by the Senate. The conference agreement does not include a provision proposed by the House to earmark funds for planning and design activities. The Senate bill contained no similar provision.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

The conference agreement appropriates \$123,977,000 for Military Construction, Air Force Reserve, instead of \$111,725,000 as proposed by the House and \$101,373,000 as proposed by the Senate. The conference agree-

ment does not include a provision proposed by the House to earmark funds for planning and design activities. The Senate bill contained no similar provision.

NORTH ATLANTIC TREATY ORGANIZATION
SECURITY INVESTMENT PROGRAM

(INCLUDING RESCISSION)

The conference agreement appropriates \$165,800,000 for the North Atlantic Treaty Organization Security Investment Program as proposed by both the House and Senate. The conference agreement also includes a rescission of \$5,000,000 from prior appropriations due to the slow spend out rate of the program and the recurrence of carryover amounts.

FAMILY HOUSING CONSTRUCTION, ARMY

(INCLUDING RESCISSION)

The conference agreement appropriates \$636,099,000 for Family Housing Construction, Army, as proposed by both the House and the Senate. The conference agreement also rescinds \$21,000,000 from funds previously provided to this account.

FAMILY HOUSING OPERATION AND
MAINTENANCE, ARMY

The conference agreement appropriates \$926,507,000 for Family Housing Operation and Maintenance, Army as proposed by the House instead of \$928,907,000 as proposed by the Senate. The reduction from the President's request shall not be construed as prohibiting any routine or emergency repair and maintenance work for general officer quarters.

FAMILY HOUSING CONSTRUCTION, NAVY AND
MARINE CORPS

(INCLUDING RESCISSIONS)

The conference agreement appropriates \$139,107,000 for Family Housing Construction, Navy and Marine Corps as proposed by both the House and the Senate. The conference agreement also rescinds \$12,301,000 from funds previously provided to this account. The Navy has identified these funds as no longer being necessary to complete the projects in the following table. It is the understanding of the conferees that the rescissions will not affect the projects for which they were appropriated.

Public Law / location	Project title	House	Senate	Conference
PL 107-64 (FY 2002):				
Maryland: USNA Annapolis	Family Housing Improvements (42 Units) North Severn Village.....	0	0	-3,955,000
Maryland: Patuxent River	Improvements (28 Units) Chaffee Court.	0	0	-1,609,000
Subtotal.....		<u>0</u>	<u>0</u>	<u>-5,564,000</u>
PL 108-132 (FY 2004):				
Maryland: Annapolis.....	Family Housing Improvements (51 Units).....	0	0	-6,737,000
Subtotal.....		<u>0</u>	<u>0</u>	<u>-6,737,000</u>
Total.....		<u>0</u>	<u>0</u>	<u>-12,301,000</u>

FAMILY HOUSING OPERATION AND
MAINTENANCE, NAVY AND MARINE CORPS

The conference agreement appropriates \$696,304,000 for Family Housing Operation and Maintenance, Navy and Marine Corps as proposed by the House instead of \$704,504,000 as proposed by the Senate. The reduction from the President's request shall not be construed as prohibiting any routine or

emergency repair and maintenance work for general and flag officer quarters.

FAMILY HOUSING CONSTRUCTION, AIR FORCE
(INCLUDING RESCISSIONS)

The conference agreement appropriates \$846,959,000 for Family Housing Construction, Air Force, as proposed by both the House and the Senate. The conference agreement re-

scinds \$45,171,000 from funds previously provided to this account. The Air Force has identified these funds as no longer being necessary to complete the projects in the following table. It is the understanding of the conferees that the rescissions will not affect the projects for which they were appropriated.

Public Law / location	Project title	House	Senate	Conference
PL 106-246 (FY 2001):				
Utah: Hill AFB.....	Privatize Family Housing (1,116 Units)...	0	0	-5,471,000
Nebraska: Offutt AFB.....	Privatize Family Housing (2,580 Units)...	0	0	-2,980,000
Nevada: Nellis AFB.....	Replace Family Housing (26 Units).....	0	0	-5,000,000
Subtotal.....		<u>0</u>	<u>0</u>	<u>-13,451,000</u>
PL 107-64 (FY 2002):				
Hawaii: Hickam AFB.....	Privatization.....	0	0	-11,220,000
California: Beale AFB.....	Privatization.....	0	0	-14,500,000
Subtotal.....		<u>0</u>	<u>0</u>	<u>-25,720,000</u>
PL 108-132 (FY 2004):				
Oklahoma: Tinker AFB.....	Replace Family Housing.....	0	0	-6,000,000
Subtotal.....		<u>0</u>	<u>0</u>	<u>-6,000,000</u>
Total.....		<u>0</u>	<u>0</u>	<u>-45,171,000</u>

FAMILY HOUSING OPERATION AND
MAINTENANCE, AIR FORCE

The conference agreement appropriates \$853,384,000 for Family Housing Operation and Maintenance, Air Force, instead of \$854,666,000 as proposed by the House and \$856,114,000 as proposed by the Senate. The reduction from the President's request shall not be construed as prohibiting any routine or emergency repair and maintenance work for general officer quarters.

FAMILY HOUSING CONSTRUCTION, DEFENSE-
WIDE

The conference agreement appropriates \$49,000 for Family Housing Construction, De-

fense-Wide as proposed by both the House and the Senate.

FAMILY HOUSING OPERATION AND
MAINTENANCE, DEFENSE-WIDE

The conference agreement appropriates \$49,575,000 for Family Housing Operation and Maintenance, Defense-Wide as proposed by both the House and the Senate.

DEPARTMENT OF DEFENSE FAMILY HOUSING
IMPROVEMENT FUND

(INCLUDING RESCISSIONS)

The conference agreement appropriates \$2,500,000 for the Department of Defense Family Housing Improvement Fund as pro-

posed by both the House and the Senate. The conference agreement also rescinds \$19,109,000 from funds previously provided to this account. The Department of Defense has identified these funds as no longer being necessary to complete the projects in the following table. It is the understanding of the conferees that the rescissions will not affect the projects for which they were appropriated.

Public Law / location	Project title	House	Senate	Conference
PL 107-249 (FY 2003):				
Eglin AFB.....	Family Housing Construction (134 Units).....	0	0	-9,272,000
Ohio: Wright-Patterson AFB.....	Family Housing Construction (134 Improvement (222 Units).....	0	0	-1,536,000
Subtotal.....		<u>0</u>	<u>0</u>	<u>-10,808,000</u>
PL 108-132 (FY 2004):				
Delaware: Dover AFB.....	Family Housing Construction.....	0	0	-8,301,000
Subtotal.....		<u>0</u>	<u>0</u>	<u>-8,301,000</u>
Total.....		0	0	-19,109,000

CHEMICAL DEMILITARIZATION CONSTRUCTION,
DEFENSE-WIDE

The conference agreement appropriates \$81,886,000 for Chemical Demilitarization Construction, Defense-Wide as proposed by both the House and the Senate.

BASE REALIGNMENT AND CLOSURE ACCOUNT

The conference agreement appropriates \$246,116,000 for the Base Realignment and Closure Account as proposed by both the House and Senate.

GENERAL PROVISIONS

The conference agreement includes general provisions (sections 101–103, 105–119, 121–123, 125, and 126) that were not amended by either the House or Senate.

The conference agreement includes section 104 as proposed by the House to prohibit construction of new bases in the United States without a specific appropriation. The Senate bill contained a similar provision, but limited the prohibition to the continental United States.

The conference agreement includes section 120 as proposed by the Senate to allow the transfer of funds only from the Family Housing, Construction accounts to the Family Housing Improvement Fund and to allow the transfer of funds from the construction of military unaccompanied housing to the Military Unaccompanied Housing Improvement Fund. The House bill contained a similar provision, but only for the transfer of funds

from the Family Housing, Construction accounts to the Family Housing Improvement Fund.

The conference agreement includes section 124 as proposed by the Senate to limit the maintenance and repair of any general or flag officer quarters to \$35,000 per year without 30 days advance notification. The House bill contained a similar provision, but limited such maintenance and repairs to \$20,000.

The conference agreement includes a provision (section 127) as proposed by the Senate to change the due date of a report by the Overseas Basing Commission. The House bill contained no similar provision.

The conference agreement includes a provision (section 128) as proposed by the House to require the Department of Defense to respond to a question or inquiry, in writing, within 21 days of the request. The Senate bill contained no similar provision.

The conference agreement includes a provision (section 129) as proposed by the Senate to make funds in the Ford Island Improvement Fund available until expended. The House bill contained no similar provision.

The conference agreement includes a provision (section 130) as proposed by the House to name a fitness center at Homestead Air Reserve Base, Florida. The Senate bill contained no similar provision.

The conference agreement includes a modified Senate provision (section 131) to give the Secretary of Agriculture the right of first re-

fusal to negotiate over the disposal of land at Fort Hunter Liggett, California, determined to be in excess of military needs. If and when the property is transferred into the National Forest System, the conferees expect the Department of the Army to comply with all pertinent environmental regulations pertaining to the remediation of the land. The House bill contained no similar provision.

The conference agreement includes a new provision (section 132) to identify the Congressional Committees that are to receive all reports and notifications required by this division.

The conference agreement does not include a provision proposed by the House to allow the transfer of expired funds to the Foreign Currency Fluctuation, Construction, Defense account. The Senate bill contained no similar provision.

The conference agreement does not include a provision proposed by the Senate to require a report on the impacts on the military family housing program under the current Military Housing Privatization Initiative. The House bill contained no similar provision.

The conference agreement does not include a provision proposed by the Senate to provide funding to the Overseas Basing Commission. The House bill contained no similar provision.

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT

ALABAMA		
ARMY		
ANNISTON ARMY DEPOT		
POWERTRAIN COMPONENT REBUILDING FACILITY.....	23,690	23,690
FORT RUCKER		
AIRCRAFT MAINTENANCE HANGAR.....	---	16,000
DEFENSE-WIDE		
HUNTSVILLE		
MISSILE DEFENSE AGENCY CENTER, VON BRAUN COMPLEX (PHASE II).....	19,560	19,560
ARMY NATIONAL GUARD		
CENTREVILLE		
ADDITION/ALTERATION READINESS CENTER (ADRS).....	5,537	5,537
CLANTON		
ADDITION/ALTERATION READINESS CENTER (ADRS).....	3,649	3,649
HALEYVILLE		
JOINT ARMED FORCES RESERVE CENTER.....	---	13,849
ONEONTA		
ADDITION/ALTERATION READINESS CENTER (ADRS).....	4,527	4,527
TOTAL, ALABAMA.....	56,963	86,812
ALASKA		
ARMY		
FORT RICHARDSON		
BARRACKS COMPLEX.....	7,600	7,600
DIGITAL MULTIPURPOSE TRAINING RANGE.....	13,600	13,600
SNIPER FIELD FIRE RANGE.....	3,100	3,100
FORT WAINWRIGHT		
BARRACKS COMPLEX - LORRAINE ROAD.....	39,815	39,815
BARRACKS COMPLEX RENEWAL - SANTIAGO ROAD.....	30,912	30,912
COMBINED ARMS COLLECTIVE TRAINING FACILITY.....	21,732	21,732
AIR FORCE		
ELMENDORF AIR FORCE BASE		
C-17 SUPPORT UTILITIES.....	6,400	6,400
ELMENDORF C-17 FLIGHT SIMULATOR FACILITY.....	7,700	7,700
FITNESS CENTER.....	11,957	11,957
LARGE AIRFRAME MAINTENANCE HANGAR.....	---	26,000
DEFENSE-WIDE		
FORT WAINWRIGHT		
HOSPITAL REPLACEMENT (PHASE VI).....	9,900	9,900
TOTAL, ALASKA.....	152,716	178,716
ARIZONA		
ARMY		
FORT HUACHUCA		
ARMY GLOBAL INFORMATION FACILITY.....	---	18,000
NAVY		
YUMA		
BACHELOR ENLISTED QUARTERS.....	18,740	18,740
STATION ORDNANCE AREA.....	7,930	7,930
AIR FORCE		
DAVIS-MONTHAN AIR FORCE BASE		
AIRFIELD OBSTRUCTION-HAZARDOUS CARGO PAD.....	4,243	4,243
COMBAT SEARCH AND RESCUE C-130 SQUADRON OPERATIONS	5,786	5,786
EC-130 SQUAD OPERATIONS FACILITY.....	---	7,000
LUKE AIR FORCE BASE		
ATFP LITCHFIELD ROAD UNDERPASS AND ENTRY POINT		
REPLACEMENT.....	---	7,900
DORMITORY (120 ROOM).....	10,000	10,000
ARMY NATIONAL GUARD		
CAMP NAVAJO		
QUALIFICATION TRAINING RANGE.....	3,000	3,000
TOTAL, ARIZONA.....	49,699	82,599

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT

ARKANSAS		
AIR FORCE		
LITTLE ROCK AIR FORCE BASE		
C-130J ADDITION/ALTERATION SIMULATOR FACILITY.....	5,031	5,031
CHILD DEVELOPMENT CENTER.....	---	3,900
ARMY NATIONAL GUARD		
CAMP ROBINSON		
ARMY AVIATION SUPPORT FACILITY.....	33,020	33,020
FORT CHAFFEE		
AMMUNITION SUPPLY POINT.....	13,798	13,798
AIR NATIONAL GUARD		
FORT SMITH		
VEHICLE MAINTENANCE AND AEROSPACE COMPLEX.....	---	6,000
TOTAL, ARKANSAS.....	51,849	61,749

CALIFORNIA		
ARMY		
FORT IRWIN		
CRIMINAL INVESTIGATION COMMAND FIELD OPERATIONS		
BUILDING.....	2,600	2,600
COMMAND AND CONTROL FACILITY.....	21,000	21,000
LAND ACQUISITION (PHASE II).....	14,500	14,500
SIERRA ARMY DEPOT		
RUNWAY EXTENSION.....	---	12,600
NAVY		
BARSTOW		
BLASTING FACILITY.....	---	4,930
CAMP PENDLETON		
BACHELOR ENLISTED QUARTERS.....	19,975	19,975
CLOSE COMBAT PISTOL COURSE.....	6,940	6,940
CONSOLIDATED OPERATIONS CENTER.....	4,910	4,910
TERTIARY SEWAGE TREATMENT (PHASE II).....	25,690	25,690
WEIGHT HANDLING SHOP.....	6,630	6,630
CORONA		
WARFARE ASSESSMENT LABORATORY ADDITION.....	---	9,850
EL CENTRO		
APRON AND HANGAR RECAPITALIZATION (PHASE I).....	33,331	33,331
MARINE CORPS RECRUIT DEPOT		
INITIAL ISSUE SUPPLY WAREHOUSE.....	---	8,110
NORTH ISLAND		
BASE MAIN GATE AND ENTRANCE STREET.....	---	10,180
TWENTYNINE PALMS		
OPERATIONAL TRAINING CENTER.....	---	15,700
AIR FORCE		
BEALE AIR FORCE BASE		
GLOBAL HAWK ADDITION TO AEROSPACE GROUND EQUIPMENT		
FACILITY.....	1,866	1,866
GLOBAL HAWK UPGRADE DOCK 2.....	8,320	8,320
EDWARDS AIR FORCE BASE		
ADDITION/RENOVATE JOINT STRIKE FIGHTER COMPLEX		
(PHASE II).....	9,965	9,965
TRAVIS AIR FORCE BASE		
C-17 ADDITION ENGINE STORAGE FACILITY.....	2,400	2,400
C-17 UTILITIES/ROAD.....	12,844	12,844
SECURITY FORCES ARMORY/COMBAT ARMS CAMPUS.....	---	3,650
DEFENSE-WIDE		
CORONA		
SPECIAL OPERATIONS FORCES MILITARY OPERATIONS IN		
URBAN TERRAIN TRAINING COMPLEX.....	13,600	13,600
NILAND		
SPECIAL OPERATIONS FORCES GROUND MOBILITY SUPPORT		
BUILDING.....	1,000	1,000
PRESIDIO		
DENTAL CLINIC.....	---	6,700

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT

TRAVIS AIR FORCE BASE		
REPLACE HYDRANT FUEL SYSTEM.....	15,100	15,100
ARMY NATIONAL GUARD		
CAMP PARKS		
READINESS CENTER (ARMY NATIONAL GUARD DIVISION		
REDESIGN STUDY).....	11,318	11,318
AIR FORCE RESERVE		
MARCH AIR FORCE BASE		
C-17 ALTER HANGAR TOWER.....	2,089	2,089
C-17 MAINTENANCE HANGAR (PHASE II).....	7,400	7,400

TOTAL, CALIFORNIA.....	221,478	293,198
COLORADO		
ARMY		
FORT CARSON		
ARRIVAL DEPARTURE AREA GROUP COMPLEX (PHASE IA)...	---	12,400
BARRACKS COMPLEX - HOSPITAL AREA.....	14,108	14,108
DIGITAL MULTIPURPOSE TRAINING RANGE.....	33,000	33,000
AIR FORCE		
BUCKLEY AIR FORCE BASE		
CHAPEL CENTER.....	6,147	6,147
CHILD DEVELOPMENT CENTER.....	6,100	6,100
DEFENSE-WIDE		
BUCKLEY AIR FORCE BASE		
ADDITION/ALTERATION AEROMEDICAL CLINIC.....	2,100	2,100
ARMY NATIONAL GUARD		
BUCKLEY AIR FORCE BASE		
ARMY AVIATION SUPPORT FACILITY.....	34,000	34,000
FORT CARSON		
AUTOMATED QUALIFICATION/TRAINING RANGE.....	3,205	3,205
ARMY RESERVE		
AURORA		
ADDITION/ALTERATION MILITARY EQUIPMENT PARKING....	1,758	1,758

TOTAL, COLORADO.....	100,418	112,818
CONNECTICUT		
NAVY		
NEW LONDON		
GATES 3 AND 5 SECURITY IMPROVEMENTS.....	---	4,420
MK-10 SUBMARINE ESCAPE TRAINER.....	17,100	17,100
REPLACE PIER 6.....	28,782	28,782
ARMY NATIONAL GUARD		
SOUTHINGTON		
READINESS CENTER.....	---	4,087

TOTAL, CONNECTICUT.....	45,882	54,389
DELAWARE		
AIR FORCE		
DOVER AIR FORCE BASE		
CONTROL TOWER.....	---	9,500
DISTRICT OF COLUMBIA		
NAVY		
ANACOSTIA		
ATOMIC CLOCK VAULT.....	3,239	3,239
DEFENSE-WIDE		
BOLLING AIR FORCE BASE		
HEATING, VENTILATION, AND AIR CONDITIONING UPGRADE		
TO DEFENSE INTELLIGENCE ANALYSIS CENTER.....	6,000	6,000

TOTAL, DISTRICT OF COLUMBIA.....	9,239	9,239

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT

FLORIDA		
ARMY		
CAMP RUDDER (FORT BENNING)		
REVITALIZE RANGER BARRACKS 6012.....	---	1,850
NAVY		
EGLIN AIR FORCE BASE		
EGLIN AIR FORCE BASE ROAD CONSTRUCTION.....	2,060	2,060
MAYPORT		
AIRFIELD CONTROL TOWER.....	6,200	6,200
AIR FORCE		
PATRICK AIR FORCE BASE		
SECURITY FORCES OPERATIONS FACILITY.....	---	8,800
TYNDALL AIR FORCE BASE		
1 AF HEADQUARTERS/AFFOR CENTER (PHASE I).....	---	10,200
F-22 OPERATIONS FACILITY ADDITION.....	1,548	---
F-22 SQUADRON OPERATIONS/AIRCRAFT MAINTENANCE UNIT/HANGAR.....	17,414	7,414
DEFENSE-WIDE		
HURLBURT FIELD		
SOF OPERATIONS TRAINING FACILITY.....	---	2,500
JACKSONVILLE		
HOSPITAL ADDITION/ALTERATION.....	28,438	28,438
ARMY NATIONAL GUARD		
CAMP BLANDING		
REGIONAL TRAINING INSTITUTE (PHASE I).....	---	12,000
AIR NATIONAL GUARD		
JACKSONVILLE		
F-15 CORROSION CONTROL FACILITY.....	---	4,000
NAVY RESERVE		
JACKSONVILLE		
RESERVE TRAINING CENTER.....	9,300	9,300
TOTAL, FLORIDA.....	64,960	92,762

GEORGIA		
ARMY		
FORT BENNING		
BARRACKS COMPLEX - KELLEY HILL/MAIN POST.....	49,565	49,565
HAZARDOUS CARGO LOADING APRON.....	3,850	3,850
PHYSICAL FITNESS TRAINING CENTER.....	18,362	18,362
FORT GILLEM		
RECRUITING BRIGADE OPERATIONS BUILDING.....	5,800	5,800
FORT MCPHERSON		
CHILD DEVELOPMENT CENTER.....	4,900	4,900
FORT STEWART		
AIRCRAFT MAINTENANCE HANGAR (SPECIAL OPERATIONS FORCES).....	21,100	21,100
BARRACKS COMPLEX-5TH & 16TH ST (PHASE II).....	32,950	32,950
CHAPEL.....	9,500	9,500
COMMAND AND CONTROL FACILITY.....	24,695	24,695
TACTICAL EQUIPMENT COMPLEX.....	10,200	10,200
NAVY		
KINGS BAY		
ENCLAVE FENCING AND PARKING.....	16,000	16,000
AIR FORCE		
MOODY AIR FORCE BASE		
CONSOLIDATED BASE SUPPORT CENTER.....	---	9,600
ROBINS AIR FORCE BASE		
AIRCRAFT RAMP.....	15,000	15,000
FIRE/CRASH RESCUE STATION.....	---	6,900
DEFENSE-WIDE		
FORT BENNING		
CONSOLIDATED HEALTH CLINIC.....	7,100	7,100
FORT STEWART		
SPECIAL OPERATIONS FORCES BATTALION OPERATIONS COMPLEX.....	17,600	17,600

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT

ARMY NATIONAL GUARD		
SAVANNAH		
ARMY AVIATION SUPPORT FACILITY.....	16,554	16,554
AIR FORCE RESERVE		
DOBBINS		
UPGRADE MAINTENANCE BAYS.....	---	10,000

TOTAL, GEORGIA.....	253,176	279,676
HAWAII		
ARMY		
HELEMANO		
DRUM ROAD UPGRADE (PHASE I).....	27,000	27,000
TANK TRAILS - HELEMANO.....	7,300	7,300
HICKAM AIR FORCE BASE		
HOT CARGO PAD EXPANSION.....	11,200	11,200
POHAKULOA TRAINING AREA (PTA)		
SADDLE ROAD (PHASE IIB).....	---	8,000
WEST PTA MODIFICATIONS.....	30,000	30,000
SCHOFIELD BARRACKS		
BARRACKS COMPLEX RENEWAL - CAPRON AVE (PHASE III).....	48,000	48,000
BARRACKS COMPLEX - QUAD E (PHASE II).....	36,000	36,000
BATTLE AREA LIVE FIRE COMPLEX.....	32,000	32,000
COMBINED ARMS COLLECTIVE TRAINING FACILITY.....	32,542	32,542
FIRE STATION.....	4,800	4,800
QUALIFICATION TRAINING RANGE.....	4,950	4,950
TACTICAL VEHICLE WASH FACILITY.....	3,500	3,500
VEHICLE MAINTENANCE FACILITY (PHASE I).....	49,000	49,000
WHEELER AIR FORCE BASE		
DEPLOYMENT FACILITY.....	24,000	24,000
NAVY		
PEARL HARBOR		
DRYDOCK 4 SHOREPOWER IMPROVEMENTS.....	---	5,100
AIR FORCE		
HICKAM AIR FORCE BASE		
C-17 ALTER MAINTENANCE/SUPPLY AREAS.....	9,000	9,000
C-17 CLEAR WATER RINSE.....	4,300	4,300
C-17 MAINTENANCE SHOP FACILITY.....	8,200	8,200
C-17 MUNITIONS STORAGE.....	1,950	1,950
C-17 SUPPORT UTILITIES (PHASE II).....	2,450	2,450
ELECTRICAL UPGRADE.....	---	5,000
MAUI		
AEOS PRIMARY MIRROR COATING FACILITY.....	---	7,500
DEFENSE-WIDE		
PEARL HARBOR		
MULTI-PRODUCT INTERFACE TANK.....	3,500	3,500

TOTAL, HAWAII.....	339,692	365,292
IDAHO		
AIR NATIONAL GUARD		
GOWEN FIELD		
ADD/ALTER BASE SUPPLY COMPLEX.....	---	3,500
ILLINOIS		
NAVY		
GREAT LAKES		
BATTLE STATION TRAINING FACILITY (PHASE II).....	58,200	58,200
RTC BARRACKS.....	35,920	35,920
RTC BARRACKS.....	38,851	38,851
ARMY NATIONAL GUARD		
GALESBURG		
READINESS CENTER (PHASE II) (ADRS).....	---	4,400

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT

SPRINGFIELD		
THE ARMY SCHOOL SYSTEM (MULTIFUNCTIONAL FACILITY)	13,596	13,596
TOTAL, ILLINOIS	146,587	150,967

INDIANA		
NAVY		
CRANE		
COTS PRODUCT ASSURANCE & TEST MANAGEMENT FACILITY	---	12,600
ARMY NATIONAL GUARD		
GARY-CHICAGO REGIONAL AIRPORT		
ARMED FORCES RESERVE CENTER	---	9,380
REMINGTON		
ADDITION/ALTERATION READINESS CENTER (ADRS)	1,458	1,458
TOTAL, INDIANA	1,458	23,438

IOWA		
ARMY NATIONAL GUARD		
CAMP DODGE		
COMPANY GRADE BQQ	---	3,485

KANSAS		
ARMY		
FORT LEAVENWORTH		
LEWIS & CLARK INSTRUCTIONAL FACILITY (PHASE II)	44,000	44,000
FORT RILEY		
BARRACKS COMPLEX RENEWAL	41,000	41,000
COMMUNICATIONS CENTER	3,050	3,050
MAINTENANCE FACILITY REVITALIZATION	---	15,500
ARMY NATIONAL GUARD		
TOPEKA		
ADDITION/ALTERATION READINESS CENTER (ADRS)	3,086	3,086
AIR NATIONAL GUARD		
FORBES FIELD		
REPLACE OPERATIONS AND TRAINING COMPLEX	---	9,800
ARMY RESERVE		
HAYS		
ARMY RESERVE CENTER/ORGANIZATIONAL MAINTENANCE		
SHOP	7,451	7,451
NEW CENTURY		
AR CENTER/OMS/AMSA/UNH STORAGE	---	8,723
TOTAL, KANSAS	98,587	132,610

KENTUCKY		
ARMY		
FORT CAMPBELL		
BARRACKS COMPLEX - 42ND ST/INDIANA AVE (PHASE I)	30,000	30,000
COMMAND AND CONTROL FACILITY	33,000	33,000
SHOOT HOUSE	1,600	1,600
FORT KNOX		
BASIC COMBAT TRAINING COMPLEX 1 (PHASE I)	50,000	50,000
SHOOT HOUSE	---	1,850
URBAN ASSAULT COURSE	---	1,900
DEFENSE-WIDE		
FORT CAMPBELL		
AQUATIC TRAINING FACILITY	---	3,500
TOTAL, KENTUCKY	114,600	121,850

LOUISIANA		
ARMY		
FORT POLK		
AMMUNITION SUPPLY POINT UPGRADE	7,500	7,500
FIXED WING AIRCRAFT PARKING APRON	25,000	25,000

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
HAZARDOUS CARGO LOADING APRON.....	14,503	14,503
PALLET PROCESSING FACILITY.....	8,800	8,800
PASSENGER PROCESSING FACILITY.....	11,700	11,700
URBAN ASSAULT COURSE.....	3,450	3,450
AIR FORCE		
BARKSDALE AIR FORCE BASE		
DORMITORY (168 ROOM).....	13,800	13,800
ARMY NATIONAL GUARD		
CAMP BEAUREGARD		
ARMY AVIATION SUPPORT FACILITY.....	15,738	15,738
NAVY RESERVE		
NEW ORLEANS		
CHILD DEVELOPMENT CENTER.....	---	3,450
INDOOR SMALL ARMS RANGE.....	---	2,580
AIR FORCE RESERVE		
BARKSDALE AIR FORCE BASE		
SQUADRON OPERATIONS FACILITY.....	---	4,800
TOTAL, LOUISIANA.....	100,491	111,321
MAINE		
NAVY		
NAVAL AIR STATION BRUNSWICK		
WEAPONS MAGAZINE REPLACEMENT.....	---	6,220
MARYLAND		
ARMY		
ABERDEEN PROVING GROUND		
CHEMICAL AND BIOLOGICAL SAMPLE RECEPTION FACILITY.....	---	13,000
FORT DETRICK		
REMOTE TRUCK INSPECTION STATION.....	---	4,000
NAVY		
INDIAN HEAD		
AGILE CHEMICAL FACILITY.....	13,900	13,900
JOINT AIRCREW ESCAPE COMPONENT CENTER.....	---	9,100
AIR FORCE		
ANDREWS AIR FORCE BASE		
ASA - ALTER AIRCRAFT SUPPORT FACILITIES.....	5,000	5,000
ASA - FIGHTER AIRCRAFT ALERT COMPLEX.....	11,000	11,000
ASA - MUNITIONS STORAGE IGLOO.....	1,100	1,100
DEFENSE-WIDE		
FORT MEADE		
CRITICAL COMMUNICATIONS PATH.....	3,450	3,450
NATIONAL SECURITY AGENCY DEEP WELLS.....	8,140	8,140
RECONFIGURED CHILLED WATER (PHASE II).....	3,417	3,417
ARMY RESERVE		
FORT MEADE		
ARMY RESERVE CENTER/ORGANIZATIONAL MAINTENANCE		
SHOP/WAREHOUSE (PHASE II).....	14,642	14,642
TOTAL, MARYLAND.....	60,649	86,749
MASSACHUSETTS		
AIR NATIONAL GUARD		
OTIS AIR NATIONAL GUARD BASE		
ELIMINATE AIRFIELD OBSTRUCTIONS.....	4,000	4,000
REPLACE CONTROL TOWER.....	---	7,000
AIR FORCE RESERVE		
WESTOVER AIR RESERVE BASE		
OPERATIONS FACILITY.....	---	4,400
TOTAL, MASSACHUSETTS.....	4,000	15,400

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT

MICHIGAN		
ARMY NATIONAL GUARD		
GRAND LEDGE		
ARMY AVIATION SUPPORT FACILITY.....	27,600	27,600
AIR NATIONAL GUARD		
SELFRIDGE		
JOINT SECURITY FORCES OPERATIONS CENTER.....	---	9,700
VISITORS CENTER AND ID COMPLEX.....	---	4,000
W.K. KELLOGG		
FIRE AND CRASH RESCUE STATION.....	---	5,100
TOTAL, MICHIGAN.....	27,600	46,400

MINNESOTA		
AIR NATIONAL GUARD		
DULUTH INTERNATIONAL AIRPORT		
ASA - CREW QUARTERS.....	3,000	3,000
ASA - ARM, DEARM APRON AND TAXIWAY.....	4,000	4,000
ASA - RELOCATE BASE ENTRANCE ROAD.....	3,500	3,500
AIR FORCE RESERVE		
MINNEAPOLIS-ST. PAUL INTERNATIONAL AIRPORT		
AIR RESERVE STATION OPERATIONS FACILITY.....	---	4,950
ADD/ALTER JOINT USE PHYSICAL FITNESS CENTER.....	---	4,400
TOTAL, MINNESOTA.....	10,500	19,850

MISSISSIPPI		
NAVY		
GULFPORT		
VEHICLE MAINTENANCE FACILITY.....	---	4,350
AIR FORCE		
COLUMBUS AIR FORCE BASE		
FIRE AND CRASH RESCUE STATION.....	---	7,700
ARMY NATIONAL GUARD		
CAMP SHELBY		
MOUT COLLECTIVE TRAINING FACILITY (SMALL).....	---	5,300
WASTEWATER TREATMENT FACILITY.....	---	2,700
GULFPORT		
ORGANIZATIONAL MAINTENANCE SHOP.....	---	4,650
TOTAL, MISSISSIPPI.....	---	24,700

MISSOURI		
ARMY		
FORT LEONARD WOOD		
MINE DETECTION DOG KENNEL.....	---	3,700
COUNTERMINE TRAINING COMPLEX.....	---	10,400
RANGE.....	2,750	2,750
WEAPONS OF MASS DESTRUCTION RESPONDER TRAINING FACILITY.....	15,000	15,000
AIR FORCE		
WHITEMAN AIR FORCE BASE		
CHILD DEVELOPMENT CENTER.....	---	7,600
TOTAL, MISSOURI.....	17,750	39,450

MONTANA		
AIR FORCE		
MALMSTROM AIR FORCE BASE		
CORROSION CONTROL FACILITY.....	---	5,600
ARMY NATIONAL GUARD		
DILLON		
READINESS CENTER.....	---	4,786
HAVRE AIR FORCE STATION		
READINESS CENTER, ADDITION/ALTERATION (ARMY NATIONAL GUARD DIVISION REDESIGN STUDY).....	2,398	2,398

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT

HELENA		
ARMY AVIATION SUPPORT FACILITY ADDITION/ALTERATION (PHASE I).....	7,600	7,600
TOTAL, MONTANA.....	9,998	20,384
NEBRASKA		
AIR FORCE		
OFFUTT AIR FORCE BASE CONTROL TOWER.....	---	6,221
ARMY NATIONAL GUARD		
HASTINGS MODIFIED RECORD FIRE RANGE (REMOTE TARGET SYSTEMS).....	1,487	1,487
TOTAL, NEBRASKA.....	1,487	7,708
NEVADA		
NAVY		
FALLON HIGH EXPLOSIVES MAGAZINE.....	---	4,980
ARMY NATIONAL GUARD		
HENDERSON READINESS CENTER.....	---	12,853
TOTAL, NEVADA.....	---	17,833
NEW HAMPSHIRE		
AIR NATIONAL GUARD		
PEASE INTERNATIONAL TRADEPORT UPGRADE AIRCRAFT PARKING APRON (PHASE II).....	---	4,900
NEW JERSEY		
ARMY		
PICATINNY ARSENAL PYROTECHNICS FACILITY.....	---	9,900
NAVY		
EARLE GENERAL PURPOSE/BERTHING PIER (PHASE II).....	49,200	49,200
AIR NATIONAL GUARD		
ATLANTIC CITY INTERNATIONAL AIRPORT ASA - REPLACE ALERT COMPLEX.....	10,400	10,400
REPLACE ALERT 2 SHELTERS.....	---	2,300
ARMY RESERVE		
FORT DIX CONTROLLED HUMIDITY STORAGE (PHASE I).....	---	9,502
TOTAL, NEW JERSEY.....	59,600	81,302
NEW MEXICO		
ARMY		
WHITE SANDS ELECTROMAGNETIC VULNERABILITY ASSESSMENT.....	33,000	33,000
AIR FORCE		
CANNON AIR FORCE BASE DINING HALL/AIRMEN'S CENTER.....	---	9,500
KIRTLAND AIR FORCE BASE CORROSION CONTROL FACILITY.....	---	9,200
TOTAL, NEW MEXICO.....	33,000	51,700
NEW YORK		
ARMY		
BUFFALO MILITARY ENTRANCE PROCESSING STATION.....	6,200	6,200

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT

FORT DRUM		
AIRFIELD ARRIVAL/DEPARTURE FACILITY.....	4,950	4,950
BARRACKS COMPLEX - WHEELER SACK ARMY AIRFIELD (PHASE II).....	48,000	48,000
DEFENSIVE LIVE FIRE RANGE.....	---	3,000
UPGRADE EDUCATIONAL TRANSITIONAL FACILITIES.....	---	5,700
FORT HAMILTON		
MILITARY POLICE STATION.....	7,600	7,600
HANCOCK FIELD		
MILITARY ENTRANCE PROCESSING STATION.....	---	6,000
U.S. MILITARY ACADEMY		
LIBRARY AND LEARNING CENTER (PHASE I).....	34,500	34,500
ARMY NATIONAL GUARD		
AUBURN		
ORGANIZATIONAL MAINTENANCE SHOP (ARMY NATIONAL GUARD DIVISION REDESIGN STUDY (ADRS)).....	2,472	2,472
ADDITION/ALTERATION READINESS CENTER (ADRS).....	4,406	4,406
FORT DRUM		
READINESS CENTER (ADRS).....	6,489	6,489
KINGSTON		
ORGANIZATIONAL MAINTENANCE SHOP ADDITION/ ALTERATION (ADRS).....	3,827	3,827
UTICA		
ADDITION/ALTERATION READINESS CENTER (ADRS).....	5,704	5,704
AIR NATIONAL GUARD		
HANCOCK FIELD		
REPLACE MOBILITY PROCESSING CENTER.....	---	2,300
AIR FORCE RESERVE		
NIAGARA		
FIRE AND CRASH RESCUE STATION.....	---	7,800

TOTAL, NEW YORK.....	124,148	148,948
NORTH CAROLINA		
ARMY		
FORT BRAGG		
AIR TRAFFIC CONTROL TOWER.....	2,500	2,500
BARRACKS COMPLEX - ARMISTEAD ST (PHASE II).....	---	10,000
BARRACKS COMPLEX RENEWAL BLACKJACK ST (PHASE I)...	49,000	49,000
BARRACKS COMPLEX - BASTOGNE DR (PHASE II).....	48,000	48,000
BARRACKS COMPLEX - DONOVAN STREET (PHASE V).....	15,500	15,500
SHOOT HOUSE.....	2,037	2,037
SHOOT HOUSE.....	1,650	1,650
NAVY		
CAMP LEJEUNE		
ARMORY - CAMP GEIGER.....	4,010	4,010
COMBAT TRAINING POOL.....	2,410	2,410
EXPLOSIVE ORDNANCE DISPOSAL OPERATIONS FACILITY....	---	4,610
NEW RIVER		
ADD TO SIMULATOR BUILDING.....	2,270	2,270
AIRCRAFT MAINTENANCE TRAINING FACILITY.....	12,090	12,090
BACHELOR ENLISTED QUARTERS.....	20,780	20,780
NAVAL OUTLYING LANDING FIELD WASHINGTON COUNTY		
OUTLYING LANDING FIELD FACILITIES (PHASE II).....	33,900	15,000
OUTLYING LANDING FIELD LAND ACQUISITION (PHASE I)...	61,750	15,000
AIR FORCE		
POPE AIR FORCE BASE		
COMBAT CONTROLLER SCHOOL EXPANSION.....	12,950	12,950
INDOOR FIRING RANGE FOR COMBAT CONTROL SCHOOL.....	2,200	2,200
DEFENSE-WIDE		
CHERRY POINT MARINE CORPS AIR STATION		
REPLACE HYDRANT FUEL SYSTEM.....	22,700	22,700
FORT BRAGG		
KENNEDY HALL RENOVATION.....	11,988	11,988
SPECIAL OPERATIONS FORCES COMPANY OPERATIONS BUILDING.....	4,600	4,600

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT

SPECIAL OPERATIONS FORCES COMPANY OPERATIONS COMPLEX.....	12,000	12,000
SPECIAL OPERATIONS FORCES COMPANY OPERATIONS FACILITY.....	4,500	4,500
SPECIAL OPERATIONS FORCES ISOLATION UNIT TRAINING FACILITY.....	8,300	8,300
SPECIAL OPERATIONS FORCES RESISTANCE TRAINING FACILITY.....	1,500	1,500
ARMY NATIONAL GUARD		
BURLINGTON		
ADDITION/ALTERATION READINESS CENTER (ADRS).....	1,360	1,360
FORT BRAGG		
REGIONAL TRAINING INSTITUTE (PHASE III).....	6,319	6,319
WINDSOR		
ORGANIZATIONAL MAINTENANCE SHOP (ARMY NATIONAL GUARD DIVISION REDESIGN STUDY).....	2,409	2,409
NAVY RESERVE		
ASHEVILLE		
RESERVE CENTER.....	3,492	3,492
WILMINGTON		
RESERVE TRAINING CENTER.....	---	7,000
AIR FORCE RESERVE		
SEYMOUR JOHNSON AIR FORCE BASE		
RESERVE SECURITY FORCES OPERATIONS.....	2,300	2,300
TOTAL, NORTH CAROLINA.....	352,515	308,475

NORTH DAKOTA		
AIR FORCE		
MINOT AIR FORCE BASE		
ADD/ALTER DOCK 1 TO MULTI-PURPOSE HANGAR.....	---	8,900
OHIO		
AIR FORCE		
WRIGHT-PATTERSON AIR FORCE BASE		
REPLACE STEAM LINES/TUNNELS, AREA B (PHASE IA)....	---	9,200
DEFENSE-WIDE		
COLUMBUS		
REPLACE PHYSICAL FITNESS FACILITY.....	5,500	---
ARMY NATIONAL GUARD		
COLUMBUS		
COMBINED SUPPORT MAINTENANCE SHOP (PHASE I).....	---	9,980
ORGANIZATIONAL MAINTENANCE SHOP (ARMY NATIONAL GUARD DIVISION REDESIGN STUDY).....	2,225	2,225
AIR NATIONAL GUARD		
TOLEDO EXPRESS AIRPORT		
REPLACE LOGISTICS COMPLEX.....	---	6,900
AIR FORCE RESERVE		
WRIGHT-PATTERSON AIR FORCE BASE		
C-5 AIRFIELD PAVEMENTS (PHASE I).....	4,300	4,300
C-5 MULTI-PURPOSE HANGAR.....	16,821	16,821
TOTAL, OHIO.....	28,846	49,426

OKLAHOMA		
ARMY		
FORT SILL		
CIDC FIELD OPERATIONS BUILDING.....	---	3,400
CONSOLIDATED MAINTENANCE COMPLEX (PHASE III).....	13,100	13,100
VEHICLE MAINTENANCE FACILITY.....	14,400	14,400
AIR FORCE		
ALTUS AIR FORCE BASE		
BASE CIVIL ENGINEERING COMPLEX (PHASE II).....	---	7,000
TINKER AIR FORCE BASE		
ADDITION TO INTEGRATED SUPPORT FACILITY.....	---	8,000

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT

DEFENSE-WIDE		
TINKER AIR FORCE BASE		
ADDITION/ALTERATION HYDRANT FUEL SYSTEM.....	5,400	5,400
ARMY NATIONAL GUARD		
CAMP GRUBER TRAINING CENTER		
MULTI-PURPOSE MACHINE GUN RANGE.....	---	3,201
TOTAL, OKLAHOMA.....	32,900	54,501

OREGON		
ARMY NATIONAL GUARD		
EUGENE		
ARMED FORCES RESERVE CENTER (PHASE II).....	12,635	12,635
SALEM		
ARMY AVIATION SUPPORT FACILITY.....	---	4,917
AIR FORCE RESERVE		
PORTLAND		
ADDITION/ALTERATION BUILDING 315 FOR PJ SQUADRON		
OPERATIONS.....	1,640	1,640
CONSOLIDATED TRAINING BUILDING (PHASE II).....	3,800	3,800
MAINTENANCE HANGAR AND PAVEMENTS.....	12,400	12,400
TOTAL, OREGON.....	30,475	35,392

PENNSYLVANIA		
ARMY		
LETTERKENNY ARMY DEPOT		
IGLOO UPGRADE.....	---	5,400
DEFENSE-WIDE		
DEFENSE DISTRIBUTION DEPOT NEW CUMBERLAND		
CONSOLIDATED MAINTENANCE FACILITY.....	22,300	22,300
ARMY NATIONAL GUARD		
FORT INDIANTOWN GAP		
UNIT TRAINING EQUIPMENT SITE.....	---	20,387
ARMY RESERVE		
FORT INDIANTOWN GAP		
ARMY RESERVE CENTER/ORGANIZATIONAL MAINTENANCE		
SHOP.....	13,156	13,156
NAVY RESERVE		
WILLOW GROVE		
FITNESS CENTER.....	7,700	7,700
TOTAL, PENNSYLVANIA.....	43,156	68,943

RHODE ISLAND		
NAVY		
NAVAL STATION NEWPORT		
BULK FUEL STORAGE TANK.....	---	5,490

SOUTH CAROLINA		
NAVY		
BEAUFORT		
AIRCRAFT FIRE AND RESCUE FACILITY.....	---	5,480
NAVAL WEAPONS STATION CHARLESTON		
ELECTRONIC INTEGRATION AND SUPPORT FACILITY.....	---	12,209
AIR FORCE		
SHAW AIR FORCE BASE		
BASE LIBRARY.....	---	3,700
SEWER OUTFALL LINE TO WATEREE RIVER.....	3,300	3,300
DEFENSE-WIDE		
PARRIS ISLAND		
MEDICAL/DENTAL CLINIC REPLACEMENT.....	25,000	25,000
TOTAL, SOUTH CAROLINA.....	28,300	49,689

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT

SOUTH DAKOTA		
AIR FORCE		
ELLSWORTH AIR FORCE BASE		
BASE OPERATIONS CENTER.....	---	9,867
ARMY NATIONAL GUARD		
MOBRIDGE		
READINESS CENTER.....	2,944	2,944
AIR NATIONAL GUARD		
JOE FOSS FIELD		
SQUADRON OPERATIONS FACILITY.....	---	7,000
TOTAL, SOUTH DAKOTA.....	2,944	19,811

TENNESSEE		
AIR FORCE		
ARNOLD AIR FORCE BASE		
ADD/ALTER WINGO INN VISITING QUARTERS.....	---	2,500
UPGRADE JET ENGINE AIR INDUCTION SYSTEM (PHASE V).....	22,000	22,000
ARMY NATIONAL GUARD		
NASHVILLE		
READINESS CENTER (PHASE I).....	---	9,142
SMYRNA		
JOINT ARMED FORCES RESERVE CENTER.....	---	13,589
AIR NATIONAL GUARD		
MEMPHIS INTERNATIONAL AIRPORT		
C-5 AIRCRAFT PARKING APRON AND HYDRANT REFUEL.....	15,500	15,500
C-5 CORROSION CONTROL HANGAR.....	26,000	26,000
C-5 SITE PREPARATION.....	---	5,000
TOTAL, TENNESSEE.....	63,500	93,731

TEXAS		
ARMY		
FORT BLISS		
MISSILE DEFENSE INSTRUCTION FACILITY.....	16,500	16,500
TACTICAL EQUIPMENT SHOP - AAMDC.....	---	2,900
FORT HOOD		
BARRACKS COMPLEX.....	49,888	49,888
COMMAND AND CONTROL FACILITY (PHASE II).....	---	7,100
DIGITAL MULTIPURPOSE RANGE.....	28,200	28,200
FORT SAM HOUSTON		
GENERAL INSTRUCTION BUILDING.....	---	11,400
AIR FORCE		
DYESS AIR FORCE BASE		
FIRE CRASH RESCUE STATION.....	---	11,000
REFUELING VEHICLE MAINTENANCE SHOP.....	---	3,300
LACKLAND AIR FORCE BASE		
SECURITY FORCES TRAINING EXPANSION.....	2,596	2,596
LAUGHLIN AIR FORCE BASE		
T-1 SQUADRON OPERATIONS FACILITY.....	---	6,900
SHEPPARD AIR FORCE BASE		
F-22 TECHNICAL TRAINING FACILITY.....	21,284	21,284
STUDENT DORMITORY (300 ROOM).....	29,000	29,000
DEFENSE-WIDE		
KINGSVILLE		
REPLACE JET FUEL STORAGE TANK.....	3,900	3,900
ARMY RESERVE		
CORPUS CHRISTI STORAGE COMPLEX		
CONTROLLED HUMIDITY STORAGE (PHASE I).....	---	9,038
NAVY RESERVE		
FORT WORTH		
COMBINED RESERVE TRAINING ADMINISTRATIVE BUILDING.....	---	5,520
AIR FORCE RESERVE		
FORT WORTH		
AIRCRAFT PARTS STORE.....	---	1,850

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT

LACKLAND AIR FORCE BASE		
ADDITION/ALTERATION C-5 AIRCRAFT GENERATION		
FACILITY.....	1,200	1,200
C-5 TRAINING LOAD ASSEMBLY FACILITY.....	1,850	1,850
C-5 TRAINING SCHOOLHOUSE COMPLEX.....	20,000	20,000

TOTAL, TEXAS.....	174,418	233,426
UTAH		
AIR FORCE		
HILL AIR FORCE BASE		
729TH ACS OPERATOINS/MAINTENANCE FACILITY.....	---	4,900
FITNESS CENTER.....	13,113	13,113
ICBM PROPELLANT ANALYSIS COMPLEX.....	---	7,700
ARMY RESERVE		
OGDEN		
ADDITION/ALTERATION ARMY RESERVE CENTER.....	7,932	7,932

TOTAL, UTAH.....	21,045	33,645
VERMONT		
AIR NATIONAL GUARD		
BURLINGTON INTERNATIONAL AIRPORT		
AIR MOBILIZATION FACILITY.....	---	6,000
VIRGINIA		
ARMY		
FORT A.P. HILL		
MOUT FACILITY (PHASE I).....	---	6,800
SHOOT HOUSE.....	3,975	3,975
FORT LEE		
FIRE AND EMERGENCY SERVICES CENTER (PHASE III)....	---	4,250
FORT MYER		
BARRACKS COMPLEX - SHERIDAN AVE (PHASE I).....	49,526	49,526
NAVY		
CAMP ELMORE MARINE CORPS DETACHMENT		
COMMAND OPERATIONS FACILITY.....	13,500	13,500
LITTLE CREEK		
GATE 5 SECURITY IMPROVEMENTS.....	2,850	2,850
POLICE AND SECURITY OPERATIONS FACILITY.....	---	6,370
NORFOLK		
GATE 5 SECURITY IMPROVEMENTS.....	4,330	4,330
PIER 11 REPLACEMENT (PHASE II).....	40,000	40,000
OCEANA NAVAL AIR STATION		
POST 2 SECURITY IMPROVEMENTS.....	2,770	2,770
QUANTICO		
BACHELOR ENLISTED QUARTERS.....	15,090	15,090
GREEN SIDE HANGAR COMPLEX.....	21,180	21,180
HQ AND SERVICE BN/TBS.....	---	4,470
HERITAGE CENTER ROAD IMPROVEMENTS.....	950	950
THE BASIC SCHOOL ARMORY.....	4,580	4,580
YORKTOWN		
ORDNANCE HANDLING VEHICLE MAINTENANCE SHOP.....	9,870	9,870
DEFENSE-WIDE		
DAM NECK		
SPECIAL OPERATIONS FORCES HIGH EXPLOSIVE MAGAZINE.	1,400	1,400
SPECIAL OPERATIONS FORCES OPERATIONAL TRAINER		
SUPPORT FACILITY ADDITION.....	4,300	4,300
DEFENSE DISTRIBUTION DEPOT RICHMOND		
CONFERENCE CENTER.....	3,600	3,600
SECURITY ENHANCEMENTS.....	6,500	6,500
FORT A.P. HILL		
SPECIAL OPERATIONS FORCES GROUND MOBILITY SUPPORT		
BUILDING.....	1,500	1,500
FORT BELVOIR		
HOSPITAL REPLACEMENT (PHASE I).....	43,000	43,000

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT

LANGLEY AIR FORCE BASE		
ADDITION/ALTERATION HOSPITAL.....	50,800	50,800
LITTLE CREEK		
BOAT SUPPORT FACILITY.....	10,500	10,500
SEAL TEAM OPERATIONS FACILITY.....	---	9,000
SPECIAL OPERATIONS FORCES COMBAT SKILLS COMPOUND..	12,700	12,700
SPECIAL OPERATIONS FORCES GROUND MOBILITY		
MAINTENANCE FACILITY.....	1,000	1,000
OCEANA NAVAL AIR STATION		
BULK FUEL STORAGE TANK.....	3,589	3,589
ARMY NATIONAL GUARD		
FORT PICKETT		
INFANTRY PLATOON BATTLE COURSE.....	5,170	5,170
MILITARY OPERATIONS ON URBAN TERRAIN ASSAULT		
COURSE.....	1,409	1,409
NAVY RESERVE		
NORFOLK		
VEHICLE MAINTENANCE FACILITY.....	3,290	3,290
TOTAL, VIRGINIA.....	317,379	348,269

WASHINGTON		
ARMY		
FORT LEWIS		
BARRACKS COMPLEX - 41ST DIVISION DR/B ST		
(PHASE II).....	48,000	48,000
CHAPEL.....	---	8,200
NAVY		
BANGOR		
LIMITED AREA PRODUCTION AND STAGING COMPLEX.....	35,770	35,770
NSWCCD DET BANGOR LAB CONSOLIDATION (PHASE I)....	---	6,970
BREMERTON		
BACHELOR ENLISTED QUARTERS - SHIPBOARD ASHORE....	34,125	34,125
PUGET SOUND		
AIRCRAFT CARRIER MAINTENANCE COMPLEX.....	20,305	20,305
WHIDBEY ISLAND		
HAZARDOUS MATERIALS STOREHOUSE.....	---	1,990
ARMY NATIONAL GUARD		
CAMP MURRAY		
ADDITION/ALTERATION READINESS CENTER (ADRS).....	1,400	1,400
ARMY RESERVE		
VANCOUVER		
LAND ACQUISITION.....	2,500	---
TOTAL, WASHINGTON.....	142,100	156,760

WEST VIRGINIA		
AIR NATIONAL GUARD		
EASTERN WEST VIRGINIA REGIONAL AIRPORT (MARTINSBURG)		
C-5 MAINTENANCE HANGAR AND SHOPS.....	36,000	36,000
C-5 AIRCRAFT PARKING APRON/HYDRANT SYSTEM.....	---	13,000
C-5 FLIGHT SIMULATOR.....	---	4,150
YEAGER AIR BASE		
FIRE CRASH RESCUE STATION.....	---	6,000
TOTAL, WEST VIRGINIA.....	36,000	59,150

WISCONSIN		
AIR NATIONAL GUARD		
TRUAX FIELD		
ASA - MUNITIONS MAINTENANCE AND STORAGE COMPLEX...	5,900	5,900
VOLK FIELD		
SQUADRON OPERATIONS FACILITY.....	---	4,500
ARMY RESERVE		
FORT MCCOY		
INFANTRY PLATOON BATTLE COURSE.....	2,712	2,712

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
SQUAD DEFENSE RANGE.....	1,248	1,248
TOTAL, WISCONSIN.....	9,860	14,360
WYOMING		
AIR FORCE		
F.E. WARREN AIR FORCE BASE		
UPGRADE STORM WATER DRAINAGE SYSTEM (PHASE I).....	---	5,500
BAHAMAS		
NAVY		
ANDROS ISLAND		
BACHELOR QUARTERS.....	20,750	---
DIEGO GARCIA		
NAVY		
DIEGO GARCIA		
SOLID WASTE MANAGEMENT CENTER.....	17,500	17,500
DEFENSE-WIDE		
DIEGO GARCIA		
DENTAL CLINIC REPLACEMENT.....	3,800	3,800
TOTAL, DIEGO GARCIA.....	21,300	21,300
GERMANY		
ARMY		
GRAFENWOEHR		
BARRACKS COMPLEX.....	28,500	28,500
BARRACKS COMPLEX - BRIGADE.....	34,000	34,000
BRIGADE SUPPORT COMPLEX.....	14,700	14,700
AIR FORCE		
RAMSTEIN AIR BASE		
SMALL DIAMETER BOMB FACILITIES.....	1,200	1,200
US AIR FORCE THEATER AEROSPACE OPERATIONS SUPPORT CENTER.....	24,204	24,204
DEFENSE-WIDE		
GRAFENWOEHR		
ADDITION/ALTERATION DISPENSARY/DENTAL CLINIC.....	13,000	13,000
NEW ELEMENTARY/MIDDLE SCHOOL.....	36,247	36,247
VILSECK		
VILSECK HIGH SCHOOL RENOVATION/ADDITION.....	9,011	9,011
TOTAL, GERMANY.....	160,862	160,862
GREENLAND		
AIR FORCE		
THULE AIR BASE		
DORMITORY (72 ROOM).....	19,800	19,800
GUAM		
AIR FORCE		
ANDERSEN AIR FORCE BASE		
WAR RESERVE STORAGE FACILITY.....	19,593	19,593
DEFENSE-WIDE		
AGANA NAVAL AIR STATION		
GUAM HIGH SCHOOL REPLACEMENT.....	26,964	26,964
TOTAL, GUAM.....	46,557	46,557
ITALY		
ARMY		
LIVORNO		
WAREHOUSE OPERATIONS FACILITY.....	26,000	26,000
NAVY		
SIGONELLA		
ACCESS IMPROVEMENTS.....	7,430	7,430

MILITARY CONSTRUCTION (AMOUNTS IN THOUSANDS)		
	BUDGET REQUEST	CONFERENCE AGREEMENT
BASE OPERATIONS SUPPORT (PHASE II).....	15,120	15,120
AIR FORCE		
AVIANO AIR BASE		
ADDITION/ALTERATION WEAPONS LOAD/MAINTENANCE TRAINING FACILITY.....	2,300	2,300
AIRFIELD OBSTRUCTION - EXPAND NORTH RAMP (PHASE I) FLIGHT SIMULATOR.....	1,626	1,626
	2,834	2,834
TOTAL, ITALY.....	55,310	55,310
JAPAN		
AIR FORCE		
MISAWA AIR BASE		
EXPAND STRATEGIC AIRLIFT RAMP.....	6,700	---
DEFENSE-WIDE		
MISAWA AIR BASE		
HYDRANT FUEL SYSTEM.....	19,900	---
TOTAL, JAPAN.....	26,600	---
KOREA		
ARMY		
CAMP HUMPHREYS		
SANITARY SEWER SYSTEM.....	12,000	12,000
AIR FORCE		
KUNSAN AIR BASE		
DORMITORY (144 ROOM).....	18,550	18,550
DORMITORY (144 ROOM).....	18,550	18,550
OSAN AIR BASE		
DORMITORY (156 ROOM).....	18,600	18,600
TOTAL, KOREA.....	67,700	67,700
MARIANA ISLANDS		
NAVY		
GUAM		
KILO WHARF IMPROVEMENTS.....	12,500	12,500
WATER TREATMENT PLANT UPGRADE.....	20,700	20,700
DEFENSE-WIDE		
GUAM		
SPECIAL OPERATIONS FORCES GROUND MOBILITY SUPPORT BUILDING.....	2,200	2,200
TOTAL, MARIANA ISLANDS.....	35,400	35,400
PORTUGAL		
AIR FORCE		
LAJES FIELD		
ADDITION/ALTERATION FITNESS CENTER (PHASE II).....	5,689	5,689
DEFENSE-WIDE		
LAJES FIELD		
REPLACE HYDRANT FUEL SYSTEM.....	19,113	19,113
TOTAL, PORTUGAL.....	24,802	24,802
PUERTO RICO		
ARMY RESERVE		
AGUADILLA		
ARMY RESERVE CENTER.....	21,523	---
SPAIN		
NAVY		
ROTA		
COMMAND OPERATIONS CONSOLIDATION.....	32,700	21,700

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT

AIR FORCE		
ROTA		
AIRCRAFT PARKING APRON (PHASE II).....	14,153	4,325
TOTAL, SPAIN.....	46,853	26,025

UNITED KINGDOM		
AIR FORCE		
ROYAL AIR FORCE LAKENHEATH		
4-BAY MISSION TRAINING CENTER.....	5,500	5,500
DEFENSE-WIDE		
ROYAL AIR FORCE STATION MILDENHALL		
SPECIAL OPERATIONS FORCES OPERATIONS/INTELLIGENCE		
FACILITY.....	10,200	---
TOTAL, UNITED KINGDOM.....	15,700	5,500

NORTH ATLANTIC TREATY ORGANIZATION (NATO)		
NATO SECURITY INVESTMENT PROGRAM.....	165,800	165,800
RESCISSION (P.L. 108-132).....	---	-5,000
TOTAL, NATO.....	165,800	160,800

WORLDWIDE CLASSIFIED		
AIR FORCE		
CLASSIFIED LOCATION		
CLASSIFIED.....	28,090	28,090
SPECIAL TACTICAL UNIT DETACHMENT FACILITY.....	704	704
DEFENSE-WIDE		
CLASSIFIED LOCATION		
SPECIAL OPERATIONS FORCES BUILDING ADDITION.....	2,600	2,600
SPECIAL OPERATIONS FORCES INFORMATION OPERATIONS		
FACILITY ADDITION.....	4,800	4,800
TOTAL, WORLDWIDE CLASSIFIED.....	36,194	36,194

WORLDWIDE UNSPECIFIED		
ARMY		
UNSPECIFIED WORLDWIDE LOCATIONS		
HOST NATION SUPPORT.....	21,000	21,000
PLANNING AND DESIGN.....	130,335	135,999
UNSPECIFIED MINOR CONSTRUCTION.....	20,000	20,885
RESCISSION (P.L. 106-246).....	---	-7,776
RESCISSION (P.L. 107-64).....	---	-3,924
RESCISSION (P.L. 107-249).....	---	-7,276
NAVY		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN.....	87,067	90,830
UNSPECIFIED MINOR CONSTRUCTION.....	12,000	12,000
PRESIDENTIAL HELICOPTER PROGRAMS SUPPORT FACILITY.		
WHITE SIDE COMPLEX.....	80,000	40,000
RESCISSION (P.L. 108-132).....	18,560	18,560
RESCISSION (P.L. 108-132).....	---	-24,000
AIR FORCE		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN.....	140,786	130,711
UNSPECIFIED MINOR CONSTRUCTION.....	13,000	13,280
PREDATOR B BEDDOWN.....	26,121	26,121
RESCISSION (P.L. 108-106).....	---	-21,800
DEFENSE-WIDE		
UNSPECIFIED WORLDWIDE LOCATIONS		
CONTINGENCY CONSTRUCTION.....	10,000	10,000
ENERGY CONSERVATION IMPROVEMENT PROGRAM.....	60,000	50,000
SPECIAL OPERATIONS COMMAND.....	2,900	2,900
RESCISSION (P.L. 107-64).....	---	-6,000
RESCISSION (P.L. 107-249).....	---	-16,737

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT

PLANNING AND DESIGN		
SPECIAL OPERATIONS COMMAND.....	10,566	11,184
PLANNING AND DESIGN.....	22,216	22,216
TRICARE MANAGEMENT ACTIVITY.....	29,400	29,400
	-----	-----
SUBTOTAL, PLANNING AND DESIGN.....	62,182	62,800
UNSPECIFIED MINOR CONSTRUCTION		
TRICARE MANAGEMENT ACTIVITY.....	3,002	3,002
SPECIAL OPERATIONS COMMAND.....	2,710	2,710
MISSILE DEFENSE AGENCY.....	2,769	2,769
DEFENSE FINANCE AND ACCOUNTING SERVICE.....	1,497	1,497
UNDISTRIBUTED.....	3,000	3,000
DEPARTMENT OF DEFENSE DEPENDENT EDUCATION.....	746	746
THE JOINT STAFF.....	7,214	7,214
	-----	-----
SUBTOTAL, UNSPECIFIED MINOR CONSTRUCTION.....	20,938	20,938
ARMY NATIONAL GUARD		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN.....	30,845	38,502
UNSPECIFIED MINOR CONSTRUCTION.....	4,472	9,200
AIR NATIONAL GUARD		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN.....	13,568	17,753
UNSPECIFIED MINOR CONSTRUCTION.....	5,500	5,840
RESCISSION (P.L. 108-132).....	---	-5,000
ARMY RESERVE		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN.....	11,225	13,292
UNSPECIFIED MINOR CONSTRUCTION.....	2,923	2,923
NAVY RESERVE		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN.....	1,503	1,914
AIR FORCE RESERVE		
VARIOUS WORLDWIDE LOCATIONS		
PLANNING AND DESIGN.....	5,493	6,714
UNSPECIFIED MINOR CONSTRUCTION.....	5,263	5,263
	-----	-----
TOTAL, WORLDWIDE UNSPECIFIED.....	785,681	664,912
FAMILY HOUSING, ARMY		
ALASKA		
FORT RICHARDSON (92 UNITS).....	42,000	42,000
FORT WAINWRIGHT (100 UNITS).....	41,000	41,000
FORT WAINWRIGHT (60 UNITS).....	37,000	37,000
FORT WAINWRIGHT (86 UNITS).....	46,000	46,000
ARIZONA		
FORT HUACHUCA (205 UNITS).....	41,000	41,000
YUMA (55 UNITS).....	14,900	14,900
KANSAS		
FORT RILEY (126 UNITS).....	33,000	33,000
NEW MEXICO		
WHITE SANDS (156 UNITS).....	31,000	31,000
OKLAHOMA		
FORT SILL (247 UNITS).....	47,000	47,000
VIRGINIA		
FORT LEE (218 UNITS).....	46,000	46,000
FORT MONROE (68 UNITS).....	16,000	16,000
CONSTRUCTION IMPROVEMENTS.....	211,990	211,990
PLANNING AND DESIGN.....	29,209	29,209

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
RESCISSION (P.L. 107-249).....	---	-21,000
SUBTOTAL, CONSTRUCTION.....	636,099	615,099
OPERATION AND MAINTENANCE		
UTILITIES ACCOUNT.....	132,356	132,356
SERVICES ACCOUNT.....	36,174	36,174
MANAGEMENT ACCOUNT.....	74,895	74,895
MISCELLANEOUS ACCOUNT.....	1,333	1,333
FURNISHINGS ACCOUNT.....	37,411	37,411
LEASING.....	218,033	218,033
MAINTENANCE OF REAL PROPERTY.....	402,060	399,660
MORTGAGE INSURANCE PREMIUM.....	1	1
PRIVATIZATION SUPPORT COSTS.....	26,644	26,644
SUBTOTAL, OPERATION AND MAINTENANCE.....	928,907	926,507
TOTAL, FAMILY HOUSING, ARMY.....	1,565,006	1,541,606
FAMILY HOUSING, NAVY AND MARINE CORPS		
NORTH CAROLINA		
CHERRY POINT MARINE CORPS AIR STATION (198 UNITS)...	27,002	27,002
CONSTRUCTION IMPROVEMENTS.....	112,105	112,105
RESCISSION (P.L. 107-64).....	---	-5,564
RESCISSION (P.L. 108-132).....	---	-6,737
SUBTOTAL, CONSTRUCTION.....	139,107	126,806
OPERATION AND MAINTENANCE		
UTILITIES ACCOUNT.....	137,226	137,226
FURNISHINGS ACCOUNT.....	20,756	20,756
MANAGEMENT ACCOUNT.....	81,859	81,859
MISCELLANEOUS ACCOUNT.....	654	654
SERVICES ACCOUNT.....	57,691	57,691
LEASING.....	136,883	136,883
MAINTENANCE OF REAL PROPERTY.....	252,383	244,183
MORTGAGE INSURANCE PREMIUM.....	61	61
PRIVATIZATION SUPPORT COSTS.....	16,991	16,991
SUBTOTAL, OPERATION AND MAINTENANCE.....	704,504	696,304
TOTAL, FAMILY HOUSING, NAVY AND MARINE CORPS....	843,611	823,110
FAMILY HOUSING, AIR FORCE		
ARIZONA		
DAVIS-MONTHAN AIR FORCE BASE (250 UNITS).....	48,500	48,500
CALIFORNIA		
EDWARDS AIR FORCE BASE (218 UNITS).....	41,202	41,202
VANDENBERG AIR FORCE BASE (120 UNITS).....	30,906	30,906
FLORIDA		
MACDILL AIR FORCE BASE.....	1,250	1,250
MACDILL AIR FORCE BASE (61 UNITS).....	21,723	21,723
IDAHO		
MOUNTAIN HOME AIR FORCE BASE (147 UNITS).....	39,333	39,333
MISSISSIPPI		
COLUMBUS AIR FORCE BASE.....	711	711
MISSOURI		
WHITEMAN AIR FORCE BASE (160 UNITS).....	37,087	37,087
MONTANA		
MALMSTROM AIR FORCE BASE (115 UNITS).....	29,910	29,910

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT

NORTH CAROLINA		
SEYMOUR JOHNSON AIR FORCE BASE (167 UNITS).....	32,693	32,693
NORTH DAKOTA		
GRAND FORKS AIR FORCE BASE (90 UNITS).....	26,169	26,169
MINOT AIR FORCE BASE (142 UNITS).....	37,087	37,087
SOUTH CAROLINA		
CHARLESTON AIR FORCE BASE.....	1,976	1,976
SOUTH DAKOTA		
ELLSWORTH AIR FORCE BASE (75 UNITS).....	21,482	21,482
TEXAS		
DYESS AIR FORCE BASE (127 UNITS).....	28,664	28,664
GOODFELLOW AIR FORCE BASE (127 UNITS).....	20,604	20,604
GERMANY		
RAMSTEIN AIR BASE (144 UNITS).....	57,691	57,691
ITALY		
AVIANO AIR BASE.....	2,542	2,542
KOREA		
OSAN AIR BASE (117 UNITS).....	46,834	46,834
UNITED KINGDOM		
ROYAL AIR FORCE LAKENHEATH (154 UNITS).....	43,976	43,976
CONSTRUCTION IMPROVEMENTS.....	238,353	238,353
PLANNING AND DESIGN.....	38,266	38,266
RESCISSION (P.L. 106-246).....	---	-13,451
RESCISSION (P.L. 107-64).....	---	-25,720
RESCISSION (P.L. 108-132).....	---	-6,000

SUBTOTAL, CONSTRUCTION.....	846,959	801,788
OPERATION AND MAINTENANCE		
UTILITIES ACCOUNT.....	125,459	125,459
MANAGEMENT ACCOUNT.....	70,680	62,898
SERVICES ACCOUNT.....	26,070	26,070
FURNISHINGS ACCOUNT.....	44,459	41,959
MISCELLANEOUS ACCOUNT.....	2,396	2,396
LEASING.....	119,908	119,908
MAINTENANCE OF REAL PROPERTY.....	435,782	435,552
MORTGAGE INSURANCE PREMIUM.....	38	38
PRIVATIZATION SUPPORT COSTS.....	39,104	39,104

SUBTOTAL, OPERATION AND MAINTENANCE.....	863,896	853,384

TOTAL, FAMILY HOUSING, AIR FORCE.....	1,710,855	1,655,172

FAMILY HOUSING, DEFENSE-WIDE		
CONSTRUCTION IMPROVEMENTS (NATIONAL SECURITY AGENCY)..	49	49
OPERATION AND MAINTENANCE		
UTILITIES ACCOUNT (NATIONAL SECURITY AGENCY (NSA))..	471	471
FURNISHINGS ACCOUNT (NSA).....	116	116
MANAGEMENT ACCOUNT (NSA).....	13	13
MISCELLANEOUS ACCOUNT (NSA).....	53	53
SERVICES ACCOUNT (NSA).....	381	381
LEASING (NSA).....	11,257	11,257
MAINTENANCE OF REAL PROPERTY (NSA).....	1,939	1,939
FURNISHINGS ACCOUNT (DEFENSE INTELLIGENCE AGENCY)...	3,925	3,925
LEASING (DEFENSE INTELLIGENCE AGENCY).....	30,199	30,199
UTILITIES ACCOUNT (DEFENSE LOGISTICS AGENCY (DLA))..	419	419
FURNISHINGS ACCOUNT (DLA).....	36	36
SERVICES ACCOUNT (DLA).....	76	76
MANAGEMENT ACCOUNT (DLA).....	293	293

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
MAINTENANCE OF REAL PROPERTY (DLA).....	397	397
SUBTOTAL, OPERATION AND MAINTENANCE.....	49,575	49,575
TOTAL, FAMILY HOUSING, DEFENSE-WIDE.....	49,624	49,624
CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE		
CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE..	81,886	81,886
DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND		
DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND.	2,500	2,500
RESCISSION (P.L. 107-249).....	---	-10,808
RESCISSION (P.L. 108-132).....	---	-8,301
TOTAL, DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND.....	2,500	-16,609
BASE REALIGNMENT AND CLOSURE ACCOUNT		
BASE REALIGNMENT AND CLOSURE ACCOUNT.....	246,116	246,116
GENERAL PROVISION		
GENERAL PROVISION (SEC. 118).....	63,000	---
GRAND TOTAL.....	9,553,375	10,003,000

CONFERENCE TOTAL--WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2005 recommended by the Committee of Conference, with comparisons to the fiscal year 2004 amount, the 2005 budget estimates, and the House and Senate bills for 2005 follow:

(In thousands of dollars)	
New budget (obligational) authority, fiscal year 2004.....	\$ 9,840,861
Budget estimates of new (obligational) authority, fiscal year 2005.....	9,553,375
House bill, fiscal year 2005.....	10,003,000
Senate bill, fiscal year 2005.....	10,003,000
Conference agreement, fiscal year 2005.....	10,003,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2004.....	+162,139
Budget estimates of new (obligational) authority, fiscal year 2005.....	+449,625
House bill, fiscal year 2005.....	+0
Senate bill, fiscal year 2005.....	+0

DIVISION B—EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR HURRICANE DISASTERS ASSISTANCE ACT, 2005

CHAPTER 1
DEPARTMENT OF AGRICULTURE
FARM SERVICE AGENCY
EMERGENCY CONSERVATION PROGRAM

The conference agreement provides an additional \$100,000,000 for "Emergency Conservation Program," for expenses resulting from natural disasters, to remain available until expended.

NATURAL RESOURCES CONSERVATION SERVICE
EMERGENCY WATERSHED PROTECTION PROGRAM

The conference agreement provides an additional \$250,000,000 for "Emergency Watershed Protection Program" to repair damages to the waterways and watersheds resulting from natural disasters, to remain available until expended.

RURAL DEVELOPMENT

RURAL COMMUNITY ADVANCEMENT PROGRAM

The conference agreement provides an additional \$68,000,000 for the "Rural Community Advancement Program", to repair damages to water and waste disposal systems and community facilities resulting from natural disasters, to remain available until expended. The conference agreement provides that \$50,000,000 shall be available for water and waste disposal grants, and \$18,000,000 shall be available for community facility direct loans and grants. Funds provided under this heading shall be in addition to a state's regular program allocation.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM
ACCOUNT

The conference agreement provides an additional \$5,000,000 in budget authority, which supports an estimated loan level of \$17,000,000 for the section 504 direct housing repair and rehabilitation program as authorized by title V of the Housing Act of 1949, for damages resulting from natural disasters, to be available from funds in the rural housing insurance fund, for direct loans to section 504 borrowers. Funds provided under this heading shall be in addition to a state's regular program allocation.

RURAL HOUSING ASSISTANCE GRANTS

The conference agreement provides an additional \$13,000,000 for "Rural Housing Assistance Grants", to remain available until expended, for damages resulting from natural disasters, of which \$8,000,000 shall be for grants and contracts for very low-income housing repair, made by the Rural Housing Service, and of which \$5,000,000 shall be for domestic farm labor housing grants and contracts. Funds provided under this heading shall be in addition to a state's regular program allocation.

GENERAL PROVISIONS

Sec. 101. The conference agreement provides supplemental disaster assistance for losses due to hurricanes and tropical storms, including related conditions such as flooding. The conference agreement provides funding for losses under current law including, but are not limited to: cotton, peanuts, tobacco, clams, oysters and other shellfish, hay and forage, sod, tropical aquaculture, shrimp, lobster and other fish. The conference agreement includes a provision to offset the cost of this program.

Sec. 102. The conference agreement provides supplemental disaster assistance to compensate first processors and producers for losses due to hurricanes and tropical storms.

Sec. 103. The conference agreement provides that the Secretary of Agriculture shall carry out a dairy loss program.

Sec. 104. The conference agreement provides that the Secretary of Agriculture shall carry out a cottonseed assistance program. The conferees expect the Secretary to distribute the funds in a similar manner to that utilized previously to deliver the cottonseed assistance.

Sec. 105. The conference agreement provides that certain sections are to remain available until expended and are designated as an emergency requirement.

Sec. 106. The conference agreement provides that certain communities in Burlington and Camden Counties (NJ), affected by the 1,000-year flood which occurred on July 12, 2004, are deemed to be rural areas during fiscal year 2005 for certain rural development programs.

Sec. 107. The conference agreement authorizes financial and technical assistance to the Hope Mills Dam (NC) project.

Sec. 108. The conference agreement provides \$90,000,000 to the fund established by section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to make payments with respect to 2004 hurricane losses.

Sec. 109. The conference agreement provides not more than \$4,000,000 for the Farm Service Agency to cover administrative expenses associated with the implementation of sections 101 and 102 of this chapter.

Sec. 110. The conference agreement provides \$10,000,000 to provide assistance for timber losses.

Sec. 111. The conference agreement provides \$8,500,000 for assistance to pecan producers.

CHAPTER 2

DEPARTMENT OF JUSTICE

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

The conference agreement includes \$5,500,000 for the Salaries and Expenses account of the Federal Prison System. The conferees understand that the amounts provided will fund salaries and other expenses related to repairing and replacing roofs and fences, cleaning up prison facilities, detailing medical staff to assist disaster victims, and transporting and relocating almost 5,000 Federal inmates from institutions affected by Hurricane Ivan and related storms.

FEDERAL PRISON SYSTEM

BUILDINGS AND FACILITIES

The conference agreement includes \$18,600,000 for the Buildings and Facilities account of the Federal Prison System. The conferees understand that the amounts provided will fund roof repair, building and perimeter fence repair and replacement, and clean-up activities at numerous Federal prison facilities in Florida, Alabama, and Georgia that sustained damage in Hurricane Ivan and related severe storms.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

The conference agreement includes \$16,900,000 for the Operations, Research and Facilities account of the National Oceanic and Atmospheric Administration. The conference agreement supports \$1,200,000 to address damage to National Oceanic and Atmospheric Administration facilities and assets, including repairs for laboratory facilities, weather radio towers, and marine buoys, as well as costs associated with hurricane preparations; \$2,900,000 to address impacts to endangered species, including assessment and restoration efforts for impaired habitat and Endangered Species Act responsibilities associated with disaster cleanup; \$9,000,000 for reseeding, rehabilitation and restoration of oyster reefs in Alabama, Flor-

ida, Louisiana, and Mississippi due to damage from Hurricane Ivan; and \$3,800,000 to address hurricane forecasting needs.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION

PROCUREMENT, ACQUISITION AND CONSTRUCTION

The conference agreement includes \$3,800,000 for the Procurement, Acquisition and Construction account of the National Oceanic and Atmospheric Administration. The conference agreement provides \$300,000 for hurricane prediction technology requirements and \$3,500,000 for airborne Doppler radar used for hurricane precipitation and wind field forecasting.

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

The conference agreement includes \$929,000,000 for the Disaster Loans Program Account for loan subsidy costs and associated administrative expenses. The amounts provided will allow the Small Business Administration (SBA) to make disaster loans to individuals and businesses in the wake of Hurricanes Charley, Frances, Ivan, Jeanne, and other natural disasters. The conferees understand that the funding requirements for these storms will far exceed the five-year average of disaster loan-making activity resulting in the necessity for emergency appropriations. The amounts provided will allow the SBA to make approximately \$5,500,000,000 of loans to individuals and businesses.

CHAPTER 3

DEPARTMENT OF DEFENSE

DEPARTMENT OF DEFENSE—MILITARY

Chapter 3 of the conference agreement recommends \$909,400,000 for the Department of Defense in support of specific security, temporary relocation, cleanup, repair, and other related activities taken by the military services and defense activities in preparation for and recovery from Hurricanes Charley, Frances, Ivan, and Jeanne, Tropical Storm Bonnie, and other natural disasters.

Within the total amount provided, \$762,800,000 is provided to the operation and maintenance appropriations for cleanup and repair of storm damage. Of this amount, the conferees have provided \$662,800,000 directly to the military services and the Defense Health Program to meet the most immediate and urgent needs.

The conferees recommend \$100,000,000 for the Operation and Maintenance, Defense-Wide account, with transfer authority available to the Secretary of Defense to maximize the Department of Defense's capability to allocate funds in the proper amounts and accounts. The Secretary of Defense may transfer these funds to appropriations for military personnel; operation and maintenance; the Defense Health Program; and working capital funds. Fifteen days prior written notification to the congressional defense committees is required before making transfers.

The conferees have provided \$140,000,000 in the Procurement, Defense-Wide account with the authority to transfer funds to other accounts. These funds may be transferred to appropriations for operation and maintenance; procurement; and research, development, test and evaluation. Fifteen days prior written notification to the congressional defense committees is required. The conferees have directed five transfers of funds from the Procurement, Defense-Wide account, to other procurement and research and development accounts, to support specific purposes related to recovery from hurricanes, tropical storms and other natural disasters.

The following table provides details of the supplemental appropriations in this chapter.

[In thousands of dollars]

Account	Request	Recommended
Military Personnel:		
Military Personnel, Navy.....	1,000	0
Military Personnel, Air Force.....	13,225	0
Reserve Personnel, Air Force.....	0	0
Total Military Personnel.....	<u>14,225</u>	<u>0</u>
Operation and Maintenance:		
O&M, Army.....	2,844	8,600
¹ [Ft. Bragg: COSCOM Barracks repair and renovation, \$5,600]		
O&M, Navy.....	404,591	458,000
O&M, Marine Corps.....		1,300
O&M, Air Force.....	128,672	165,400
¹ [CENTCOM Facilities Repair and Modification, \$6,000]		
¹ [CENTCOM Communications Repairs and Modification, \$1,300]		
¹ [MacDill AFB Storm Damage Recovery and Repair, \$8,500]		
¹ [Avon Park Range Storm Damage Recovery and Repair, \$1,100]		
O&M, Defense-Wide.....	172,506	100,000
O&M, Army Reserve.....	1,442	1,400
O&M, Navy Reserve.....	399	1,000
O&M, Air Force Reserve.....		2,400
O&M, Army National Guard.....	3,350	10,500
¹ [Florida Army National Guard facilities repair, \$7,000]		
O&M, Air National Guard.....	1,085	2,200
Total Operation and Maintenance.....	<u>714,889</u>	<u>750,800</u>
Procurement:		
Other Procurement, Air Force.....	2,500	2,500
Procurement, Defense-Wide.....	102,500	140,000
¹ [Transfer: OPAF - Hurricane Tracking Equipment, \$10,500]		
¹ [Transfer: MPAF - Satellite Launch Delays, \$10,000]		
¹ [Transfer: OPAF - Satellite Launch Delays, \$10,000]		
¹ [Transfer: OPAF - CENTCOM COOP, \$18,700]		
¹ [Transfer: Eglin AFB Laboratory and Test Range Equipment, \$20,000]		
Total Procurement.....	<u>105,000</u>	<u>142,500</u>

[In thousands of dollars]

Account	Request	Recommended
Revolving and Management Funds:		
Defense Working Capital Fund.....	77,000	4,100
¹ [Working Capital Fund, Defense-Wide, \$2,000].....		
¹ [Navy Working Capital Fund, \$2,100].....		
Total Revolving and Management Funds.....	77,000	4,100
Other Department of Defense Programs:		
Defense Health Program.....	10,286	12,000
Total Other DoD Programs.....	10,286	12,000
Grand Total, Emergency Appropriations, Chapter 3.....	921,400	909,400
Transfer Authority, New Appropriations, This Chapter, Section 305		200,000
Additional Transfers:		
Section 307:		
Procurement, Marine Corps		7,000
O&M, Marine Corps		-7,000
RDT&E, Defense-Wide		5,950
O&M, Army		-5,950
Department of Veterans Affairs, Medical Services		500
DHP		-500
O&M, Army National Guard		1,400
O&M, Army		-1,400

[In thousands of dollars]

Account	Request	Recommended
<hr/>		
Summary of Appropriations, Chapter 3, By Component		
Total Army	7,636	20,500
Total Navy	405,990	459,000
Total Marine Corps	0	1,300
Total Air Force	145,482	172,500
Total Other Defense and O&M, D-W	362,292	256,100
	<hr/>	<hr/>
	921,400	909,400

Notes:

¹ Congressional Interest Items for the purpose of the Base for Reprogramming (DD 1414). Items must be carried on the DD 1414 at the stated amount.

CHAPTER 3 REPORTING REQUIREMENTS

The conferees direct the Secretary of Defense during fiscal year 2005 to submit to the congressional defense committees no later than December 1, 2004, a quarterly comprehensive report on the distribution of funds by account and the purposes for which the funds have been used. This report shall detail both actual and projected obligations of appropriations provided in this chapter.

PERSONNEL EVACUATION COSTS

The President requested \$12,125,000 to cover costs associated with the evacuation of military dependents during the recent hurricanes. The conferees provide the flexibility to reimburse the Services for fiscal year 2004 military personnel costs from funds provided in Operation and Maintenance, Defense-Wide, in order to preclude an Anti-deficiency Act violation in the Military Personnel accounts.

DELAWARE AIR NATIONAL GUARD

The conferees are aware of recent storm damage to facilities and equipment at the Air National Guard Headquarters in New Castle, Delaware. The conferees are aware that estimates of damages are still being assessed, and have provided the flexibility from funds made available in Operation and Maintenance, Defense-Wide and Procurement, Defense-Wide to repair facilities and repair or replace aircraft damaged in the tornado.

M-4 RIFLE REQUIREMENTS FOR OIF AND OEF

The conferees strongly encourage the Department of Defense to address current wartime needs for M-4 rifles and direct the Army to provide a report to the congressional defense committees outlining the requirements for M-4 rifles with respect to future Operation Iraqi Freedom and Operation Enduring Freedom deployments. This report should be submitted no later than November 15, 2004.

XM-8 FAMILY OF WEAPONS

The conferees support the Army's plans to begin fielding the XM-8 as the eventual replacement for the M-16 and M-4 families of weapons. Accordingly, the conferees strongly encourage the Department of Defense to accelerate the fielding of the XM-8 family of weapons from funds provided in the Department of Defense Appropriations Act for fiscal year 2005 (Public Law 108-287). The conferees direct the Army to provide a report to the congressional defense committees, not later than November 15, 2004, on plans to begin fielding the XM-8 family of weapons.

FORCE PROTECTION UPGRADES FOR EUROPEAN HOSPITALS

The conferees are aware of significant force protection and facility code requirements at Landstuhl Army Medical Center, Naval Hospital Sigonella and Naval Hospital Rota. The conferees recommend and encourage the Department of Defense to fund these urgent upgrades needed to continue providing quality patient protection.

GENERAL PROVISIONS—THIS CHAPTER

The conferees include a new general provision which provides that appropriations provided in this chapter are available for obligation until September 30, 2005, unless otherwise so provided.

The conferees include a new general provision which provides that funds appropriated in this chapter, or made available by the transfer of funds in or pursuant to this chapter, for intelligence activities are deemed to be authorized for purposes of section 504 of the National Security Act of 1947.

The conferees include a new general provision which prohibits the use of funds provided in this chapter to finance programs or activities denied by Congress for fiscal years 2004 or 2005 and requires written notification prior to initiating new start programs.

The conferees include a new general provision which amends Section 8007 of the Department of

Defense Appropriations Act, 2005 (Public Law 108-287), by striking the words "in session".

In the classified annex accompanying Public Law 108-287, the conferees provided certain guidance regarding Section 8090(b) of said Act. The conferees express their intent to further address the issues raised in that annex in subsequent fiscal year 2005 appropriations legislation.

The conferees include a new general provision which provides the Secretary of Defense with \$200,000,000 in additional transfer authority, only for funds in this chapter, and only to meet hurricane and other natural disaster-related expenses.

The conferees include a new general provision which amends action 9010(b) of the Department of Defense Appropriations Act for a citation change.

The conferees include a new general provision which makes certain technical adjustments, transfers funds, and adjusts restrictions in the Department of Defense Appropriations Act, 2005 (Public Law 108-287). The general provision increases the number of armored passenger vehicles that may be purchased under Other Procurement, Army from 1 to 21; increases the maximum allowable cost from \$200,000 to \$275,000; and provides that vehicles purchased in excess of one may only be in direct support of force protection requirements. Additionally, it directs the following transfers of funds.

To: "Research, Development, Test and Evaluation, Defense-Wide, 2005/2006", \$5,950,000, only for the National Media Exploitation Center for improved data and media capture, transformation and categorization activities;

From: "Operation and Maintenance, Army", \$5,950,000.

To: "Procurement, Marine Corps, 2005/2007", \$7,000,000, only for purchasing additional force protection x-ray imaging units for deployment to the Iraqi theater of operations.

From: "Operation and Maintenance, Marine Corps", as provided in title IX of Public Law 108-287, \$7,000,000.

To: The Department of Veterans Affairs, under the heading, "Medical Services", \$500,000 only to allow White River Junction-Fort Ethan Allen Community Based Outpatient Clinic and the Vermont National Guard to purchase Veterans Administration health care services that provide Guardsmen and their family members the utmost in-patient care.

From: "Defense Health Program", Operation and Maintenance, \$500,000, from an appropriation in House Report 108-622 for the same purposes.

To: "Operation and Maintenance, Army National Guard", \$1,400,000, only for the Construction Transition Program, as described in House Report 108-283.

From: "Operation and Maintenance, Army", \$1,400,000.

In addition, this provision amends Section 9014 of Public Law 108-287 to make clear the intent of the conferees this section's authority providing the Secretary of Defense with discretionary authority to present patriotic materials, including a United States flag, to military personnel who participate in Operation Enduring Freedom or Operation Iraqi Freedom.

The conferees include a new general provision which increases the authority provided in section 9007 of Public Law 108-287 for the Commanders' Emergency Response Program (CERP) from \$300,000,000 to \$500,000,000.

The conferees include a new general provision to make a technical adjustment to section 9006 of Public Law 108-287 to clarify a definition to include the Iraqi Armed Forces.

CHAPTER 4

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

The conference agreement provides for an additional \$400,000 for General Investigations to

update studies where necessitated by storm damage to shore protection projects, including the feasibility study for Walton County, Florida.

CONSTRUCTION, GENERAL

The conference agreement provides an additional \$62,600,000 for Construction, General to provide for the repair of storm damage to authorized shore protection projects, and for time-sensitive data collection and analysis of the performance of shore protection projects, including the development of a three-dimensional physics-based analytical model.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI AND TENNESSEE

The conference agreement provides for an additional \$6,000,000 for Flood Control, Mississippi River and Tributaries, for levee and revetment repair and for emergency dredging.

OPERATION AND MAINTENANCE, GENERAL

The conference agreement provides for an additional \$145,400,000 for Operation and Maintenance, General for repair of storm damage to authorized projects.

FLOOD CONTROL AND COASTAL EMERGENCIES

The conference agreement provides for an additional \$148,000,000 for Flood Control and Coastal Emergencies for emergency expenses for repair of damage to flood control and hurricane shore protection projects by storms and other natural disasters. Funding for the Flood Control and Coastal Emergencies appropriation account includes funds to restore flood control and hurricane and shore protection pre-storm condition.

CHAPTER 5

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

The conference agreement appropriates \$100,000,000 for necessary expenses to respond to the disasters caused by hurricanes and tropical storms in the Caribbean region. Language is included designating funding for emergency and overseas contingency operations.

The funds appropriated by this paragraph are made available notwithstanding section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956.

CHAPTER 6

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

OPERATING EXPENSES

The conferees agree to provide \$33,367,310 for expenses resulting from the recent natural disasters in the southeastern United States, such as Hurricanes Charley, Frances, Ivan, and Jeanne. Funds are available until expended.

EMERGENCY PREPAREDNESS AND RESPONSE

DISASTER RELIEF

The conferees agree to provide an additional \$6,500,000,000 for disaster relief activities associated with declared disasters, such as Hurricanes Frances, Ivan, and Jeanne. Funds are available until expended.

The conferees direct the Emergency Preparedness and Response (EP&R) Directorate to work with Putnam County, Illinois, to ensure the costs for damage caused by the tornado of April 2004, which are not covered by insurance and eligible under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), are promptly paid; to work with the City of Asheville, North Carolina, to ensure that the costs for damage caused by Hurricane Frances, which are eligible under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), are promptly paid; and to provide the City of Paso Robles, California, with compensation sufficient to conduct the repairs and retrofitting necessary, as a

result of the damage sustained in the 2003 San Simeon earthquake, to bring the Carnegie Library into compliance with current, rather than 1907, state and local building codes and access laws. Furthermore, the conferees agree with the cost estimates and findings in the June 28, 2004 report done by Lotus General Contractors, Inc., with regard to the damages sustained to the main building at Flanson Middle School in the City of Paso Robles, California, as a direct result of the 2003 San Simeon earthquake, and direct EP&R to use that information to calculate the compensation to be provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) to the Paso Robles Joint Unified School District. The conferees also encourage EP&R to work to ensure that the counties of West Virginia receive such assistance as necessary and appropriate to compensate those homeowners and businesses in the federally declared disaster area impacted by the remnants of Hurricane Ivan.

The conferees note the availability of section 404 hazard mitigation grant funding for mitigation projects, including buy-outs of flood-damaged properties, for the states of Nebraska, North Carolina, Maryland, Delaware, and Indiana. The conferees direct EP&R to work with these states to ensure that the counties in those states, which are eligible under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), receive such assistance as necessary and appropriate to compensate homeowners and businesses in the federally declared disaster area. The conferees are also aware that specific communities in Florida have significant amounts of debris as a result of hurricanes Charley, Frances, Ivan and Jeanne. The Department of Homeland Security's Federal Emergency Management Agency (FEMA) has authority under sections 206.223 and 206.224 of title 44, Code of Federal Regulations and internal guidance to make determinations as to the eligibility of removal of debris from private property. The conferees direct FEMA to use its authority to reimburse local governments for debris removal on privately-owned lands upon finding it is necessary to eliminate an immediate threat to life, public health and safety.

The conferees are aware that funding of activities related to previous federally declared disasters in fiscal years 2003 and 2004 has been temporarily suspended due to the high volume of new federal disasters declared in August and September. This includes disasters outside of the hurricane area and areas where there is a lack of rain. The supplemental appropriations provided are sufficient to not only meet recent disaster needs but also to fully restore funding for ongoing and new projects. The conferees direct EP&R to proceed as quickly as possible to fund all halted or postponed projects, within funds available, and to submit a comprehensive report on the status of any unfunded disaster relief project to the House and Senate Committees on Appropriations no later than February 15, 2005.

CHAPTER 7

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE CONSTRUCTION

The conference agreement provides an additional \$40,552,000 for Construction, to address damages related to hurricanes and flooding events. While much of the funding is for damages in Florida, several States and Puerto Rico are covered by this appropriation.

NATIONAL PARK SERVICE CONSTRUCTION

The conference agreement provides an additional \$50,802,000 for Construction, to address damages related to hurricanes and flooding events, primarily in Florida, North Carolina, and Tennessee.

UNITED STATES GEOLOGICAL SURVEY SURVEYS, INVESTIGATIONS, AND RESEARCH

The conference agreement provides an additional \$1,000,000 for Surveys, Investigations, and Research, to address damages related to hurricanes and flooding events.

RELATED AGENCY DEPARTMENT OF AGRICULTURE FOREST SERVICE

STATE AND PRIVATE FORESTRY

The conference agreement provides an additional \$49,100,000 for State and Private Forestry, to address damages related to hurricanes and flooding events, primarily in Florida. Based on current estimates, the conference agreement assumes that this funding includes \$2,100,000 for forest health management, \$10,000,000 for forest stewardship, \$16,000,000 for State fire assistance, \$4,000,000 for volunteer fire assistance, and \$17,000,000 for urban and community forestry assistance. The Forest Service should notify the House and Senate Committees on Appropriations if the final storm assessments indicate that these funding levels need to be adjusted by more than twenty percent.

NATIONAL FOREST SYSTEM

The conference agreement provides an additional \$12,153,000 for National Forest System, to address damages related to hurricanes and flooding events in Florida, North Carolina, South Carolina, Tennessee, Georgia, Alabama, Puerto Rico, Mississippi, and Virginia. Based on current estimates, the conference agreement assumes that this funding includes the following funding by activity: \$1,842,000 for forest products; \$1,073,000 for wildlife and fish management; \$1,686,000 for recreation; \$200,000 for inventory and monitoring; \$5,909,000 for vegetation and watershed management; and \$1,443,000 for lands management. The Forest Service should notify the House and Senate Committees on Appropriations if the final storm assessments indicate that these funding levels need to be adjusted by more than twenty percent.

WILDLAND FIRE MANAGEMENT

The conference agreement provides an additional \$1,028,000 for Wildland Fire Management, to address damages related to hurricanes and flooding events.

CAPITAL IMPROVEMENT AND MAINTENANCE

The conference agreement provides an additional \$50,815,000 for Capital Improvement and Maintenance, to address damages related to hurricanes and flooding events in Florida, North Carolina, South Carolina, Tennessee, Georgia, Alabama, Puerto Rico, Mississippi, and Virginia. Based on current estimates, the conference agreement assumes that this funding includes the following funding by activity: \$34,118,000 for roads; \$8,036,000 for trails; and \$8,661,000 facilities. The Forest Service should notify the House and Senate Committees on Appropriations if the final storm assessments indicate that these funding levels need to be adjusted by more than twenty percent.

CHAPTER 8

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DEPARTMENTAL MANAGEMENT PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

The conference agreement includes a supplemental appropriation of \$50,000,000 for the Public Health and Social Services Emergency Fund. This additional amount is for hurricane response and relief to aging Americans, children, families, persons with disabilities, low-income individuals, and the communities in which they live. The con-

ferrees understand that uses include, but are not limited to, helping provide nutritional, medical, and social services to affected elderly individuals; providing social services support to communities most affected by Hurricanes Charley, Frances, Ivan, and Jeanne; making available counseling services; helping offset the increase in un-reimbursed health care in affected communities; and addressing storm damage at community health centers in impacted areas.

The conferees request that the Secretary report to the Committees on Appropriations of the House of Representatives and the Senate on disbursement of these funds within 90 days of enactment of this Act. The report should include a table listing the governments and organizations that received grants or other direct assistance from these funds, showing the amount and purpose of each grant or other form of assistance. It should also include a description of any other uses of these funds, such as activities undertaken directly by the Department.

CHAPTER 9

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

The conference agreement provides \$138,800,000 for Military Construction, Navy and Marine Corps. These funds are for costs associated with the repair, restoration, or replacement of several facilities damaged or destroyed by Hurricane Ivan at the Pensacola Naval Air Station, Florida. The conference agreement recognizes that replacement of certain facilities may be more advantageous than repair or restoration, but the emergency funds provided are intended to meet capacity that existed before the hurricane, not to meet new requirements. In the event the Secretary of the Navy determines that replacement, rather than repair or restoration, of damaged facilities is warranted, the Secretary is required to provide notification to Congress fourteen days before funds are obligated for the replacement construction project.

MILITARY CONSTRUCTION, ARMY RESERVE

The conference agreement provides \$8,700,000 for Military Construction, Army Reserve. These funds are for costs associated with rebuilding a reserve center damaged by Hurricane Ivan in Pensacola, Florida.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

The conference agreement provides \$1,200,000 for Family Housing Operation and Maintenance, Army. These funds are for costs associated with housing repairs at facilities damaged by natural disasters.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

The conference agreement provides \$9,100,000 for Family Housing Operation and Maintenance, Navy and Marine Corps. These funds are for costs associated with housing repairs at facilities damaged by natural disasters.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

The conference agreement provides \$11,400,000 for Family Housing Operation and Maintenance, Air Force. These funds are for costs associated with housing repairs at facilities damaged by natural disasters.

BASE REALIGNMENT AND CLOSURE ACCOUNT

The conference agreement provides \$50,000 to be deposited into the Department of Defense Base Closure Account 1990. These funds are for costs associated with the repair of a perimeter fence destroyed by Hurricane Ivan at Naval Activity Puerto Rico.

CHAPTER 10

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
FACILITIES AND EQUIPMENT
(AIRPORT AND AIRWAY TRUST FUND)

The conferees provide \$5,100,000 for FAA "Facilities and equipment", to address expenses resulting from hurricanes Charley, Frances, Ivan, and Jeanne in the southeastern United States. The Administration requested the same amount under FAA "Operations". This funding is consistent with FAA's initial estimates of damage to radars, navigation and communications equipment, air traffic control towers, and other facilities. Funds are designated as an emergency requirement, to be derived from the airport and airway trust fund, and made available until expended.

EMERGENCY ASSISTANCE TO AIRPORTS
(AIRPORT AND AIRWAY TRUST FUND)

The conferees provide \$25,000,000 for FAA "Emergency assistance to airports", to reimburse public use airports for unanticipated capital expenses resulting from hurricanes Charley, Frances, Ivan, and Jeanne in the southeastern United States. Funds are designated as an emergency requirement, to be derived from the airport and airway trust fund, and made available until expended. The distribution of these funds is at the discretion of the Administrator of the Federal Aviation Administration.

FEDERAL HIGHWAY ADMINISTRATION
FEDERAL AID HIGHWAYS EMERGENCY RELIEF PROGRAM
(HIGHWAY TRUST FUND)

The conferees provide \$1,202,000,000 to fund emergency expenses resulting from hurricanes Charley, Frances, Gaston, Ivan, and Jeanne, and other eligible activities authorized by 23 U.S.C. 125. Funds are to be derived from the highway trust fund and made available until expended.

The bill provides funding to respond to the backlog of emergency needs arising largely from natural disasters in 2004 and prior years. As requested, the conference agreement exempts expenses for projects related to hurricanes Charley, Frances, Ivan, and Jeanne from the statutory cap of \$100,000,000 per disaster, per state, because current estimates indicate that valid needs may exceed that cap. Consistent with the purpose of these funds, the entire amount has been designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95.

EXECUTIVE OFFICE OF THE PRESIDENT
UNANTICIPATED NEEDS

The conferees provide \$70,000,000, as requested, for "Unanticipated Needs", to reimburse the American Red Cross for reimbursement of disaster relief and recovery expenses and emergency services associated with hurricanes Charley, Frances, Ivan, and Jeanne. The appropriation designates such expenses as an emergency requirement; stipulates that funds may be disbursed to any authorized federal agency; limits agency administrative costs to 3 percent; and requires the head of the U.S. Government Accountability Office to audit the use of such funds.

CHAPTER II

DEPARTMENT OF VETERANS AFFAIRS
VETERANS HEALTH ADMINISTRATION
MEDICAL SERVICES

The conferees have provided \$38,283,000 for medical services for hurricane and tropical storm related expenses. The amount provided is the same as the amount requested President.

MEDICAL ADMINISTRATION

The conferees have provided \$1,940,000 for medical administration for expenses in-

curred in response to hurricane relief efforts and other expenses. The amount provided is the same as the amount requested by the President.

MEDICAL FACILITIES

The conferees have provided \$46,909,000 for medical facilities for hurricane and tropical storm related expenses at VA facilities. The amount provided is the same as the amount requested by the President.

DEPARTMENTAL ADMINISTRATION
GENERAL OPERATING EXPENSES

The conferees have provided \$545,000 for general operating expenses. The amount provided is the same as requested by the President.

NATIONAL CEMETERY ADMINISTRATION

The conferees have provided \$50,000 for the National Cemetery Administration for clean-up and repairs at national cemeteries damaged during hurricanes and related tropical storms. The amount provided is the same as requested by the President.

CONSTRUCTION, MINOR PROJECTS

The conferees have provided \$36,343,000 for construction, minor projects to support repairs to VA facilities damaged during hurricanes and related tropical storms. The amount provided is the same as requested by the President.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT
COMMUNITY DEVELOPMENT FUND

The agreement provides \$150,000,000 for disaster relief, long-term recovery, and mitigation in communities affected by disasters designated by the President between August 31, 2003 and October 1, 2004. The amount has been designated by the President as an emergency requirement.

In allocating these funds, the Department of Housing and Urban Development should work closely with the Federal Emergency Management Agency to ensure that these funds are used solely for disaster relief and are provided to areas facing the greatest need. The conferees direct HUD, prior to the allocation of funds, to provide the Committees on Appropriations with an explanation of the purpose for which funds are requested and how the activity or program was affected by the disaster. In addition, HUD is to continue to provide the Committees with quarterly reports on the use of CDBG funds provided for disaster relief.

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY
BUILDINGS AND FACILITIES

The conferees have included \$3,000,000 for the repair of the Environmental Protection Agency's Gulf Ecology Division Facilities in Gulf Breeze, Florida.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SPACE FLIGHT CAPABILITIES

The conferees have provided a total of \$126,000,000 for repair of NASA facilities damaged during recent hurricanes and related events. The amount provided is the same as the budget request.

GENERAL PROVISION—THIS CHAPTER
(TRANSFER OF FUNDS)

The conferees have included a general provision which provides authority for the Secretary of Veterans Affairs to transfer funds from "Medical services" to "General operating expenses" for the purpose of expediting the processing of benefits claims.

CHAPTER 12

General Provision—This Act

The conference agreement includes section 1201, regarding the availability of funds.

Emergency Designations

For purposes of section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287, funds appropriated in this Division are provided in response to a situation which poses a direct threat to life and property, is sudden, is an urgent and compelling need, is unpredictable, and is not permanent in nature.

JOE KNOLLENBERG,
JAMES T. WALSH,
ROBERT B. ADERHOLT,
KAY GRANGER,
VIRGIL GOODE,
DAVID VITTEB,
JACK KINGSTON,
ANDER CRENSHAW,
BILL YOUNG,
CHET EDWARDS,
SAM FARR,
ALLEN BOYD,
SANFORD D. BISHOP, JR.,
NORMAN D. DICKS,

Managers on the Part of the House.

KAY BAILEY HUTCHISON,
CONRAD BURNS,
LARRY E. CRAIG,
MIKE DEWINE,
SAM BROWBACK,
TED STEVENS,
DIANNE FEINSTEIN,
DANIEL K. INOUE,
TIM JOHNSON,
MARY L. LANDRIEU,
ROBERT C. BYRD,

Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 4837,
MILITARY CONSTRUCTION AP-
PROPRIATIONS ACT, 2005

Mr. KNOLLENBERG. Mr. Speaker, I ask unanimous consent that it be in order at any time to consider the conference report to accompany the bill (H.R. 4837) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; that all points of order against the conference report and against its consideration be waived, and that the conference report be considered as read.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. KNOLLENBERG. Mr. Speaker, pursuant to the previous order of the House, I call up the conference report on the bill (H.R. 4837) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the order of the House of today, the conference report is considered read.

(For conference report and statement, see immediately prior proceedings of the House of today.)

The SPEAKER pro tempore. The gentleman from Michigan (Mr. KNOLLENBERG) and the gentleman from Texas (Mr. EDWARDS) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. KNOLLENBERG).

GENERAL LEAVE

Mr. KNOLLENBERG. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material and that I may include tabular material on H.R. 4837.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. KNOLLENBERG. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I consider it a distinct honor to be here today to present H.R. 4837, the fiscal year 2005 Military Construction appropriations bill.

I am grateful to the conferees in both parties in both Houses for acting together in unison to produce an effective piece of legislation that I think we can all be proud of.

It is important to understand that this bill is not about lawmakers in Washington. H.R. 4837 is about people, specifically the soldiers, sailors, Marines, airmen and their families who serve this great country. We must never forget their selfless service. I firmly believe this bill reflects our

commitment to their continued sacrifice.

First, I would like to thank the gentleman from Florida (Mr. YOUNG) for his continued unwavering support. The gentleman truly understands the importance of this bill and has laid a solid foundation on how to construct this successful legislation. The gentleman from Florida (Mr. YOUNG) is a great advocate for our men and women in uniform, and his position is reflected in our final product.

I would also like to commend the ranking member, the gentleman from Texas (Mr. EDWARDS), on the subcommittee who has been doing great work. We have worked together for some time now, and it is a pleasure to have an association with him. Both he and the gentleman from Wisconsin (Mr. OBEY), whom I also salute, give the committee, I think, some real leadership and some dedicated advice and counsel, and I sincerely value the advice and wisdom they have given me. They lend a great deal to military construction matters.

The 2005 Military Construction appropriations bill totals \$10 billion and is in full compliance with the subcommittee's 302(b) allocation for both budget authority and outlays. It is both fiscally responsive and responsible, and it is focused on the quality-of-life needs of servicemembers and their families.

Some key funding highlights in this bill include \$5.5 billion for military construction; \$4.1 billion for family

housing; \$82 million for chemical demilitarization construction; \$246 million for the base realignment and closures account. H.R. 4837 also includes funding for family housing privatization projects. Housing privatization is one of the most critical and successful programs to support military families in years. Few programs rival the effectiveness that privatization has demonstrated; yet Congress instituted a spending cap that placed this program in jeopardy.

Although we worked closely with the authorizers to address this issue earlier this year, the subcommittee was not able to remove the cap through the appropriations process. However, I am proud to say because of the work of so many people that we now have authorization language to eliminate the cap altogether, paving the way to quality housing for military families for years to come. This was the right decision, and it was made for the right reasons; and I believe I can speak for all conferees when I say that we will continue to support family housing privatization initiatives in the future.

In conclusion, this year's Military Construction appropriations bill continues to focus on our country's greatest treasure, that is, the servicemembers and their families who serve our Nation.

By supporting this bill today, you are supporting our men and women in uniform.

MILITARY CONSTRUCTION APPROPRIATIONS BILL - FY 2005 (H.R. 4837)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
Military construction, Army.....	1,448,239	1,771,285	1,862,854	1,977,166	1,981,084	+532,845
Rescissions.....	-183,615	---	---	---	-18,976	+164,639
Emergency appropriations (P.L. 108-106).....	162,100	---	---	---	---	-162,100
Total.....	1,426,724	1,771,285	1,862,854	1,977,166	1,962,108	+535,384
Military construction, Navy.....	1,238,458	1,060,455	1,081,042	1,016,315	1,069,947	-168,511
Rescissions.....	-45,622	---	---	---	-24,000	+21,622
Emergency appropriations (P.L. 108-106).....	45,530	---	---	---	---	-45,530
Total.....	1,238,366	1,060,455	1,081,042	1,016,315	1,045,947	-192,419
Military construction, Air Force.....	1,067,751	663,964	797,865	841,131	866,331	-201,420
Rescission.....	-23,000	---	---	---	-21,800	+1,200
Emergency appropriations (P.L. 108-106).....	292,550	---	---	---	---	-292,550
Total.....	1,337,301	663,964	797,865	841,131	844,531	-492,770
Military construction, Defense-wide.....	653,656	709,337	718,837	696,491	686,055	+32,399
Rescission.....	-72,309	---	---	---	-22,737	+49,572
Total.....	581,347	709,337	718,837	696,491	663,318	+81,971
Total, Active components.....	4,583,736	4,205,041	4,460,598	4,531,103	4,515,904	-67,834
Military construction, Army National Guard.....	311,592	295,657	394,100	381,765	446,748	+135,156
Military construction, Air National Guard.....	222,908	127,368	180,533	231,083	243,043	+20,135
Rescission.....	---	---	---	---	-5,000	-5,000
Total.....	222,908	127,368	180,533	231,083	238,043	+15,135
Military construction, Army Reserve.....	88,451	87,070	116,521	66,325	92,377	+3,926
Military construction, Naval Reserve.....	45,498	25,285	30,955	33,735	44,246	-1,252
Military construction, Air Force Reserve.....	62,032	84,556	111,725	101,373	123,977	+61,945
Total, Reserve components.....	730,481	619,936	833,834	814,281	945,391	+214,910
Total, Military construction.....	5,314,219	4,824,977	5,294,432	5,345,384	5,461,295	+147,076
Appropriations.....	(5,138,585)	(4,824,977)	(5,294,432)	(5,345,384)	(5,553,808)	(+415,223)
Rescissions.....	(-324,546)	---	---	---	(-92,513)	(+232,033)
North Atlantic Treaty Organization Security Investment Program.....	169,300	165,800	165,800	165,800	165,800	-3,500
Rescission.....	-8,000	---	---	---	-5,000	+3,000
Total.....	161,300	165,800	165,800	165,800	160,800	-500
Family housing construction, Army.....	383,591	636,099	636,099	636,099	636,099	+252,508
Rescission.....	-94,151	---	---	---	-21,000	+73,151
Total.....	289,440	636,099	636,099	636,099	615,099	+325,659
Family housing operation and maintenance, Army.....	1,033,026	928,907	926,507	928,907	926,507	-106,519
Emergency appropriations (P.L. 108-106).....	11,420	---	---	---	---	-11,420
Total.....	1,044,446	928,907	926,507	928,907	926,507	-117,939
Family housing construction, Navy and Marine Corps.....	184,193	139,107	139,107	139,107	139,107	-45,086
Rescission.....	-40,508	---	---	---	-12,301	+28,207
Total.....	143,685	139,107	139,107	139,107	126,806	-16,879
Family housing operation and maintenance, Navy and Marine Corps.....	835,078	704,504	696,304	704,504	696,304	-138,774
Emergency appropriations (P.L. 108-106).....	6,280	---	---	---	---	-6,280
Total.....	841,358	704,504	696,304	704,504	696,304	-145,054
Family housing construction, Air Force.....	657,065	846,959	846,959	846,959	846,959	+189,894
Rescission.....	-19,347	---	---	---	-45,171	-25,824
Total.....	637,718	846,959	846,959	846,959	801,788	+164,070
Family housing operation and maintenance, Air Force.....	816,074	863,896	854,666	856,114	853,384	+37,310
Emergency appropriations (P.L. 108-106).....	6,981	---	---	---	---	-6,981
Total.....	823,055	863,896	854,666	856,114	853,384	+30,329

MILITARY CONSTRUCTION APPROPRIATIONS BILL - FY 2005 (H.R. 4837)
 (Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
Family housing construction, Defense-wide.....	350	49	49	49	49	-301
Family housing operation and maintenance, Defense-wide	49,440	49,575	49,575	49,575	49,575	+135
Department of Defense Family Housing Improvement						
Fund.....	300	2,500	2,500	2,500	2,500	+2,200
Rescission.....	-9,692	---	---	---	-19,109	-9,417
Total.....	-9,392	2,500	2,500	2,500	-16,609	-7,217
Total, Family housing.....	3,820,100	4,171,596	4,151,766	4,163,814	4,052,903	+232,803
Chemical demilitarization construction, Defense.....	119,815	81,886	81,886	81,886	81,886	-37,929
Base realignment and closure account.....	370,427	246,116	246,116	246,116	246,116	-124,311
General provision (sec. 118).....	55,000	63,000	63,000	---	---	-55,000
Grand total:						
New budget (obligational) authority.....	9,840,861	9,553,375	10,003,000	10,003,000	10,003,000	+162,139
Appropriations.....	(9,812,244)	(9,553,375)	(10,003,000)	(10,003,000)	(10,198,094)	(+385,850)
Emergency appropriations.....	(524,861)	---	---	---	---	(-524,861)
Rescissions.....	(-496,244)	---	---	---	(-195,094)	(+301,150)

MILITARY CONSTRUCTION APPROPRIATIONS BILL - FY 2005 (H.R. 4837)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
SUMMARY OF APPROPRIATIONS ACCOUNTS						
Military Construction, Army.....	1,426,724	1,771,285	1,862,854	1,977,166	1,962,108	+535,384
Military Construction, Navy.....	1,238,366	1,060,455	1,081,042	1,016,315	1,045,947	-192,419
Military Construction, Air Force.....	1,337,301	683,964	797,865	841,131	844,531	-492,770
Military Construction, Defense-wide.....	581,347	709,337	718,837	696,491	663,318	+81,971
Total, Active components.....	4,583,738	4,205,041	4,460,598	4,531,103	4,515,904	-67,834
Military Construction, Army National Guard.....	311,592	295,657	394,100	381,765	446,748	+135,156
Military Construction, Air National Guard.....	222,908	127,368	180,533	231,083	238,043	+15,135
Military Construction, Army Reserve.....	88,451	87,070	116,521	66,325	92,377	+3,926
Military Construction, Naval Reserve.....	45,498	25,285	30,955	33,735	44,246	-1,252
Military Construction, Air Force Reserve.....	62,032	84,556	111,725	101,373	123,977	+61,945
Total, Reserve components.....	730,481	619,936	833,834	814,281	945,391	+214,910
Total, Military Construction.....	5,314,219	4,824,977	5,294,432	5,345,384	5,461,295	+147,076
North Atlantic Treaty Organization Security Investment Program.....	161,300	165,800	165,800	165,800	160,800	-500
Family Housing, Army:						
Construction.....	289,440	636,099	636,099	636,099	615,099	+325,659
Operation and Maintenance.....	1,044,446	928,907	926,507	928,907	926,507	-117,939
Family Housing, Navy and Marine Corps:						
Construction.....	143,685	139,107	139,107	139,107	126,806	-16,879
Operation and Maintenance.....	841,358	704,504	696,304	704,504	696,304	-145,054
Family Housing, Air Force:						
Construction.....	637,718	846,959	846,959	846,959	801,788	+164,070
Operation and Maintenance.....	823,055	863,896	854,666	856,114	853,384	+30,329
Family Housing, Defense-wide:						
Construction.....	350	49	49	49	49	-301
Operation and Maintenance.....	49,440	49,575	49,575	49,575	49,575	+135
Department of Defense Family Housing Improvement Fund.....	-9,392	2,500	2,500	2,500	-16,609	-7,217
Total, Family Housing.....	3,820,100	4,171,596	4,151,766	4,163,814	4,052,903	+232,803
Chemical demilitarization construction, Defense.....	119,815	81,886	81,886	81,886	81,886	-37,929
Base Realignment and Closure Account.....	370,427	246,116	246,116	246,116	246,116	-124,311
General provision (sec. 118).....	55,000	63,000	63,000	---	---	-55,000
Grand Total.....	9,840,861	9,553,375	10,003,000	10,003,000	10,003,000	+162,139

MILITARY CONSTRUCTION APPROPRIATIONS BILL - FY 2005 (H.R. 4837)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
CONGRESSIONAL BUDGET RECAP						
Scorekeeping adjustments:						
Emergency appropriations.....	-524,861	---	---	---	---	+524,861
Total, adjustments.....	-524,861	---	---	---	---	+524,861
Total (including adjustments).....	9,316,000	9,553,375	10,003,000	10,003,000	10,003,000	+687,000
Amounts in this bill.....	(9,840,861)	(9,553,375)	(10,003,000)	(10,003,000)	(10,003,000)	(+162,139)
Scorekeeping adjustments.....	(-524,861)	---	---	---	---	(+524,861)
Prior year outlays.....	---	---	---	---	---	---
=====						
Total mandatory and discretionary.....	9,316,000	9,553,375	10,003,000	10,003,000	10,003,000	+687,000
Mandatory.....	---	---	---	---	---	---
Mandatory (prior year).....	---	---	---	---	---	---
Mandatory (total).....	---	---	---	---	---	---
Discretionary.....	(9,316,000)	(9,553,375)	(10,003,000)	(10,003,000)	(10,003,000)	(+687,000)
Discretionary (prior year).....	---	---	---	---	---	---
Discretionary Defense (total).....	(9,316,000)	(9,553,375)	(10,003,000)	(10,003,000)	(10,003,000)	(+687,000)
=====						
DISCRETIONARY 302B ALLOCATION						
GENERAL PURPOSE.....	9,316,000	9,553,375	10,003,000	10,003,000	10,003,000	+687,000
302B ALLOCATION.....	---	---	10,003,000	---	---	---
OVER/UNDER.....	9,316,000	9,553,375	---	10,003,000	10,003,000	+687,000

Mr. Speaker, I reserve the balance of my time.

Mr. EDWARDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the Military Construction appropriations bill because it provides vital funding for military housing and training facilities. Also in this bill is much-needed \$11 billion in emergency funding for hurricane relief for hard hit families, businesses, farmers, and military installations in the southeastern United States and \$2.8 billion in drought relief for farmers throughout the country.

Since others will speak on the hurricane and agriculture relief portions of this bill, I would like, Mr. Speaker, to focus my comments on the underlying Military Construction appropriations. First, I want to commend the gentleman from Michigan (Mr. KNOLLENBERG) for his dedicated leadership on behalf of our military troops and families. He always puts the interests of our military above all other interests, and for that he has my deepest personal respect.

I also want to commend the outstanding committee staff led by Carol Murphy, Rob Nabors, Tom Forhan, and my legislative director John Conger. Their work was professional, thorough and fair. And while these dedicated staff seldom receive public recognition, which they deserve, the truth is they have made a positive difference in the lives of our servicemen and -women and their families.

Our best wishes go out to our Democratic committee staffer Tom Forhan who is recuperating from shoulder surgery. We wish him well and thank him for his many years of service to our military.

I am especially proud of the leadership efforts made by members of this committee to pressure this Congress into not leaving home until we had lifted the cap on the public/private military housing program. This innovative program, started during the previous administration and moved forward under this administration, it is providing better housing to tens of thousands of military families while saving American taxpayers billions of dollars. New housing that would have taken 50 years to build under the old system is now being built in 5 years, leveraging the strength and resources of the public and private sectors.

I will never forget at Fort Hood several years ago visiting one of the newest homes under this program and meeting the sergeant and his wife who served our country so nobly for so many years. In talking to the wife she said, it is not only that this is a home I can be so very proud of to raise our children in, but this home is, as my husband is serving his country around the world, this home says to me and my children that our country has not forgotten the sacrifices we too have made on behalf of our Nation.

That is the importance of this program. It is not only about new housing,

better housing that is so well deserved by our military families. It is about respect for those families. Unfortunately, this program would have come to a halt this month or next had Congress not lifted the arbitrary and unnecessary cap on it.

This committee made it clear that we would leave no stone unturned until the cap was lifted because it would have been a terrible disservice to our military families to freeze this vital military housing improvement program during a time of war. With the cap being lifted in the Defense authorization bill as a result of pressure placed by this committee, tens of thousands of military families will now have modern housing they can also be proud to call their home. And that happened because of the special efforts of the gentleman from Michigan (Mr. KNOLLENBERG); the gentleman from Florida (Mr. YOUNG), the chairman of the full Committee on Appropriations; the ranking member of the full committee, the gentleman from Wisconsin (Mr. OBEY); the gentleman from California (Mr. HUNTER); the gentleman from Missouri (Mr. SKELTON); and the gentleman from Washington (Mr. DICKS). They all deserve our thanks and gratitude for not letting military families be forgotten.

Mr. Speaker, there are numerous high-priority projects in this bill at U.S. military installations here, at home, and throughout the world. I think this committee did an outstanding job on a bipartisan basis of taking limited resources and placing them in the highest priority areas.

I would be remiss, though, if I did not mention one major disappointment about this bill. I think it is sad that a year and a half after the beginning of the Iraqi war, with all the sacrifices being made for our servicemen and -women and their families, this Military Construction bill funds these vital housing and training facilities and day care facilities at a level that is \$500 million below what we funded 2 years ago before the Iraqi war began. I simply do not understand a Congress that 2 days ago could find offsets to pay for over \$130 billion in tax cuts for corporations and for fishing tackle box manufacturers, a tax cut bill that had a lot of good in it and one that I supported, but I do not understand a Congress that can so easily find offsets to pay for that kind of tax cut for corporations and fishing tackle box manufacturers, cannot find offsets to see that we do not cut real funding for military construction projects during a time of war.

This Congress, the next Congress needs to set its priorities straight; and especially as we fight the war on terrorism, we should not be shortchanging the total funding budget for quality-of-life programs for our military while we can easily pass 100, 200, \$300 billion tax cuts for corporations and others that are not making nearly the sacrifices that are being made by our servicemen and -women.

Nevertheless, that funding level was not decided by this subcommittee. That was made at a different pay grade in this Congress. Given the limited resources in this subcommittee's jurisdiction, I think it did the best job it could. It did an excellent job of seeing that high-priority programs were funded, and for that reason I support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. KNOLLENBERG. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just wanted to make sure that we did not omit thanks to the staff on both sides who have done tremendous work over the past several months, and I want to list those now. Obviously, Carol Murphy on the majority side and Tom Forhan on the minority side. Tom was in the hospital this week, so he could not be here, but they have been great to work with all year. In addition, let me salute Walter Hearne, Mary Arnold, Eric Elsmo, Jeff Onizuk on my staff, Bernard Chau on my staff, and of course I thank John Conger who has also been a part of this process. So to all of them, thank you very, very much.

□ 1230

Mr. Speaker, I yield 1 minute to the gentleman from Kentucky (Mr. ROGERS), who obviously has some comments to make.

Mr. ROGERS of Kentucky. Mr. Speaker, I thank the gentleman for yielding me time, and congratulate him on a wonderful performance on this bill, as well as the ranking member.

I wanted to take just a few seconds here to praise the gentleman from Florida (Mr. YOUNG), the full committee chairman, for the grueling work that he has done to bring to this floor aid for Florida but also the other States who suffered damage from the recent hurricanes.

As late as at least two o'clock this morning, the gentleman from Florida (Chairman YOUNG) was on the telephone, in the office, with the staff, running from room to room, to make this happen. This was a grueling experience, and the gentleman from Wisconsin (Mr. OBEY) was a part of that effort, as well as many others, but I just wanted to say thank you to the gentleman from Florida (Mr. YOUNG) for caring for his people.

Now, he legislates for the Nation, and he is the chairman for the full Committee on Appropriations for the whole Nation, but his State was ravaged by these four unprecedented hurricanes, with people living in tents, without electricity and in dire straits, and he cared for his people enough to work around the clock to make this happen. I just wanted to take a second to say thank you to the gentleman from Florida (Mr. YOUNG).

Mr. KNOLLENBERG. Mr. Speaker, I think that it is very appropriate that

we do pay tribute to the gentleman from Florida (Chairman YOUNG).

Mr. Speaker, I yield the balance of my time to the gentleman from Florida (Chairman YOUNG) and ask unanimous consent that he be allowed to yield time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I might consume.

I certainly would have had liked to have had more time to yield to the gentleman from Kentucky (Chairman ROGERS). I sort of like what he was saying, but I think there are many people who deserve more credit than I on this issue of getting our job done. I appreciate the comments of the gentleman from Kentucky (Mr. ROGERS) and also the gentleman from Texas (Mr. EDWARDS) and the gentleman from Michigan (Mr. KNOLLENBERG), the chairman of the subcommittee.

They have done an outstanding job. They have produced a Military Construction bill that is really good, especially for the people who serve in our military, and for their quality of life and housing. They have just done an outstanding job, and I cannot say enough good words about the work that they have done.

But I am going to talk about the other part of this bill, and I thank them for allowing the full committee to piggyback on their subcommittee work to include the Hurricane Supplemental Relief Act. I am not going to take a lot of our time. We have discussed this supplemental bill so many times, not only here on the floor and in committee, but in person, in meetings, and on telephone calls.

Just briefly, let me say that last Wednesday when we passed the hurricane supplemental, I had two bills introduced in the House, H.R. 5212, which is the one that we passed, and H.R. 5227, which I had stated was a much better bill. H.R. 5212, as I also said, was a very good bill as far as it went, but it did not go far enough. H.R. 5227 was better. Well, what we are considering today is very, very close to H.R. 5227, which is the better bill, and we are excited about the quality of the legislation and what it does for the people of the State of Florida.

Again, as I have done in the past, I want to compliment all of our leadership who have worked hard to help us make this happen. There were a lot of obstacles to get to where we are today. I have to tell my colleagues, for those that have been to conference and had difficulties, they know what I mean, but for those who have not, just let me say that was not easy. It was a big challenge.

The gentleman from Wisconsin (Mr. OBEY), who oftentimes we have disagreements on the floor on issues procedurally, has been totally coopera-

tive. He has helped us move these bills along, and I want to thank the gentleman from Wisconsin (Mr. OBEY) considerably for everything that he has had to endure as we were preparing this legislation.

I want to thank our leadership on both sides of the aisle and in the other body for trying to help smooth the way to get this bill to where it is today, and they have all helped. There were a lot of obstacles as I have said. They all helped.

I want to recognize the Members of the committee, especially the ones from Florida, many of whose districts suffered many of the damages. This delegation of ours, and we have a split delegation, Republican and Democrat, came together to help the people of our State who experienced such tragedy from these four major hurricanes.

I mentioned the gentleman from Florida (Mr. BOYD), he and I went to Florida together and looked at some of the damage from Hurricane Ivan. I went to Florida with the President to view some of the damages with him, and I live in Florida, so I was in Florida during several of these hurricanes. I had to evacuate at one point, which I did, and evacuated almost into the path of the storm. It has been quite an experience.

The President of the United States made a firm commitment to those of us in Florida and neighboring States that were affected seriously by the hurricanes. We negotiated for a week to get the bill we are presenting today. The President of the United States made a promise to the people of Florida. He has kept that promise. He has kept his commitment. This legislation is proof positive that what President Bush promised, he delivered.

I want to say also that the Governor of Florida, Jeb Bush, is almost a Superman in the way that he managed the response to these hurricanes, working not only with Federal officials, but also working with State officials, county officials, city officials, voluntary organizations like the Red Cross, the Salvation Army and so many others; Governor Bush managed this effort and did such a tremendous job.

I want to thank the Florida National Guard under the leadership of General Barnett. The Florida National Guard responded with a fantastic response, and I visited with many of the Guardsmen, as did the gentleman from Florida (Mr. BOYD) and the gentleman from Florida (Mr. MILLER). We visited quite a few of the Guardsmen that were working on the recovery and protecting property, and stopping looters. Florida National Guard did an outstanding job.

Our first responders, our police, our firefighters, all did such a tremendous job, and I wish we had a lot more time to pay tribute to all of the people who helped, but especially my delegation, the people that I work with on a daily basis. Both sides of the aisle worked hard. They were committed. They were

dedicated, and together, we made sure that this relief package came together today.

Mr. Speaker, I reserve the balance of my time at this point if there are other speakers on the other side.

Mr. EDWARDS. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. BOYD), who is a member of the Subcommittee on Military Construction of the Committee on Appropriations, and played a key role not only on the military provisions of this bill but as a representative of the people from Florida and worked very hard on a bipartisan basis on the Florida hurricane relief.

Mr. BOYD. Mr. Speaker, I want to thank my friend, the gentleman from Texas (Mr. EDWARDS), for yielding me the time.

I want to start by thanking the gentleman from Michigan (Mr. KNOLLENBERG), our chairman, and the gentleman from Texas (Mr. EDWARDS), our ranking member, for their work to get to this point. They truly worked in a bipartisan way. There are two components to this bill that we have before us on the floor, Mr. Speaker, and that is, the MILCON portion and also the hurricane supplemental portion. We have heard about both of them, but I just want to make a few brief comments.

First of all, on the MILCON side, the gentleman from Michigan (Mr. KNOLLENBERG) and the gentleman from Texas (Mr. EDWARDS) did the very best they could with the dollars given them, but my colleagues must know that the dollars are short. Many of the items that the President sent down for the MILCON request are not included in this bill simply because the House leadership did not set aside enough money to fulfill those requests made by the President to prosecute the war.

I must tell my colleagues that there is one item in here, though, that the gentleman from Michigan (Mr. KNOLLENBERG) and the gentleman from Texas (Mr. EDWARDS) did bring in for a landing, and that is, the housing issue, to privatize the housing cap. I think all of this Nation, and particularly the troops and their families, owe a debt of gratitude to the gentleman from Michigan (Mr. KNOLLENBERG) and especially the gentleman from Texas (Mr. EDWARDS) who has bulldogged this issue for so many years now. He has done an absolutely fantastic job.

We heard our chairman, the gentleman from Florida (Chairman YOUNG) speak on the hurricane side, the hurricane relief. I want to thank the gentleman from Florida (Chairman YOUNG), Mr. Speaker, if I could, for the work that he has done. As everybody knows, the request that came down from the White House was insufficient. The gentleman from Florida (Mr. YOUNG) made a commitment to his people that he would get the money, and President Bush has provided it, but he has only provided it at the insistence of the gentleman from Florida (Mr.

YOUNG) who would not quit until he got what he needed.

We needed that money because our beaches were destroyed. The gentleman from Florida (Mr. MILLER) and I and our people lived through those hurricanes. Most of our people lived through them. We had some people who did not live through them. I had six constituents that died in Hurricane Ivan, Mr. Speaker, and this money was much needed to repair our beaches, to repair the transportation systems that were busted.

We have all seen the pictures of I-10, to repair the military facilities. The naval air station in Pensacola had significant damage. So it is imperative that we did this, and we owe a debt of gratitude to the gentleman from Florida (Mr. YOUNG) for getting it here.

I must tell my colleagues, Mr. Speaker, though, that it has been held up because of several issues, but one of those issues was the offset which was going to be required for some of the agricultural funding. Mr. Speaker, that issue has been resolved with a smoke-and-mirrors game as the public will begin to understand as we go on. It is offset by directed scoring, and it is also offset sometime in the future, as many as 10 years out into the future, and it is offset in the farm bill, and we will write a new farm bill before we even get the full offset.

Again, let me close, Mr. Speaker, by thanking again the gentleman from Texas (Mr. EDWARDS) and the gentleman from Michigan (Mr. KNOLLENBERG) but also the gentleman from Florida (Chairman YOUNG) for bringing this in for a landing.

Mr. YOUNG of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. WELDON), from Florida's space center.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding me time, and I want to commend the gentleman from Florida (Chairman YOUNG) for the outstanding work he did on this bill.

I also want to commend the President. The initial submission the President had, there was not enough funds in there to take care of all the beaches that had been damaged in the State, and I forwarded the data to them, and I showed them the extent of the damage. The President's staff recognized that we obviously had a greater need, and they were willing to come along with the chairman.

I think the system worked very, very well. I think the President and his people were very eager to make sure the people in Florida got what they needed, and it is going to take a while for us to recover from this hurricane, but these funds that the chairman has secured and everybody in this body and the other body and the President worked hard on is going to help get Florida back on track and all the other States that were damaged.

Mr. EDWARDS. Mr. Speaker, I yield 4 minutes to the gentleman from Texas

(Mr. STENHOLM) who is so widely respected on a bipartisan basis in this Congress on agriculture.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, first, I want to commend the gentleman from Michigan (Chairman KNOLLENBERG) and the gentleman from Texas (Ranking Member EDWARDS) for the work they did on the base bill that we are talking about today, from the standpoint of Dyess Air Force Base in my district, and fire crash station being funded, a refueling vehicle maintenance shop, and then in Goodfellow and at Dyess, the 127 housing units which are extremely important to the troops back home. We appreciate taking care of those needs.

I want to concentrate the remainder of my remarks, though, on the disappointment that I share in the manner in which the leadership of this House has chosen to deal with the emergency funding.

□ 1245

Again, I point out I am for everything that Florida is receiving. They deserve every penny of it. I share the frustrations of the gentleman from Florida (Mr. BOYD) in that, seemingly, the leadership of this body, not the chairman of the committee, but the leadership of this body has chosen to do things a little bit differently.

I particularly am sorry to see that the bipartisan legislative process that worked so well between Larry Combest and I on the Committee on Agriculture has been sacrificed for craven political considerations. I think it is highly regrettable the President chose to help Florida producers only, and then the leadership of this body made sure that that was to be the way that we would proceed with this legislation.

We are reopening the farm bill. And I understand the gimmicks that are being used and all today, but those of us that have been around a little while know that when you do some of the things that have been done in this body over the last few days, there will be another year and it will not be good for agriculture in America. Just a reminder. In the early morning hours of this past Wednesday, the leadership of this House told our Nation's producers to forget about assistance for drought. They made it clear there would be no assistance for crops lost to devastating weather. By 10 a.m., however, they finally understood the message that should have been evident long before. As a result, we have a drought assistance package today and we are extending a helping hand to farmers and ranchers outside of Florida.

But make no mistake about it, we are also cutting the farm bill. If the 17 Members on the other side of the aisle, who had been original cosponsors of the good policy, had stayed with their conscience and not bent to the political will of their leadership, we would have had a victory for American agriculture,

a victory for the process that is so important to this House that the chairman of the full committee has expressed his own frustrations about. But the leadership of this House had another agenda, and it turned the screws and singled out agriculture.

There are no offsets in this bill for the aid that will go to Florida, but there are offsets of aid that will go to farmers and ranchers in other parts of the country. The message to this House is clear: the folks who provide the Nation's food and fiber who happen to live outside of politically important Florida are in a separate and lower class.

Mr. Speaker, those of us who worked on the 2002 farm bill and those in the agriculture communities know how important it was to build a consensus. We developed a consensus policy that meets the needs of farmers and ranchers, that preserves natural resources and ensures the provision of food for those in need. While we need the drought aid in this package, and I support this package, the cut that will ultimately be made in farm conservation will have dire consequences for the future of this consensus.

Mr. Speaker, it did not have to be this way. We did not have to be here on Saturday afternoon doing what the chairman and the ranking member and this committee have had to do. We did not have to do it this way. But this is another perfectly live, living example of the lack of leadership in this body to allow this House to work its will based on what the Members of this House want done, and not what a small group in a leadership room somewhere in the House determine should be done, and usually for political purposes, not in the best interest of our country.

Mr. YOUNG of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. FOLEY), a gentleman who played host to at least three hurricanes in his district, and he might have had all four of them. His district suffered a lot of the damage.

Mr. FOLEY. Mr. Speaker, I thank the chairman very much for yielding me this time, and Florida cannot thank him enough for his hard work and dedication to our State. On military issues, or just name the range of issues that are covered for this country, and the gentleman from Florida (Mr. YOUNG) has been and is such a great patriot and a wonderful man and we thank him.

There has been a lot of conversation on the floor that they did not do enough, they did not add enough, they did not provide enough, whatever. You know what, people lost their lives in Florida. Some have lost everything they own. So what I would like to do is be thankful, thankful to all the people in this process that have done so much for our State.

My colleague, the gentleman from Florida (Mr. BOYD), and others have worked so hard. It is not about politics. The storms are not political. Neither Republicans or Democrats ordered

storms to hit Florida. People are suffering now, yet we still get a little backbiting in the room. So I would just like to thank so many people. The President, the Governor, Senator GRAHAM, Senator NELSON. And I know I am not supposed to mention the other body by name, so I retreat from that; but I would at least like to say in a bipartisan fashion that we have worked hard for the people of Florida taking care of our agricultural interests, taking care of our beaches and FEMA, the Red Cross.

Mr. Speaker, I can go on and on with the litany of people that have worked hard. The National Guard was mentioned. They have been down there in 95 and almost 100 degree heat and humidity handing out water and ice and providing MREs and things so people could just have a decent meal.

Storms have a way of bringing people together. Crises have a way of bringing people together. My proudest moment in this House, having served here for 10 years, was after September 11, when both sides of the aisle decided America needed to come first. And in these storms we find oftentimes that is the same integrity that is brought to this magnificent body.

So I want to thank all the people in both Chambers, both sides of the aisle, and recognize, on behalf of Floridians, who are watching us today, who are more interested in putting their lives back together and not necessarily who gets credit. There will be plenty of credit to go around. There will be plenty of opportunities to hand out the laurels and to receive the hardy handshakes to each and every one of us. But for the moment, the people working the hardest are in this room, the two Members who have allowed MilCon to proceed in order with this hurricane relief: the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Florida (Mr. YOUNG).

So while I want to once again thank everyone involved, I especially want to thank these two gentlemen again for their splendid cooperation and integrity. And though we do have fights on policy from time to time, when it is important for the Nation, when it is important for our families, when it is important for our fighting forces, uniquely we come together behind this Flag recognizing our responsibilities are not to our political parties or to our leaders, but they are to our constituents who sent us here.

Mr. EDWARDS. Mr. Speaker, I yield 2 minutes to the gentleman from Washington State (Mr. DICKS), who is a member of the subcommittee and who fought so hard for military family housing.

Mr. DICKS. Mr. Speaker, I thank our ranking Democrat member on the Subcommittee on Military Construction for yielding me this time. I want to congratulate him and the gentleman from Michigan (Mr. KNOLLENBERG) for working together in a very spirited effort here to protect and take the cap

off the residential construction initiative.

Mr. Speaker, I enjoyed working with the gentleman from Texas a few years ago when we both were working to help our areas at Fort Hood in Texas and Fort Lewis at Tacoma, Washington, start these projects, these residential construction initiatives. I think both of us saw in our own areas just how important these projects could be, how much faster we could get new housing and restore old housing.

To me, this is one of the finest programs that we have ever worked on. It has been worked on in a very bipartisan basis. When the gentleman from Ohio (Mr. HOBSON) was the chairman of the subcommittee, he had great experience and looked into these projects in great detail. So I want to commend everyone here.

I also would like to say regarding my friend, the gentleman from Florida, (Mr. YOUNG), our chairman, what a great job he has done for the people of Florida in this bill. He has worked effectively with everyone. I know how difficult it is to put these things together.

I can remember back in 1980, when we lost 57 people in Washington State when Mt. St. Helens blew up and my former mentor, Senator Magnuson, was chairman of the Committee on Appropriations, we had to get help for our constituents in our State; and I am glad we all came together in support of this effort.

The gentleman from Florida (Mr. YOUNG) has been a great chairman of our Committee on Appropriations. I have enjoyed working with him over the years he has been the chairman. I know he is proud of being able to put this bill together in the final days of this Congress and the final days of his chairmanship. So congratulation to him.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I had mentioned the names of the gentleman from Michigan (Mr. KNOLLENBERG), chairman of our subcommittee and his ranking member, the gentleman from Texas (Mr. EDWARDS), and I mentioned my friend, the gentleman from Wisconsin (Mr. OBEY), ranking member on the full Committee on Appropriations. But the gentleman who just left the well, I would like our colleagues to know, there have been many critical points as we have tried to get this legislation to closure. Last night, we had a number of those critical points and the gentleman from Washington (Mr. DICKS), who just left the well, at one point offered very important help, and I just appreciate the fact that he did. He can claim a lot of responsibility for the fact we are here today.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. LEWIS), chairman of the Subcommittee on Defense on our Committee on Appropriations.

And when I talk about having critical moments last night, it was early

this morning, at around 2 a.m., that JERRY and I talked, because we had another very critical problem, an obstacle that had to be overcome. I told him the problem, and he offered a solution. He provided very important help this morning in the conference, and that help was very obvious.

Mr. LEWIS of California. Mr. Speaker, I have little doubt that the people of Florida know just how significant the work that the gentleman from Florida (Mr. YOUNG) has been about all this night on behalf of all of them. To have the chairman of this committee be that responsive at such a critical moment is evidence of the lifelong work of this wonderful man on behalf of his State in this House.

The gentleman from Michigan (Mr. KNOLLENBERG) and I have had a chance to work with him for all these years on the Committee on Appropriations. It has indeed been a pleasure. I have told anybody who would but listen that the one quality of the gentleman from Florida (Mr. YOUNG) that I would hope one day to acquire involves his almost incredible patience, his patience in dealing with us especially in times of crises.

At a moment like this, as this very important base measure goes forward, to have him effectively put together the sort of response that we need to have in times of crises for the people of our country is reflective of his leadership. I know that most who have watched his work know just how effective he can be. But at this moment all the people of Florida are aware of that, and he will be here for as long as he wants to be here to continue with that service.

It is our privilege to work with him, and it was my great pleasure to spend a little time with him early this morning trying to deal with a few little difficulties last night. I congratulate our chairman on a job well done.

Mr. EDWARDS. Mr. Speaker, I yield 10 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking Democrat on the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, in the main, I have no real objections to almost all of the provisions in this bill. I would note with respect to the drought aid for farmers and the disaster relief for States, those two items were like the tail on the dog. Originally they were attached to one appropriation bill, and now they have come back here today and the tail is attached to a different dog. I would like to make a few comments about that, because I do not think much of the process that has been followed.

This drought and disaster package was originally going to be folded into the Homeland Security appropriations bill.

□ 1300

The minority had doubts about that. We had preferred to have that package handled separately so that Homeland

Security could be handled separately without any attendant baubles and bells and whistles being attached. But in the interest of time, the majority decided it would be better to fold it into another bill, and we cooperated in that process.

But then some very strange things happened. First of all, an offset was adopted. After much objection being raised by the conservative members of the majority party caucus, a "let's pretend" offset to the drought aid cost was attached to this bill, and that offset does not really offset the money in this bill until 2014. So it is a very interesting "let's pretend" operation.

The gentleman from Florida tried to handle that in a straightforward way, but people who thought they knew better insisted that they go through this Rube Goldberg approach, so we have a "let's pretend" budget savings item in this bill.

There is another problem, because when the decision was made to, as the gentleman from Texas (Mr. STENHOLM) indicated, essentially amend the farm bill in dealing with these issues, then that raised other concerns on the part of other farmers around the country. Because of that, Senator KOHL from my own State had been asking that the problems of dairy farmers be dealt with by extending the milk income support program. The Senate adopted that amendment in conference and presented it to the House conferees. We had the votes for that provision on the House side of the conference, but rather than allow us to have a vote on the issue, the chairman gaveled the conference to a close.

We then saw a Kabuki dance engaged in by the President and various Members of this House. The same day that that conference was being considered, the President said in a speech in my hometown, Wausau, Wisconsin, that he was in support of the content of the Kohl amendment to extend the milk program. Given that fact, the conference had every right to expect that the White House would be supporting what we were trying to do. But when we called down to the White House to ask whether or not they would be sending a letter in support of the amendment that had been presented to us by the Senate, the White House indicated that no support would be forthcoming, no letter would be forthcoming. Nonetheless, we tried to work with the majority, and late Thursday night, I was asked to sign a conference report based on the understanding that certain items would be in the bill and certain items would not be.

One of the items that was supposed to be in that bill was this provision, since we had the votes for it on both sides of the conference. And I signed the conference report.

The next morning when I returned to the Hill, we saw that a different judgment had been reached by the House leadership, and we were told that the Speaker and the majority whip said,

"No way. That provision is not going to be included in this bill."

What we have had, in my view, is the President talking one way in Wisconsin on this subject and his principal political allies are, at the same time, deep-sixing our efforts to try to pass what the President said he supported. When we asked the White House for some help to deal with it, they respectfully said "no."

So now we have a situation in which agriculture, as a sector in the budget, will suffer a long-term problem, because when this program expires, it means that the entire agriculture baseline budget will be \$800 million less than it would otherwise be, and that will substantially disadvantage every farm group when the next farm bill is written.

I rise today not to talk about the fact that that individual program is not in this bill, because that really is less important than what this process has done to the House.

What we have seen is this: We remember when the majority leadership held a rollcall open for 3 hours because they did not get the results they wanted on the Medicare bill. They lost the vote so they simply kept the rollcall open until the House reversed its position.

What we saw in this case is, when it was apparent that we had the votes (because we had the support of two members of the Republican Party in this House), when it was seen that we did have the votes for that provision, the conference was simply adjourned and, lo and behold, the subject was then moved to another conference committee, and there we had a situation in which we did not have the votes in that subcommittee.

What that means is, what the leadership has decided is that there is going to be a new way of operating around here. If you go into a committee and you lose a vote, it doesn't matter, you just move the subject to another committee and have the vote in another committee.

It just seems to me that this is a fundamental corruption of the democratic process. It is a fundamental corruption of the legislative process. What it means is that no committee need bother to reach any judgments on anything because if the leadership does not like it, or if the White House does not like it, they will simply reverse the decision regardless of the votes in the committees.

What has happened in my view is that this House has become a wholly owned subsidiary of the White House. What has happened is that this Capitol is really the East Wing of the White House. That is what it has become. No checks, no balances, no separate exercise of judgment or power. I would say that that is the most fundamental corruption of all that can occur in a legislative body.

Mr. Speaker, I wanted to make those points to simply point out my concerns

for the way this institution is being run.

I also want to express regret that despite the President's words on the dairy problem when he was in dairy country, it is apparent that the White House had no intention of following through on those words, and I regret that, too. In spite of that, I will vote for this bill because it meets legitimate needs of the country, and I think we have no choice but to do it.

But this is a sorry way to do business. I know the gentleman from Florida is not responsible, but the leadership of this House is, and sooner or later we need to ask whether regular procedures will be returned to the floor of this House and whether or not democracy will once again be honored in this House.

We are trying to impress the people of Iraq that they should have a democratic process. At the same time we see the legislative process, which is supposed to be the defining measure of any democracy, profoundly corrupted by these procedural high jinks, and it does no great credit to the House to allow that to happen.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The Chair will note that during debate on this bill there have been several improper references to the other body. The Chair must remind all Members that under the rules and precedents of the House, it is not in order to cast reflections on the Senate or its Members, individually or collectively.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the very distinguished gentleman from Florida (Mr. SHAW). I do know that the gentleman from Florida lived through at least two hurricanes in his own home battered by the storms.

Mr. SHAW. Mr. Speaker, the gentleman from Wisconsin just delivered a speech of several minutes expressing frustration as to how the House is run. I want to stand today to express appreciation for the expeditious way in which the House, with the full cooperation of the minority and the majority, has brought help to those who are suffering in the States of Florida, Georgia, Alabama and all through the terrible path that these hurricanes have taken. Too seldom do Members in this body get up to say thank you, but on behalf of the residents of Florida and all of those who have been made homeless or have lost substantial property due to the hurricane, I want to express my appreciation for the expeditious way in which this matter has been brought through the House of Representatives.

I especially want to point out and thank my chairman, Congressman BILL YOUNG, whose hand has worked this through in such a marvelous way and the gentleman from Wisconsin, who has given his complete cooperation to the gentleman from Florida in order to see that relief is delivered. It does show

the compassion of all of the Members on both sides of the aisle for those who suffer.

On behalf of the people of the State of Florida, thank you.

Mr. EDWARDS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FARR), the second ranking member of the Subcommittee on Military Construction.

Mr. FARR. I thank the gentleman from Texas for yielding me this time.

Mr. Speaker, I want to acknowledge that the underlying bill here, the Military Construction Appropriations bill, is really a tremendous improvement for the troops in America. I would like to acknowledge that if it was not for the terrific work of the gentleman from Michigan (Mr. KNOLLENBERG), the gentleman from Wisconsin (Mr. OBEY) on our side and the gentleman from Florida (Mr. YOUNG) on the other side, this bill would not be before my colleagues, doing, I think, one of the greatest things we have ever done in Congress, and that is to help the troops with housing.

We had the pleasure of interviewing before the committee, the testifying of soldiers and their spouses. When the question was asked, what is the one thing the Congress can do to help the military most of all, the unanimous response—unanimous—was provide housing. In this bill we provide housing and really quality housing.

In my district, 2,000 homes are being built by the military alongside homes that are selling for \$1 million. These houses will be rented to men and women in uniform at affordable prices considerably below what the market is. We have gone on with other work of being able to create through the RCI an LLC so that we can build housing for civilian employees of the military who are mission critical. In areas where housing prices are going out of market, out of reach, this type of program is absolutely essential to maintain the military mission in the United States.

I want to thank the leaders, but especially I want to thank the gentleman from Texas (Mr. EDWARDS), because he is the one that has been championing this more than anybody. He has been dogged about being able to make sure that we can continue building this type of housing wherever it is needed in the United States. For that effort and for his single stick-to-it-iveness on this, we need to give him a great deal of accolades and appreciation from all of us on both sides of the aisle.

Lastly, I would just like to say that I do not know if this is the last appropriations bill we are going to be adopting in Congress, but I would like to thank personally the leadership of the gentleman from Florida who has provided an incredible leadership in the committee to be fair to everyone. We will greatly miss him.

Thank you for your service, Mr. YOUNG.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the distinguished

gentlewoman from Florida (Ms. HARRIS), who also experienced the wrath of several hurricanes.

Ms. HARRIS. Mr. Speaker, during the last month and a half, the worst of circumstances have summoned the best of humanity. Responding to the unprecedented devastation of four hurricanes, the people of Florida have shown enormous courage, resilience and fortitude. That is why the expedited process on the conference report for disaster relief is so imperative this morning.

The agriculture industry in central Florida has been devastated. The \$2.9 billion in emergency assistance for agriculture producers experiencing crop loss caused by natural disasters is desperately needed. Small businesses in our communities are being significantly impacted by physical damage, by inventory loss and by the lack of impetus to spend. The \$929 million in SBA disaster relief loans will help to leverage \$5.5 billion in low-interest loans to individuals and businesses.

Rural housing, farm worker housing, waterways, watersheds and community facilities have been torn apart by hurricane damage. The \$608 million in agricultural and rural assistance are central components to rebuilding these wonderful communities. In my district, Venice Beach lost 15 feet of sand, threatening municipal properties as well as homes, so the \$362 million for the Army Corps of Engineers to address these projects is essential. This disaster package will contribute to the promises made by President Bush to the people of Florida.

I thank the President for his immediate and consistent attention to the needs of Florida families and, in particular, Chairman YOUNG for his extraordinary and continued leadership. As well, I cannot begin to express the gratitude I feel for the professionalism, compassion and dedication of the men and women who have given of their time to help Floridians begin the arduous process of rebuilding their lives.

□ 1315

The rebuilding will take time, but together, we will rebuild a strong and more vibrant State.

Mr. EDWARDS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I know we have an omnibus appropriations bill to pass in the lame duck session after the elections, but this could possibly be the gentleman from Florida's (Chairman YOUNG's) last subcommittee bill to oversee as chairman of the full committee. And I just want to take a moment to thank the gentleman from Florida (Chairman YOUNG) for his tremendous dedicated, thorough, professional, and fair-minded leadership on all of the issues under the jurisdiction of the Committee on Appropriations. And I want to pay a special tribute to his better half. Beverly Young, the gentleman from Florida's (Chairman YOUNG) wife, is the Mother Teresa of

America's military families. Day after day, week after week, month after month, year after year, she is out at our military hospitals visiting wounded soldiers and their families. And through her example, she has reminded every Member of this House the importance of always putting the interest of our military families first.

So I want to salute the gentleman from Florida (Chairman YOUNG) for his leadership in the Committee on Appropriations and overseeing the interests of our Nation and, in particular, the special needs of our servicemen and women and their families and thank Mrs. Young for the example she has set for all of us in this House.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 30 seconds.

I want to thank the gentleman from Texas (Mr. EDWARDS) for his response. And he is right. My wife is a real angel and commits a large portion of her time to helping soldiers and especially the wounded soldiers, and their families. Her commitment to the quality of life of our military is really special, and it gives me a really great feeling to know the extent that she is involved, and I appreciate the gentleman's calling that to the attention of our colleagues.

I do not want to overlook the fact, as we are talking about hurricane relief, that the underlying bill is an excellent military construction bill that the gentleman from Texas (Mr. EDWARDS) and the gentleman from Michigan (Chairman KNOLLENBERG) have presented.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. PUTNAM), another Floridian who has hosted hurricanes.

Mr. PUTNAM. Mr. Speaker, I thank the chairman for yielding me this time.

I want to just rise and join any colleagues from Florida and the rest of the Congress in expressing my profound appreciation for the assistance that is on its way to a number of States but particularly Florida. Words are inadequate to describe the deep sense of loss that people have at looking at the devastation when they have a foot of sand in their home or an entire roof missing. But words are also inadequate to describe the profound sense of relief that comes when FEMA and State and local officials are there in a proactive way to provide tarps, to provide water, to provide batteries, to provide hot food; and it is a community effort.

But at the end of the day that community effort is made possible to a great degree in terms of resources by this Federal Government. So the bipartisan effort on the part of dozens and dozens of Members to help those drought-stricken in the Midwest and far West and those Floridians and Alabamans and Georgians and Carolinians who will pass on for generations the stories about Charley, Frances, Ivan, and Jeanne, our heart goes out to them, and we just express that deep

sense of appreciation to the hard-working men and women of the government who have been there making that relief happen and the appreciation to our fellow man, to our neighbors, to the American spirit that made the water and ice lines possible, that brought in truckloads of relief from churches and faith groups from all over the country to help their fellow man whom they had never met before. And it is just part of that great community spirit and that sense of what is the strength of America, Mr. Speaker.

But at the end of the day, working out the details is always difficult in a government this large, and we want to certainly tip our hat to the efforts that the gentleman from Florida (Chairman YOUNG) has put into this. It is a debt of gratitude that we owe that we can never repay and all Floridians and all Americans are certainly grateful for the service he has performed for this Nation.

Mr. EDWARDS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, again, I want to thank the gentleman from Michigan (Chairman KNOLLENBERG) for his leadership on the underlying military construction bill. He did an outstanding job along with his excellent staff. I want to salute the gentleman from Florida (Chairman YOUNG) and the gentleman from Wisconsin (Mr. OBEY) and others who worked so hard, the gentleman from Florida (Mr. BOYD), who worked so hard on a bipartisan basis to provide much-needed, deserved relief to the people of the southeastern United States, to Florida and other States.

I would like to finish with one note. I hope when we meet again next year to provide funding for military construction for our military families' housing and training ranges to help protect our troops, help them win battles and wars and come home safely to the hugs of their loved ones that we will not for the second year or third year in a row fund less for quality of life and military housing and training programs, construction programs, than we had funded before the Iraqi war began. A Congress that can afford trillion dollar tax cuts, a Congress that can pass \$137 billion predominately corporate tax cut bill just 2 days ago, less than 48 hours ago, certainly can afford not to short-change the funding that we commit to what should be a top priority, and that is quality of life for our military families.

I am proud of the work this committee did to stretch limited dollars, spend them wisely, efficiently, fairly on the highest-priority programs. But next year, we should not have to say, for the third year in a row, despite all the sacrifices of our military families and the war in Afghanistan and the war in Iraq, we are committing less total funding for them to military construction, much of which goes to quality-of-life programs, than we did before the sacrifices were asked of them in fighting these wars.

So I salute the gentleman from Florida (Chairman YOUNG), the leadership of the committee, the subcommittee, everyone who worked so well together on the underlying bill, and for those reasons, I will support this bill.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of my time.

Again, I want to say this is just a great example of how our government and those of us who represent our respective constituents, can work without political involvements or political influence, and can work together for the best interests of our country. And the underlying bill, is a really great bill for military construction and to provide for quality-of-life for the men and women who serve in our military, and they deserve so much more than they get. And this Congress is going to continue to keep trying to get more for them and let them know how much we appreciate the sacrifices that they make.

The gentleman from Michigan (Chairman KNOLLENBERG) as chairman of this subcommittee, and the gentleman from Texas (Mr. EDWARDS), as the ranking member have done an outstanding job. The gentleman from California (Mr. LEWIS) as chairman of the Defense Subcommittee of the Committee on Appropriations, and the gentleman from Pennsylvania (Mr. MURTHA), ranking minority, have also done a tremendous job for our military forces. And I want to thank everybody in this House for helping us move this hurricane disaster emergency supplemental. This House came together following in the manner that the Florida delegation came together, and we really did something good for people who reside in the State of Florida.

Again, I want to thank the President of the United States for the commitment and the promises that he has made to deliver aid and assistance to Floridians and neighboring States as they recover from these disasters. And I also want to thank the Governor of the State; the Red Cross; the Salvation Army; so many other voluntary organizations; the Florida National Guard, which did an outstanding job; all of our community leaders, the State level, the county level, the city level, and many volunteers; our emergency response leaders, everybody who really came together to help people that needed help in a State where the entire State of Florida, was touched by these disasters. Seldom does a disaster strike an entire State. In this case, during this hurricane season, no section of Florida was spared. Every part of Florida, to one degree or another, was impacted by the hurricanes. And so it is difficult for me to express the gratitude as effectively as I should.

And then there is one person who I guess, people would call a bureaucrat. I want to mention Josh Bolten. Josh Bolten has worked so hard with us, as the Director of OMB, negotiating, re-negotiating, solving problems, creating problems on occasion, but always

working together with us. The Director of OMB, who seldom receives praise from anybody in Congress, no matter who the Director is, this OMB Director, as far as I am concerned, is a very special person who really took the time to understand the needs of people who were injured and damaged and affected by tragedies and natural disasters. So to Josh Bolten, the Director of OMB, I express my thanks for the way he represented the President to fulfill our commitments.

Mr. Speaker, I have talked long enough on this issue. Let us vote.

Mr. HEFLEY. Mr. Speaker, I rise in support of H.R. 4837, the Fiscal Year 2005 Military Construction Appropriations Act.

As is the usual practice, each project appropriated in this bill was authorized by the recently passed National Defense Authorization Act. In order to achieve this level of coordination, the appropriations and authorizations committees spent the past several weeks working hand-in-hand together to reach matching conference agreements on our respective bills. Working with Chairman KNOLLENBERG and Mr. EDWARDS during this process was a pleasure, and their efforts were essential to our success.

I thank the gentlemen from Michigan and Texas—as well as the tremendous staff at the Military Construction Appropriations Subcommittee—for their extraordinary efforts in producing the conference report before us, and look forward to joining my colleagues in voting “yes” on passage of this conference report.

Mr. YOUNG of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of Rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of Rule XX, further proceedings on this question will be postponed.

CONFERENCE REPORT ON H.R. 4567, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2005

Mr. ROGERS of Kentucky submitted the following conference report and statement on the bill (H.R. 4567) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes:

(Conference report will be printed in Book II of the RECORD.)

CONFERENCE REPORT (H. REPT. 108-774)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4567) “making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes”, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and

agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes, namely:

TITLE I—DEPARTMENTAL MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, \$85,034,000: Provided, That not to exceed \$40,000 shall be for official reception and representation expenses.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701–705 of the Homeland Security Act of 2002 (6 U.S.C. 341–345), \$151,153,000: Provided, That not to exceed \$3,000 shall be for official reception and representation expenses: Provided further, That of the total amount provided, \$65,081,000 shall remain available until expended solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), \$13,000,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, \$275,270,000; of which \$67,270,000 shall be available for salaries and expenses; and of which \$208,000,000 shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security, and for the costs of conversion to narrowband communications, including the cost for operation of the land mobile radio legacy systems, to remain available until expended: Provided, That none of the funds appropriated shall be used to support or supplement the appropriations provided for the United States Visitor and Immigrant Status Indicator Technology project or the Automated Commercial Environment.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$82,317,000, of which not to exceed \$100,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

TITLE II—SECURITY, ENFORCEMENT, AND INVESTIGATIONS

BORDER AND TRANSPORTATION SECURITY

OFFICE OF THE UNDER SECRETARY FOR BORDER AND TRANSPORTATION SECURITY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Under Secretary for Border and Transportation Security, as authorized by subtitle A of title IV of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.), \$9,617,000: Provided, That not to exceed \$3,000 shall be for official reception and representation expenses.

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

For necessary expenses for the development of the United States Visitor and Immigrant Status Indicator Technology project, as authorized by section 110 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (8 U.S.C. 1221 note), \$340,000,000, to remain available until expended: Provided, That of the funds appropriated under this heading, \$254,000,000 may not be obligated for the United States Visitor and Immigrant Status Indicator Technology project until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security that:

(1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 7;

(2) complies with the Department of Homeland Security enterprise information systems architecture;

(3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government;

(4) is reviewed and approved by the Department of Homeland Security Investment Review Board, the Secretary of Homeland Security, and the Office of Management and Budget; and

(5) is reviewed by the Government Accountability Office.

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses for enforcement of laws relating to border security, immigration, customs, and agricultural inspections and regulatory activities related to plant and animal imports; acquisition, lease, maintenance and operation of aircraft; purchase and lease of up to 4,500 (3,935 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad, \$4,534,119,000; of which \$3,000,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed \$35,000 shall be for official reception and representation expenses; of which not less than \$131,436,000 shall be for Air and Marine Operations; of which not to exceed \$156,162,000 shall remain available until September 30, 2006, for inspection and surveillance technology, unmanned aerial vehicles, and equipment for the Container Security Initiative; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed \$150,000 shall be available for payment for rental space in connection with preclearance operations; of which not to exceed \$1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Under Secretary for Border and Transportation Security; and of which not to exceed \$5,000,000 shall be available for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration: Provided, That for fiscal year 2005, the aggregate overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be \$35,000; and notwithstanding any other provision of law, none of the funds appropriated in this Act may be available to compensate any employee of the Bureau of Customs and Border Protection for aggregate overtime and premium pay, from whatever source, in

an amount that exceeds such limitation, except in individual cases determined by the Under Secretary for Border and Transportation Security, or a designee, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies: Provided further, That of the total amount provided, \$12,725,000 shall be for activities to enforce laws against forced child labor in fiscal year 2005, of which not to exceed \$4,000,000 shall remain available until expended: Provided further, That none of the funds appropriated in this Act may be obligated to construct permanent Border Patrol checkpoints in the Bureau of Customs and Border Protection's Tucson sector: Provided further, That the Commissioner, Bureau of Customs and Border Protection, is directed to submit to the Committees on Appropriations of the Senate and the House of Representatives a plan for expenditure that includes location, design, costs, and benefits of each proposed Tucson sector permanent checkpoint: Provided further, That the Bureau of Customs and Border Protection shall relocate its tactical checkpoints in the Tucson sector at least an average of once every 14 days in a manner designed to prevent persons subject to inspection from predicting the location of any such checkpoint.

In addition, of the funds appropriated under this heading in chapter 6 of title I of Public Law 108–11 (117 Stat. 583), \$63,010,000 are rescinded.

AUTOMATION MODERNIZATION

For expenses for customs and border protection automated systems, \$449,909,000, to remain available until expended, of which not less than \$321,690,000 shall be for the development of the Automated Commercial Environment: Provided, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Under Secretary for Border and Transportation Security that:

(1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 7;

(2) complies with the Department of Homeland Security's enterprise information systems architecture;

(3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government;

(4) is reviewed and approved by the Department of Homeland Security Investment Review Board, the Secretary of Homeland Security, and the Office of Management and Budget; and

(5) is reviewed by the Government Accountability Office.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, and other related equipment of the air and marine program, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and at the discretion of the Under Secretary for Border and Transportation Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, \$257,535,000, to remain available until expended: Provided, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to Bureau of Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be

transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2005 without the prior approval of the Committees on Appropriations of the Senate and the House of Representatives.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, \$91,718,000, to remain available until expended.

IMMIGRATION AND CUSTOMS ENFORCEMENT SALARIES AND EXPENSES

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations; and purchase and lease of up to 2,300 (2,000 for replacement only) police-type vehicles, \$2,438,494,000, of which not to exceed \$5,000,000 shall be available until expended for conducting special operations pursuant to section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed \$15,000 shall be for official reception and representation expenses; of which not to exceed \$1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Under Secretary for Border and Transportation Security; of which not less than \$102,000 shall be for promotion of public awareness of the child pornography tipline; of which not less than \$203,000 shall be for Project Alert; and of which not to exceed \$11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: Provided, That none of the funds appropriated shall be available to compensate any employee for overtime in an annual amount in excess of \$35,000, except that the Under Secretary for Border and Transportation Security may waive that amount as necessary for national security purposes and in cases of immigration emergencies: Provided further, That of the total amount provided, \$3,045,000 shall be for activities to enforce laws against forced child labor in fiscal year 2005, of which not to exceed \$2,000,000 shall remain available until expended.

FEDERAL AIR MARSHALS

For necessary expenses of the Federal Air Marshals, \$662,900,000.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account, not to exceed \$478,000,000, shall be available until expended for necessary expenses related to the protection of federally-owned and leased buildings and for the operations of the Federal Protective Service.

AUTOMATION MODERNIZATION

For expenses of immigration and customs enforcement automated systems, \$39,605,000, to remain available until expended: Provided, That none of the funds appropriated under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Under Secretary for Border and Transportation Security that:

- (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A-11, part 7;
- (2) complies with the Department of Homeland Security enterprise information systems architecture;
- (3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government;
- (4) is reviewed and approved by the Department of Homeland Security Investment Review Board, the Secretary of Homeland Security, and the Office of Management and Budget; and
- (5) is reviewed by the Government Accountability Office.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, \$26,179,000, to remain available until expended.

TRANSPORTATION SECURITY ADMINISTRATION AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 597), \$4,323,523,000, to remain available until expended, of which not to exceed \$3,000 shall be for official reception and representation expenses: Provided, That of the total amount provided under this heading, not to exceed \$2,049,173,000 shall be for passenger screening activities; not to exceed \$1,452,460,000 shall be for baggage screening activities, of which \$180,000,000 shall be available only for procurement of checked baggage explosive detection systems and \$45,000,000 shall be available only for installation of checked baggage explosive detection systems; and not to exceed \$821,890,000 shall be for airport security direction and enforcement presence: Provided further, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections: Provided further, That, except as provided in the following proviso, the sum herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2005, so as to result in a final fiscal year appropriation from the General Fund estimated at not more than \$2,500,523,000: Provided further, That the Government Accountability Office shall review, using a methodology deemed appropriate by the Comptroller General, the calendar year 2000 cost information for screening passengers and property pursuant to section 44940(a)(2) of title 49, United States Code, of air carriers and foreign air carriers engaged in air transportation and intrastate air transportation and report the information within six months of enactment of the Act but no earlier than March 31, 2005, to the Committees on Appropriations of the Senate and House of Representatives; the House Transportation and Infrastructure Committee; and the Senate Committee on Commerce, Science, and Transportation: Provided further, That the Comptroller General, or any of the Comptroller General's duly authorized representatives, shall have access, for the purpose of reviewing such cost information, to the personnel and to the books; accounts; documents; papers; records (including electronic records); and automated data and files of such air carriers, airport authorities, and their contractors; that the Comptroller General deems relevant for purposes of reviewing the information sought pursuant to the provisions of the preceding proviso: Provided further, That the Comptroller General may obtain and duplicate any such records, documents, working papers, automated data and files, or other information relevant to such reviews without cost to the Comptroller General and the Comptroller General's right of access to such information shall be enforceable pursuant to section 716(c) of title 31, United States Code: Provided further, That the Comptroller General shall maintain the same level of confidentiality for information made available under the preceding provisos as that required under section 716(e) of title 31, United States Code: Provided further, That upon the request of the Comptroller General, the Secretary of the Department of Homeland Security shall transfer to the Government Accountability Office from appropriations available for administration expenses of the Transportation Security Administration, the amount requested by the Comptroller General, not to exceed \$5,000,000, to cover the full costs of any review and report of the

calendar year 2000 cost information conducted by the Comptroller General, with 15 days advance notice by the Transportation Security Administration to the Committees on Appropriations of the Senate and House of Representatives: Provided further, That the Comptroller General shall credit funds transferred under the authority of the preceding proviso to the account established for salaries and expenses of the Government Accountability Office, and such amount shall be available upon receipt and without fiscal year limitation to cover the full costs of the review and report: Provided further, That any funds transferred and credited under the authority of the preceding provisos that are not needed for the Comptroller General's performance of such review and report shall be returned to the Department of Homeland Security and credited to the appropriation from which transferred: Provided further, That beginning with amounts due in calendar year 2005, if the result of this review is that an air carrier or foreign air carrier has not paid the appropriate fee to the Transportation Security Administration pursuant to section 44940(a)(2) of title 49 United States Code, the Secretary of Homeland Security shall undertake all necessary actions to ensure that such amounts are collected: Provided further, That such collections received during fiscal year 2005 shall be credited to this appropriation as offsetting collections and shall be available only for security modifications at commercial airports: Provided further, That if the Secretary exercises his discretion to set the fee under 44940(a)(2) of title 49 United States Code, such determination shall not be subject to judicial review: Provided further, That none of the funds in this Act shall be used to recruit or hire personnel into the Transportation Security Administration which would cause the agency to exceed a staffing level of 45,000 full-time equivalent screeners: Provided further, That notwithstanding 49 U.S.C. 44923, the government's share of the cost for a project under any letter of intent shall be 75 percent for any medium or large hub airport.

MARITIME AND LAND SECURITY

For necessary expenses of the Transportation Security Administration related to maritime and land transportation security grants and services pursuant to the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 597), \$48,000,000, to remain available until September 30, 2006.

In addition, fees authorized by section 520 of Public Law 108-90 shall be credited to this appropriation and shall be available until expended: Provided, That in fiscal year 2005, fee collections shall be used for initial administrative costs of credentialing activities.

INTELLIGENCE

For necessary expenses for intelligence activities pursuant to the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 597), \$14,000,000.

RESEARCH AND DEVELOPMENT

For necessary expenses for research and development related to transportation security, \$178,000,000, to remain available until expended: Provided, That of the total amount provided under this heading, \$54,000,000 shall be available for the research and development of explosive detection devices.

ADMINISTRATION

For necessary expenses for administrative activities of the Transportation Security Administration to carry out the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 597), \$519,852,000, to remain available until September 30, 2006.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard not otherwise provided for, purchase or lease of not to exceed 25 passenger motor vehicles for replacement

only, payments pursuant to section 156 of Public Law 97-377 (42 U.S.C. 402 note) and section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and recreation and welfare, \$5,157,220,000, of which \$1,204,000,000 shall be for defense-related activities; of which \$24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990; and of which not to exceed \$3,000 shall be for official reception and representation expenses: Provided, That none of the funds appropriated by this or any other Act shall be available for administrative expenses in connection with shipping commissioners in the United States: Provided further, That none of the funds provided by this Act shall be available for expenses incurred for yacht documentation under section 12109 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation: Provided further, That notwithstanding section 1116(c) of title 10, United States Code, amounts made available under this heading may be used to make payments into the Department of Defense Medicare-Eligible Retiree Health Care Fund for fiscal year 2005 under section 1116(a) of such title.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, \$17,000,000, to remain available until expended.

RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve, as authorized by law; operations and maintenance of the reserve program; personnel and training costs; and equipment and services; \$113,000,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS (INCLUDING RESCISSION OF FUNDS)

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, \$982,200,000, of which \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990; of which \$19,750,000 shall be available until September 30, 2009, to acquire, repair, renovate, or improve vessels, small boats, and related equipment; of which \$2,500,000 shall be available until September 30, 2009, to increase aviation capability; of which \$158,000,000 shall be available until September 30, 2007, for other equipment; of which \$5,000,000 shall be available until September 30, 2007, for shore facilities and aids to navigation facilities; of which \$73,000,000 shall be available for personnel compensation and benefits and related costs; and of which \$723,950,000 shall be available until September 30, 2009, for the Integrated Deepwater Systems program: Provided, That the Commandant of the Coast Guard is authorized to dispose of surplus real property, by sale or lease, and the proceeds shall be credited to this appropriation as offsetting collections and shall be available until September 30, 2007, only for Rescue 21: Provided further, That the Secretary of Homeland Security shall submit to the Congress, in conjunction with the President's fiscal year 2006 budget, a new Deepwater baseline that identifies revised acquisition timelines for each asset contained in the Deepwater program; a timeline and detailed justification for each new asset that is determined to be necessary to fulfill homeland and national security functions or multi-agency procurements as identified by the Joint Requirements Council; a detailed description of the revised mission requirements and their corresponding impact on the Deepwater program's acquisition timeline; and funding levels for each asset, whether new or continuing: Provided fur-

ther, That the Secretary shall annually submit to the Congress, at the time that the President's budget is submitted under section 1105(a) of title 31, a future-years capital investment plan for the Coast Guard that identifies for each capital budget line item—

(1) the proposed appropriation included in that budget;

(2) the total estimated cost of completion;

(3) projected funding levels for each fiscal year for the next five fiscal years or until project completion, whichever is earlier;

(4) an estimated completion date at the projected funding levels; and

(5) changes, if any, in the total estimated cost of completion or estimated completion date from previous future-years capital investment plans submitted to the Congress:

Provided further, That the Secretary shall ensure that amounts specified in the future-years capital investment plan are consistent to the maximum extent practicable with proposed appropriations necessary to support the programs, projects, and activities of the Coast Guard in the President's budget as submitted under section 1105(a) of title 31 for that fiscal year: Provided further, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified: Provided further, That consistent with the preceding provisos, the budget for fiscal year 2006 that is submitted under section 1105(a) of title 31, United States Code, shall include an amount for the Coast Guard that is sufficient to fund delivery of a long-term maritime patrol aircraft capability that is consistent with the original procurement plan for the CN-235 aircraft beyond the three aircraft already funded in previous fiscal years.

In addition, of the funds appropriated under this heading in Public Law 108-90, \$16,000,000 are rescinded.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, \$15,900,000, to remain available until expended.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses for applied scientific research, development, test, and evaluation, and for maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, \$18,500,000, to remain available until expended, of which \$2,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990: Provided, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$1,085,460,000.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 610 vehicles for police-type use, which shall be for replacement only, and hire of passenger motor vehicles; purchase of American-made motorcycles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property

not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at his or her post of duty; conduct of and participation in fire-arms matches; presentation of awards; travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; \$1,172,125,000, of which not to exceed \$25,000 shall be for official reception and representation expenses; of which not to exceed \$100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which \$2,100,000 shall be for forensic and related support of investigations of missing and exploited children; and of which \$5,000,000 shall be a grant for activities related to the investigations of exploited children and shall remain available until expended: Provided, That up to \$18,000,000 provided for protective travel shall remain available until September 30, 2006: Provided further, That of the total amount appropriated, not less than \$5,000,000 shall be available solely for the unanticipated costs related to security operations for National Special Security Events, to remain available until expended: Provided further, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from agencies and entities, as defined in section 105 of title 5, United States Code, receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year.

OPERATING EXPENSES

(RESCISSION OF FUNDS)

Of the funds appropriated under this heading in chapter 6 of title I of Public Law 108-11 (117 Stat. 581), \$750,279 are rescinded.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses for acquisition, construction, repair, alteration, and improvement of facilities, \$3,633,000, to remain available until expended.

TITLE III—PREPAREDNESS AND RECOVERY

OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS

MANAGEMENT AND ADMINISTRATION

For necessary expenses for the Office of State and Local Government Coordination and Preparedness, \$3,546,000: Provided, That not to exceed \$2,000 shall be for official reception and representation expenses.

STATE AND LOCAL PROGRAMS

For grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, notwithstanding any other provision of law, \$3,086,300,000, which shall be allocated as follows:

(1) \$1,100,000,000 for formula-based grants and \$400,000,000 for law enforcement terrorism prevention grants pursuant to section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714): Provided, That the application for grants shall be made available to States within 45 days after enactment of this Act; that States shall submit applications within 45 days after the grant announcement; and that the Office of State and Local Government Coordination and Preparedness shall act within 15 days after receipt of an

application: Provided further, That each State shall obligate not less than 80 percent of the total amount of the grant to local governments within 60 days after the grant award.

(2) \$1,200,000,000 for discretionary grants, as determined by the Secretary of Homeland Security, of which—

(A) \$885,000,000 shall be for use in high-threat, high-density urban areas, of which \$25,000,000 shall be available for assistance to organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax section 501(a) of such Code) as determined by the Secretary of Homeland Security to be at high-risk of international terrorist attack;

(B) \$150,000,000 shall be for port security grants, which shall be distributed under the same terms and conditions as provided for under Public Law 107-117;

(C) \$5,000,000 shall be for trucking industry security grants;

(D) \$10,000,000 shall be for intercity bus security grants; and

(E) \$150,000,000 shall be for intercity passenger rail transportation (as defined in section 24102 of title 49, United States Code), freight rail, and transit security grants:

Provided, That no less than 80 percent of any grant under this paragraph to a State shall be made available by the State to local governments within 60 days after the receipt of the funds: Provided further, That section 1014(c)(3) of the USA PATRIOT ACT (42 U.S.C. 3714(c)(3)) shall not apply to grants under this paragraph.

(3) \$50,000,000 shall be available for the establishment of a technology transfer program: Provided, That of the amount made available under this paragraph, \$10,000,000 is available to be used for commercially-available equipment testing and validation to determine appropriateness for inclusion in the technology transfer program.

(4) \$336,300,000 for training, exercises, technical assistance, and other programs:

Provided, That, none of the grants provided under this heading shall be used for the construction or renovation of facilities; except for a minor perimeter security project, not to exceed \$1,000,000, as determined necessary by the Secretary of Homeland Security: Provided further, That the preceding proviso shall not apply to grants under (2)(B) and (E) of this heading: Provided further, That grantees shall provide additional reports on their use of funds, as determined necessary by the Secretary of Homeland Security: Provided further, That funds appropriated for law enforcement terrorism prevention grants under paragraph (1) and discretionary grants under paragraph (2)(A) of this heading shall be available for operational costs, to include personnel overtime and overtime associated with Office of State and Local Government Coordination and Preparedness certified training, as needed: Provided further, That in accordance with the Department's implementation plan for Homeland Security Presidential Directive 8, the Office of State and Local Government Coordination and Preparedness shall provide State and local jurisdictions with nationally-accepted first responder preparedness levels no later than January 31, 2005; include in the fiscal year 2005 formula-based grant guidance guidelines for State and local jurisdictions to adopt national preparedness standards in fiscal year 2006; and issue final guidance on the implementation of the National Preparedness Goal no later than March 31, 2005: Provided further, That the fiscal year 2005 formula-based and law enforcement terrorism prevention grants under paragraph (1) shall be allocated in the same manner as fiscal year 2004.

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), \$715,000,000, of which \$650,000,000 shall be available to carry out section 33 (15 U.S.C. 2229) and \$65,000,000

shall be available to carry out section 34 (15 U.S.C. 2229a) of the Act, to remain available until September 30, 2006: Provided, That not to exceed 5 percent of this amount shall be available for program administration.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reductions Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), \$180,000,000: Provided, That total administrative costs shall not exceed 3 percent of the total appropriation.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Secretary of Homeland Security, to reimburse any Federal agency for the costs of providing support to counter, investigate, or respond to unexpected threats or acts of terrorism, including payment of rewards in connection with these activities, \$8,000,000, to remain available until expended: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives 15 days prior to the obligation of any amount of these funds in accordance with section 503 of this Act.

EMERGENCY PREPAREDNESS AND RESPONSE

OFFICE OF THE UNDER SECRETARY FOR EMERGENCY PREPAREDNESS AND RESPONSE

For necessary expenses for the Office of the Under Secretary for Emergency Preparedness and Response, as authorized by section 502 of the Homeland Security Act of 2002 (6 U.S.C. 312), \$4,211,000.

PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY

For necessary expenses for preparedness, mitigation, response, and recovery activities of the Directorate of Emergency Preparedness and Response, \$239,499,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.): Provided, That of the total amount appropriated, \$30,000,000 shall be for Urban Search and Rescue Teams, of which not to exceed 3 percent may be made available for administrative costs.

OPERATING EXPENSES (RESCISSION OF FUNDS)

Of the funds appropriated under this heading in chapter 6 of title I of Public Law 108-11 (11 Stat. 581), \$5,000,000 are rescinded.

ADMINISTRATIVE AND REGIONAL OPERATIONS

For necessary expenses for administrative and regional operations of the Directorate of Emergency Preparedness and Response, \$202,939,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.): Provided, That

not to exceed \$3,000 shall be for official reception and representation expenses.

PUBLIC HEALTH PROGRAMS

For necessary expenses for countering potential biological, disease, and chemical threats to civilian populations, \$34,000,000.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2005, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: Provided, That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: Provided further, That fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2005, and remain available until expended.

DISASTER RELIEF

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$2,042,380,000, to remain available until expended.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162), \$567,000: Provided, That gross obligations for the principal amount of direct loans shall not exceed \$25,000,000: Provided further, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

FLOOD MAP MODERNIZATION FUND

For necessary expenses pursuant to section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), \$200,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act, to remain available until expended: Provided, That total administrative costs shall not exceed 3 percent of the total appropriation.

NATIONAL FLOOD INSURANCE FUND (INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), not to exceed \$33,336,000 for salaries and expenses associated with flood mitigation and flood insurance operations; and not to exceed \$79,257,000 for flood hazard mitigation, to remain available until September 30, 2006, including up to \$20,000,000 for expenses under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2006, and which amount shall be derived from offsetting collections assessed and collected pursuant to section 1307 of that Act (42 U.S.C. 4014), and shall be retained and used for necessary expenses under this heading: Provided, That in fiscal year 2005, no funds in excess of: (1) \$55,000,000 for operating expenses; (2) \$562,881,000 for agents' commissions and taxes; and (3) \$30,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund.

NATIONAL FLOOD MITIGATION FUND

Notwithstanding subparagraphs (B) and (C) of subsection (b)(3), and subsection (f), of section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), \$20,000,000, to remain available until September 30, 2006, for activities designed to reduce the risk of flood damage to

structures pursuant to such Act, of which \$20,000,000 shall be derived from the National Flood Insurance Fund.

NATIONAL PRE-DISASTER MITIGATION FUND

For a pre-disaster mitigation grant program pursuant to title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.), \$100,000,000, to remain available until expended: Provided, That grants made for pre-disaster mitigation shall be awarded on a competitive basis subject to the criteria in section 203(g) of such Act (42 U.S.C. 5133(g)), and notwithstanding section 203(f) of such Act, shall be made without reference to State allocations, quotas, or other formula-based allocation of funds: Provided further, That total administrative costs shall not exceed 3 percent of the total appropriation.

EMERGENCY FOOD AND SHELTER

To carry out an emergency food and shelter program pursuant to title III of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11331 et seq.), \$153,000,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3.5 percent of the total appropriation.

TITLE IV—RESEARCH AND DEVELOPMENT, TRAINING, ASSESSMENTS, AND SERVICES

CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, \$160,000,000.

FEDERAL LAW ENFORCEMENT TRAINING CENTER SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal cell phones for official duties; and services as authorized by section 3109 of title 5, United States Code; \$177,440,000, of which up to \$36,174,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2006; and of which not to exceed \$12,000 shall be for official reception and representation expenses: Provided, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, \$44,917,000, to remain available until expended: Provided, That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.

INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the immediate Office of the Under Secretary for Information Analysis and Infrastructure Protection and for management and administration of programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), \$132,064,000: Provided, That not to exceed \$5,000 shall be for official reception and representation expenses.

ASSESSMENTS AND EVALUATIONS

For necessary expenses for information analysis and infrastructure protection as authorized

by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), \$761,644,000, to remain available until September 30, 2006: Provided, That the Under Secretary for Information Analysis and Infrastructure Protection shall submit a report at the end of each quarter of the fiscal year to the Committees on Appropriations of the Senate and the House of Representatives on each sole-source contractual agreement entered into through the commitment of amounts available from funds appropriated under this heading by this or previous appropriations Acts, including the amount, recipient and purpose of the agreement.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the immediate Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), \$68,586,000: Provided, That not to exceed \$3,000 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For necessary expenses for science and technology research, including advanced research projects; development; test and evaluation; acquisition; and operations; as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), \$1,046,864,000, to remain available until expended.

TITLE V—GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act: Provided, That balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2005, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; or (5) contracts out any functions or activities for which funds have been appropriated for Federal full-time equivalent positions; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, provided by previous appropriation Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2005, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of \$5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any exist-

ing program, project, or activity, or numbers of personnel by 10 percent as approved by the Congress; or (3) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriations, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: Provided, That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) of this section and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

(d) Notifications pursuant to subsections (a), (b) and (c) of this subsection shall not be made later than June 30, except in extraordinary circumstances which imminently threaten the safety of human life or the protection of property.

SEC. 504. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2005 from appropriations for salaries and expenses for fiscal year 2005 in this Act shall remain available through September 30, 2006, in the account and for the purposes for which the appropriations were provided: Provided, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.

SEC. 505. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2005 until the enactment of an Act authorizing intelligence activities for fiscal year 2005.

SEC. 506. The Federal Law Enforcement Training Center shall establish an accrediting body, to include representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, to establish standards for measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

SEC. 507. None of the funds in this Act may be used to make a grant allocation, discretionary grant award, discretionary contract award, or to issue a letter of intent totaling in excess of \$1,000,000 unless the Secretary of Homeland Security notifies the Committees on Appropriations of the Senate and House of Representatives at least 3 full business days in advance: Provided, That no notification shall involve funds that are not available for obligation.

SEC. 508. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 509. The Director of the Federal Law Enforcement Training Center (FLETC) shall schedule basic and/or advanced law enforcement training at all four training facilities under FLETC's control to ensure that these training centers are operated at the highest capacity throughout the fiscal year.

SEC. 510. None of the funds appropriated or otherwise made available by this Act may be used for expenses of any construction, repair, alteration, or acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 511. For fiscal year 2005 and thereafter, none of the funds appropriated or otherwise made available by this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Transportation Security Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to aviation security: Provided, That the prohibition of funds in this section does not apply to—

(1) negotiations between the agency and airport sponsors to achieve agreement on “below-market” rates for these items, or

(2) space for necessary security checkpoints.

SEC. 512. None of the funds in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a et seq.).

SEC. 513. The Secretary of Homeland Security is directed to research, develop, and procure certified systems to inspect and screen air cargo on passenger aircraft at the earliest date possible: Provided, That until such technology is procured and installed, the Secretary shall take all possible actions to enhance the known shipper program to prohibit high-risk cargo from being transported on passenger aircraft: Provided further, That the Secretary shall amend Security Directives and programs in effect on the date of enactment of this Act to, at a minimum, triple the percentage of cargo inspected on passenger aircraft.

SEC. 514. The Commandant of the Coast Guard shall provide to the Congress each year, at the time that the President’s budget is submitted under section 1105(a) of title 31, United States Code, a list of approved but unfunded Coast Guard priorities and the funds needed for each such priority in the same manner and with the same contents as the unfunded priorities lists submitted by the chiefs of other Armed Services.

SEC. 515. (a) IN GENERAL.—Chapter 449 of title 49, United States Code, is amended by inserting after section 4494 the following new section:

“§4494. Disposition of unclaimed money

“Notwithstanding section 3302 of title 31, unclaimed money recovered at any airport security checkpoint shall be retained by the Transportation Security Administration and shall remain available until expended for the purpose of providing civil aviation security as required in this chapter.”.

(b) ANNUAL REPORT.—Not later than 180 days after the date of enactment of this Act and annually thereafter, the Administrator of the Transportation Security Administration shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives; the Committee on Appropriations of the House of Representatives; the Committee on Commerce, Science and Transportation of the Senate; and the Committee on Appropriations of the Senate, a report that contains a detailed description of the amount of unclaimed money recovered in total and at each individual airport, and specifically how the unclaimed money is being used to provide civil aviation security.

(c) CLERICAL AMENDMENT.—The analysis for chapter 449 of title 49, United States Code, is amended by adding the following new item after the item relating to section 4494:

“4494. Disposition of unclaimed money.”.

SEC. 516. Notwithstanding section 3302 of title 31, United States Code, the Administrator of the Transportation Security Administration may impose a reasonable charge for the lease of real

and personal property to Transportation Security Administration employees and for use by Transportation Security Administration employees and may credit amounts received to the appropriation or fund initially charged for operating and maintaining the property, which amounts shall be available, without fiscal year limitation, for expenditure for property management, operation, protection, construction, repair, alteration, and related activities.

SEC. 517. The acquisition management system of the Transportation Security Administration shall apply to the acquisition of services, as well as equipment, supplies, and materials.

SEC. 518. Notwithstanding any other provision of law, the authority of the Office of Personnel Management to conduct personnel security and suitability background investigations, update investigations, and periodic reinvestigations of applicants for, or appointees in, positions in the Office of the Secretary and Executive Management, the Office of the Under Secretary of Management, the Directorate of Science and Technology, and the Directorate of Information Analysis and Infrastructure Protection of the Department of Homeland Security is transferred to the Department of Homeland Security: Provided, That on request of the Department of Homeland Security, the Office of Personnel Management shall cooperate with and assist the Department in any investigation or reinvestigation under this section.

SEC. 519. Section 312(g) of the Homeland Security Act of 2002 (6 U.S.C. 192(g)) is amended to read as follows:

“(g) TERMINATION.—The Homeland Security Institute shall terminate 5 years after its establishment.”.

SEC. 520. Section 311(c)(2) of the Homeland Security Act of 2002 (6 U.S.C. 191(c)(2)) is amended to read as follows:

“(2) ORIGINAL APPOINTMENTS.—The original members of the Advisory Committee shall be appointed to three classes. One class of six shall have a term of 1 year, one class of seven a term of 2 years, and one class of seven a term of 3 years.”.

SEC. 521. Notwithstanding any other provision of law, funds appropriated under paragraphs (1) and (2) of the State and Local Programs heading under title III of this Act are exempt from section 6503(a) of title 31, United States Code.

SEC. 522. (a) None of the funds provided by this or previous appropriations Acts may be obligated for deployment or implementation, on other than a test basis, of the Computer Assisted Passenger Prescreening System (CAPPS II) or Secure Flight or other follow on/successor programs, that the Transportation Security Administration (TSA), or any other Department of Homeland Security component, plans to utilize to screen aviation passengers, until the Government Accountability Office has reported to the Committees on Appropriations of the Senate and the House of Representatives that—

(1) a system of due process exists whereby aviation passengers determined to pose a threat are either delayed or prohibited from boarding their scheduled flights by the TSA may appeal such decision and correct erroneous information contained in CAPPS II or Secure Flight or other follow on/successor programs;

(2) the underlying error rate of the government and private data bases that will be used both to establish identity and assign a risk level to a passenger will not produce a large number of false positives that will result in a significant number of passengers being treated mistakenly or security resources being diverted;

(3) the TSA has stress-tested and demonstrated the efficacy and accuracy of all search tools in CAPPS II or Secure Flight or other follow on/successor programs and has demonstrated that CAPPS II or Secure Flight or other follow on/successor programs can make an accurate predictive assessment of those passengers who may constitute a threat to aviation;

(4) the Secretary of Homeland Security has established an internal oversight board to monitor the manner in which CAPPS II or Secure Flight or other follow on/successor programs are being developed and prepared;

(5) the TSA has built in sufficient operational safeguards to reduce the opportunities for abuse;

(6) substantial security measures are in place to protect CAPPS II or Secure Flight or other follow on/successor programs from unauthorized access by hackers or other intruders;

(7) the TSA has adopted policies establishing effective oversight of the use and operation of the system;

(8) there are no specific privacy concerns with the technological architecture of the system;

(9) the TSA has, pursuant to the requirements of section 44903 (i)(2)(A) of title 49, United States Code, modified CAPPS II or Secure Flight or other follow on/successor programs with respect to intrastate transportation to accommodate States with unique air transportation needs and passengers who might otherwise regularly trigger primary selectee status; and

(10) appropriate life-cycle cost estimates, and expenditure and program plans exist.

(b) During the testing phase permitted by paragraph (a) of this section, no information gathered from passengers, foreign or domestic air carriers, or reservation systems may be used to screen aviation passengers, or delay or deny boarding to such passengers, except in instances where passenger names are matched to a government watch list.

(c) None of the funds provided in this or any previous appropriations Act may be utilized to develop or test algorithms assigning risk to passengers whose names are not on government watch lists.

(d) None of the funds provided in this or any previous appropriations Act may be utilized to test an identity verification system that utilizes at least one database that is obtained from or remains under the control of a non-Federal entity until TSA has developed measures to determine the impact of such verification on aviation security and the Government Accountability Office has reported on its evaluation of the measures.

(e) TSA shall cooperate fully with the Government Accountability Office, and provide timely responses to the Government Accountability Office requests for documentation and information.

(f) The Government Accountability Office shall submit the report required under paragraph (a) of this section no later than March 28, 2005.

SEC. 523. Section 835 of the Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C. 395) is amended—

(1) in subsection (a), by inserting before the period “, or any subsidiary of such an entity”;

(2) in subsection (b)(1), by inserting “before, on, or” after the “completes”;

(3) in subsection (c)(1)(B), by striking “which is after the date of enactment of this Act and”; and

(4) in subsection (d), by striking “homeland” and inserting “national”.

SEC. 524. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SEC. 525. Notwithstanding any other provision of law, the fiscal year 2004 aggregate overtime limitation prescribed in subsection 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 261 and 267) shall be \$30,000.

SEC. 526. Notwithstanding any other provision of law, notifications pursuant to section 503 of this Act or any other authority for reprogramming of funds shall be made solely to the Committees on Appropriations of the Senate and House of Representatives.

SEC. 527. None of the funds appropriated by this Act may be used to process or approve a

competition under Office of Management and Budget Circular A-76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

SEC. 528. None of the funds available in this Act shall be available to maintain the United States Secret Service as anything but a distinct entity within the Department of Homeland Security and shall not be used to merge the United States Secret Service with any other department function, cause any personnel and operational elements of the United States Secret Service to report to an individual other than the Director of the United States Secret Service, or cause the Director to report directly to any individual other than the Secretary of Homeland Security.

This Act may be cited as the "Department of Homeland Security Appropriations Act, 2005".

And the Senate agree to the same.

- HAROLD ROGERS,
BILL YOUNG,
FRANK R. WOLF,
ZACH WAMP,
TOM LATHAM,
JO ANN EMERSON,
KAY GRANGER,
JOHN E. SWEENEY,
DON SHERWOOD,

Managers on the Part of the House.

- THAD COCHRAN,
TED STEVENS,
ARLEN SPECTER,
PETE V. DOMENICI,
MITCH MCCONNELL,
RICHARD SHELBY,
JUDD GREGG,
BEN NIGHTHORSE
CAMPBELL,
LARRY CRAIG,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4567), making appropriations for the Department of Homeland Security (DHS) for the fiscal year ending September 30, 2005, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report.

Senate Amendment: The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill. The conference agreement includes a revised bill. Throughout the accompanying explanatory statement, the managers refer to the Committee and the Committees on Appropriations. Unless otherwise noted, in both instances, the managers are referring to the House Subcommittee on Homeland Security and the Senate Subcommittee on Homeland Security.

The language and allocations contained in House Report 108-541 and Senate Report 108-280 should be complied with unless specifically addressed to the contrary in the conference report and statement of managers. The statement of managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases where both the House and Senate reports address a particular issue not specifically addressed in the conference report or joint statement of managers, the conferees have determined that the House report and Senate report are not inconsistent and are to be interpreted accordingly.

In cases where the House or Senate report directs the submission of a report, such report is to be submitted to both the House and Senate Committees on Appropriations. Further, in a number of instances, House Report 108-541 and Senate Report 108-280 direct agencies to report to the Committees by specific dates that have now passed. In those instances, and unless alternative dates are provided in the accompanying explanatory statement, agencies are directed to provide these reports to the House and Senate Committees on Appropriations no later than January 10, 2005.

TITLE I—DEPARTMENTAL MANAGEMENT AND OPERATIONS
OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

The conferees agree to provide \$85,034,000 instead of \$80,227,000 as proposed by the House and \$82,206,000 as proposed by the Senate. Funding shall be allocated as follows:

Table with 2 columns: Position and Amount. Includes: Immediate Office of the Secretary (\$2,141,000), Deputy Secretary (\$1,112,000), Office of Security (\$21,424,000), Chief of Staff (\$5,240,000), Executive Secretary (\$3,500,000), Special Assistant to the Secretary/Private Sector Office for National Capital Region Coordination (\$688,000), Office of International Affairs (\$1,200,000), Office of Public Affairs (\$8,120,000), Office of Legislative Affairs (\$5,400,000), Office of General Counsel (\$10,821,000), Office for Civil Rights and Civil Liberties (\$13,000,000), Citizenship and Immigration Services Ombudsman (\$3,546,000), Homeland Security Advisory Committee (\$1,287,000), Privacy Office (\$3,774,000), Total (\$85,034,000).

Reductions have been made to individual offices within the Office of the Secretary and Executive Management because of large numbers of unfilled positions. The conferees believe that full-year funding is not necessary for salaries of employees that are not yet on board.

RECEPTION AND REPRESENTATION

The conferees have provided not to exceed \$40,000 for reception and representation expenses for the Office of the Secretary and Executive Management instead of not to exceed \$45,000 as proposed by the House and not to exceed \$50,000 as proposed by the Senate to be available for allocation within the Department. Separate reception and representation allowances have been provided directly to other departmental agencies.

BUDGET JUSTIFICATIONS

For fiscal year 2006, the conferees direct that the Congressional budget justifications for all departmental offices be submitted in the same level of detail as the detailed table contained in the back of this report. These justifications should include detailed data and explanatory statements in support of each appropriations request, including tables that detail each departmental office's programs, projects, and activities for fiscal years 2005 and 2006. All funding and staffing changes for each individual office must be highlighted and explained, including separate discussions for personnel, compensation, and benefits; travel; training; and other services. The budget justifications should also include a table identifying the last year that authorizing legislation was provided by Con-

gress for each program, project, or activity; the amount of the authorization; and the appropriation in the last year of the authorization.

CLASSIFIED BUDGET JUSTIFICATIONS

Several components of the Department have classified programs that require preparation and submission of a separate classified budget justification document. These classified budget justification documents are to be submitted to the House and Senate Committees on Appropriations at the same time the unclassified budget justifications are transmitted.

OFFICE OF SECURITY

The conferees agree to provide \$21,424,000 instead of \$21,824,000 as proposed by the House and \$21,044,000 as proposed by the Senate. Sufficient funding has been provided within this appropriation for the Office of Security to rapidly process and adjudicate background investigations.

CONSOLIDATION AND CO-LOCATION OF OFFICES

The conferees direct the Department to regularly update the House and Senate Committees on Appropriations on office consolidations and co-location plans as discussed in the Senate report. The Department shall notify the Committees at least 10 days prior to any public announcement of any changes to regional or field offices.

DETAILLEES

The conferees direct the Department to report to the House and Senate Committees on Appropriations on January 10, 2005, and quarterly thereafter, on the number of detailees in the Department as well as those detailed to other executive and legislative agencies. These quarterly reports shall include the originating agency, salary, length of detail (including beginning and end dates), and purpose of each detail.

GENERAL AVIATION AIRPORTS

The conferees direct the Secretary, in conjunction with the Transportation Security Administration and the Secret Service, to provide a report to the House and Senate Committees on Appropriations by March 1, 2005, on restoring access to Ronald Reagan Washington National Airport (DCA) and other general aviation airports within 15 miles of DCA for security-qualified charter and general aviation operators.

COUNTER MAN-PORTABLE AIR DEFENSE SYSTEMS (MANPADS)

The conferees direct the Secretary to submit a report to the House and Senate Committees on Appropriations on the Counter MANPADS program as outlined by Section 530 of the Senate bill. The conferees do not agree to subsections (5) and (6) of the Senate bill. In lieu of these sections, the conferees expect the report to include an assessment of other technologies that have been evaluated by the Department that could be employed on commercial aircraft to address the threat posed by MANPADS.

TRANSPORTATION SECURITY PLAN

The conferees direct the Secretary of Homeland Security, in consultation with the Secretary of Transportation, to develop, maintain, and submit to the House and Senate Committees on Appropriations no later than March 31, 2005, an integrated strategic transportation security plan. The plan shall identify and evaluate the United States transportation assets that need to be protected, set risk-based priorities for defending the assets identified, select the most practical and cost-effective ways of defending the assets identified, and assign transportation security roles and missions to the relevant federal, State, regional, and local authorities, and to the private sector. The conferees

expect that future budget requests will be based on this integrated strategic transportation security plan. Should any part of this plan involve information that is properly classified under criteria established by Executive Order, that information shall be submitted separately in classified form.

DATA-MINING

The conferees are concerned about the Department's possible use or development of data-mining technology. The conferees direct the DHS Privacy Officer, in consultation with the head of each Department of Homeland Security agency that is developing or using data-mining technology, to submit a report no later than 90 days after the end of fiscal year 2005 that provides: (1) a thorough description of the data-mining technology, the plans for use of such technology, the data that will be used, and the target dates for the deployment of the technology; (2) an assessment of the likely impact of the implementation of the technology on privacy and civil liberties; and (3) a thorough discussion of the policies, procedures, and guidelines that are to be developed and applied in the use of such technology for data-mining in order to protect the privacy and due process rights of individuals and to ensure that only accurate information is collected and used.

BUY AMERICAN

The conferees include bill language prohibiting funds from being used in contravention of the applicable provisions of the Buy American Act. The House and Senate Committees on Appropriations expect to be notified when the Department deviates from this direction pursuant to permissible exceptions. The conferees direct the Inspector General to audit the Department's compliance with the Buy American Act and submit the report at the same time the President submits to Congress the budget for fiscal year 2006.

The conferees direct the Secretary to issue a report to the Committees on Appropriations that describes the articles, materials, and supplies acquired by the Department during fiscal year 2005 that were manufactured outside of the United States as well as an itemized list of all waivers granted with respect to such articles, materials, or supplies under the Buy American Act. The report should include a summary of the total funds spent by the Department of Homeland Security on goods manufactured within the United States compared with funds spent on goods manufactured outside of the United States.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

The conferees agree to provide \$151,153,000 instead of \$129,356,000 as proposed by the House and \$175,579,000 as proposed by the Senate. The conferees have provided not to exceed \$3,000 for reception and representation expenses instead of not to exceed \$5,000 as proposed by the House. The Senate proposed no similar provision. Funding shall be allocated as follows:

Under Secretary for Management	\$1,434,000
Business Transformation	
Office	920,000
Office of Procurement	7,350,000
Office of Human Resources	7,200,000
Office of Administration ...	27,270,000
Immigration Statistics	5,898,000
Headquarters, Renovation and Relocation Expenses	65,081,000
Human resources system ...	36,000,000
Total	151,153,000

The conferees have provided funding for the Offices of the Chief Financial Officer and the Chief Information Officer under separate

accounts outside of the Office of the Under Secretary for Management, as proposed by the House. The Senate funded these two offices within the Office of the Under Secretary for Management.

INVESTMENT REVIEW BOARD

Separate funding is not recommended for the Investment Review Board as proposed by the Senate. The House proposed \$2,500,000. The conferees believe that the Department should continue to rely on its managers to establish, maintain, and support investment analysis and decision making, and to comply with statutory requirements.

OFFICE OF PROCUREMENT

The conferees agree to provide \$7,350,000 for the Office of Procurement within the Under Secretary for Management instead of \$7,734,000 as a separate appropriation as proposed by the House and \$7,024,000 as proposed by the Senate. Within this funding, the conferees direct the Chief Procurement Officer to hire five additional procurement staff instead of the nine staff proposed by the House.

DHS HEADQUARTERS

The conferees agree to include \$65,081,000 for the alteration and improvement of facilities, tenant improvements and relocation costs to consolidate a headquarters operations as proposed by the House and Senate. The Department is directed to submit to the House and Senate Committees on Appropriations, no later than December 1, 2004, a facilities improvement and housing plan for the Nebraska Avenue Complex, NAC, Washington, DC, including: total cost of renovations and improvements for each Department-occupied building within NAC; by fiscal year, and including all out-year costs, the total cost for site and design, security upgrades and improvements, tenant improvements, and relocation costs; and, by building, a list of tenants including the total number of current and projected tenants. The Department is directed to notify the Committees 15 days prior to the obligation of funds. Such notification shall be consistent with the facilities improvement and housing plan.

HUMAN RESOURCES SYSTEM

The conferees agree to provide \$36,000,000 for the human resources system instead of \$70,000,000 as proposed by the House and Senate. This funding shall be used for design, implementation, and program oversight of this new system in fiscal year 2005.

CONTRACT STAFFING

The conferees direct the Department to report, no later than November 15, 2004, on the number of contract staff occupying positions budgeted to be filled by federal employees during fiscal year 2004 and projected for fiscal year 2005. This report should include the numbers of contract staff by component, and a plan, with milestones, for reducing its dependence on contract staff. The Department is directed to submit monthly updates on its progress against these milestones to the House and Senate Committees on Appropriations.

WORKING CAPITAL FUND

The conferees direct the Department to issue a report by December 1, 2004, to the House and Senate Committees on Appropriations that identifies all centralized services, activities, and programs supported through the Working Capital Fund (WCF) in fiscal years 2004 and 2005. This report shall include a brief description of each activity, the basis for the pricing policy, the estimated cost for fiscal years 2004 and 2005, and for any multi-year project, the total cost, scope, and schedule for completion. The report should also provide the total estimated cost of the activ-

ity by fiscal year and the estimated date for completion, the number of full-time federal employees funded in each activity, a list of each departmental organization that is allocating funds to the activity, and the funding each organization is providing in fiscal years 2004 and 2005. Finally, the report should identify any cross-cutting initiatives or activities that benefit more than one organization that are not included in the WCF and explain the omission.

The conferees expect all cross-cutting initiatives funded by multiple organizations for which funding has been approved by the Committees to be included in the WCF and the Committees are to be promptly notified of any additions, deletions, or changes that are made to the WCF during the fiscal year. Taxing departmental organizations for cross-cutting initiatives outside the WCF will not be approved by the House and Senate Committees on Appropriations. The conferees expect the Department to comply with reprogramming guidelines in the management of the WCF. The WCF is not to be used to support initiatives for which funding was requested in the budget and not approved when the appropriation was made.

For fiscal year 2006, the same level of detailed information on the WCF is to be provided in the budget justification document submitted for the Departmental Operations account, with the corresponding information contained in the accounts for each organization that is funding the WCF.

OFFICE OF THE CHIEF FINANCIAL OFFICER

The conferees agree to provide \$13,000,000 as proposed by the House instead of \$14,670,000 as proposed by the Senate within the Office of the Under Secretary for Management. The conferees expect the Chief Financial Officer and Chief Information Officer to work closely together on key financial information technology modernization projects, such as the Electronically Managing Enterprise Resources for Government Efficiency and Effectiveness (eMerge 2) system.

MONTHLY REPORTING REQUIREMENTS

The Department is directed to continue submitting to the House and Senate Committees on Appropriations a monthly budget execution report showing the status of obligations and costs for all components of the Department. The report should include the total obligational authority appropriated (new budget authority plus unobligated carryover), undistributed obligational authority, amount allotted, current year obligations, unobligated authority, beginning unexpended obligations, year-to-date costs, and ending unexpended obligations. This budget execution information is to be provided at the level of detail shown in the tables displayed at the end of this report for each departmental component and shall be submitted no later than 45 days after the close of each month.

FINANCIAL MANAGEMENT OF THE DEPARTMENT

The conferees are concerned with the Department's execution of its financial responsibilities after numerous budgetary and management crises over the 18 months of the Department's existence, notably with the Bureau of Immigration and Customs Enforcement and the Transportation Security Administration. The Department and senior agency management are coping with major changes in the organizational environment, resources, and communication networks of new and radically expanding or changing agencies. It is, therefore, to be expected that the Department will experience direct and indirect costs and management problems as it integrates its agencies. The conferees also acknowledge that reconciling different systems and legacy accounting bureaucracies is

difficult. Nonetheless, the conferees will not assent to a repeat of recent experience of shifting and multiple, last minute requests for funding relief, particularly when the Department and agencies can neither explain nor even fully understand their own financial condition. Such a level of uncertainty is inexplicable, and adversely affects the Department's ability to fulfill its missions and carry out Administration and Congressional policy.

The conferees direct the Secretary and Department agency heads to devote the resources and managerial energy required to ensure that basic financial control and transparency in accounting are achieved, and avoid the waste and disruption caused by failure to carry out this fundamental management function. The conferees expect that agencies will establish baseline budgets and reconcile their financial records and accounting systems to provide sufficient information to the Department's Chief Financial Officer (CFO) to permit a clear understanding of financial resources available as well as existing and upcoming liabilities. The conferees further direct that the CFO include in the monthly budget execution report an update on the status of steps underway to improve financial management in critical agencies. Finally, the conferees expect that the Secretary and CFO will strive to ensure that required financial audits of the Department's components are conducted in a timely fashion and with full cooperation of agency personnel.

TRANSPORTATION SECURITY ADMINISTRATION REPROGRAMMINGS

The conferees are concerned that the Department of Homeland Security has submitted numerous reprogramming for the Transportation Security Administration (TSA) to the House and Senate Committees on Appropriations that TSA cannot fully explain and justify. In fiscal year 2004, three TSA reprogrammings were submitted. For each of these reprogrammings, TSA was unable to provide timely and consistent data to answer specific questions about the need for these actions. For instance, when the Department's reprogramming letter states that "... \$42,200,000 will be used to fund screener professional development to increase retention, and to cover higher benefit costs and increased supervision costs", the conferees expect TSA to readily explain the dollars for each of these three items. Similarly, TSA has been unable to provide an accurate annual estimate for a variety of requirements, such as maintenance costs, and salaries and expenses, which has led to repeated reprogramming requests for additional funds to cover these activities throughout the year, at the expense of other TSA or Department programs. This causes the conferees to question the competency of TSA's estimating capabilities. Therefore, the conferees direct that the Department institute financial controls to enable TSA to live within its resource limitations to negate or minimize the need for reprogrammings. If a reprogramming is necessary for fiscal year 2005, it should provide sufficient basic information for it to be properly considered by the Committees and each specific funding increase and decrease should be fully explained and justified.

GRANT AWARDS

The conferees are disappointed with the Department's pace for awarding homeland security grants, including grants for port security, intercity bus security, hazardous materials, pre-disaster mitigation, and funds for urban search and rescue teams. The conferees direct the Department to prepare a report by December 15, 2004, that lays out an expeditious and responsible schedule for

making grants and awards for the funds made available by this Act, as well as for any prior year funds that remain available for obligation.

OFFICE OF THE CHIEF INFORMATION OFFICER

The conferees agree to provide \$275,270,000 for the Office of the Chief Information Officer (CIO) and Department-Wide Technology Investments. Of this funding, \$67,270,000 shall be for salaries and expenses and \$208,000,000 for Department-Wide Technology Investments. The House proposed \$60,139,000 for the CIO and \$211,000,000 for Department-Wide Technology Investments. The Senate proposed \$68,396,000 for the CIO and \$222,000,000 for Department-Wide Technology Investments. Funding shall be allocated in accordance with the funding recommendations detailed in the following table:

Salaries and Expenses	\$67,270,000
Office of the Chief Information Officer	64,270,000
Wireless Program, Salaries and Expenses	3,000,000
Information Technology Services	91,000,000
Enterprise Architecture & Portal Technology ...	13,000,000
Geospatial mapping	8,000,000
Human Resources	21,000,000
EMerge2	49,000,000
Security Activities	31,000,000
Federal terrorist watch list integration	10,000,000
Enterprise Architecture HS IT evaluation program (extra & intra net)	12,000,000
Wireless Program	86,000,000
Replace legacy border components	16,000,000
New investments in radio infrastructure borders	52,000,000
Infrastructure optimization & upgrade	18,000,000
SAFECOM*	—
Total	275,270,000

*Funded under the Science and Technology Directorate.

FINANCIAL INFORMATION TECHNOLOGY MODERNIZATION PROJECTS

The conferees expect the CFO and CIO to work closely together on key financial information technology modernization projects, such as the eMerge 2 system.

GEOSPATIAL INFORMATION MANAGEMENT

The conferees agree to provide \$8,000,000 to create a Department-wide Geospatial Information System (E-GIS) capability under the direction of the CIO and direct the Secretary to create the Geospatial Management Office (GMO) within the CIO's office to oversee this activity. The GMO will be responsible for coordinating geospatial information needs, requirements, and other related spatial data activities that support the E-GIS capability defined by the GMO. The GMO will provide clear and concise policy direction across the Department needed for an E-GIS geospatial information capability. The conferees expect the GMO to guide the development and execution of the implementation plan for the geospatial enablement of the Department's mission systems. The CIO's office is directed to report to the House and Senate Committees on Appropriations by December 1, 2004, on a date by which the GMO will be established and operational and on the outline of the implementation plan.

PROGRAM, PROJECT AND ACTIVITY PLANS

The conferees request the CIO to revise its report of April 20, 2004, on program, project and activity plans as directed within the Senate report. This revision should be submitted to the House and Senate Committees

on Appropriations no later than February 8, 2005.

The conferees further direct the CIO to submit to the House and Senate Committees on Appropriations by February 8, 2005, a detailed program plan describing the scope, total estimated cost, cost by year, and the schedule for completion, including significant milestones, for each individual project currently underway and funded for fiscal year 2005 for information technology services, security activities, and wireless programs. This report should include the specified subject areas and associated level of detail as directed in the House report.

WIRELESS PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS (SAFECOM)

The conferees agree to provide \$11,000,000 for SAFECOM in the Science and Technology Directorate as proposed by the House. The Senate proposed funding of \$11,000,000 for SAFECOM under the Department-Wide Technology Investments account.

DEPARTMENT-WIDE TECHNOLOGY INVESTMENTS

The conferees have deleted a separate appropriation for Department-Wide Technology Investments and have included this funding with the Office of the Chief Information Officer.

OFFICE OF INSPECTOR GENERAL

The conferees agree to provide \$82,317,000 as proposed by the House and the Senate. Within the amounts provided, the Inspector General should continue to fund its portion of the Department's yearly financial audit at the same level as provided in fiscal year 2004.

The conferees direct the Inspector General to forward copies of all audit reports to the House and Senate Committees on Appropriations immediately after they are released and to make the Committees aware of any significant budgetary savings. The Inspector General is directed to withhold from public distribution for 15 days any final audit or investigation requested by the Committees.

TITLE II—SECURITY, ENFORCEMENT, AND INVESTIGATIONS

BORDER AND TRANSPORTATION SECURITY OFFICE OF THE UNDER SECRETARY FOR BORDER AND TRANSPORTATION SECURITY

SALARIES AND EXPENSES

The conferees agree to provide \$9,617,000, instead of \$10,371,000 as proposed by the House and \$8,864,000 as proposed by the Senate. The conferees also provide that not to exceed \$3,000 is available for official representation and reception expenses. Neither the House nor the Senate bills contained this provision.

DENT—IAFIS INTEROPERABILITY

The conferees are troubled by the security gap on the nation's borders caused by delays in linking the Automated Biometrics Identification System (IDENT), the fingerprint database managed by Customs and Border Protection (CBP) and US Visitor and Immigrant Status Indicator Technology (US-VISIT), with criminal history data contained in the Federal Bureau of Investigation's Integrated Automated Fingerprint Identification System (IAFIS). The conferees understand that by the end of calendar year 2004, interoperability will exist at airports, seaports, and the largest and busiest Border Patrol stations and land ports of entry. CBP and Immigration and Customs Enforcement (ICE) locations will not be completed until December 31, 2005. With implementation of a new visa tracking system and enrollment of millions of visitors into US-VISIT, it is essential that the Directorate of Border and Transportation Security collaborate with the Federal Bureau of Investigation to ensure that IDENT can retrieve, in real time,

biometric information contained in the IAFIS database, and that the IAFIS database can retrieve, in real time, biometric information contained in IDENT.

The conferees direct the Department to fund the full cost to achieve real time interoperability between these systems from the US-VISIT Appropriation, and direct the Under Secretary for Border and Transportation Security (BTS) to report, not later than 90 days after enactment of this Act, on the status of this effort, including steps the Department will take to integrate IAFIS into IDENT, funds needed, and a timetable for full integration. This report should address recommendations in the March, 2004 Department of Justice Inspector General report, which documented the need to integrate existing biometric databases.

CARGO CONTAINER SECURITY

Over the past 3 years, Congress has provided over \$200,000,000 for innovative programs designed to ensure safe and secure shipment of containerized goods from their initial point of loading to their final place of delivery in the United States, including Operation Safe Commerce (OSC), the Container Security Initiative (CSI), and the Customs-Trade Partnership Against Terrorism (C-TPAT). The conferees direct the Under Secretary for Border and Transportation Security to report to the House and Senate Committees on Appropriations no later than February 8, 2005, on the history, implementation, funding, and progress of the Department's cargo container security efforts. The report should identify: (1) steps the Department has taken to enhance shipping container security; (2) resources devoted to this in prior years and proposed to continue this security; (3) results of ongoing projects such as OSC, CSI, and C-TPAT; (4) the Departmental entity responsible for implementing improvements in security systems and approaches; and (5) specific steps each entity will take to implement these changes, with associated schedules for development and issuance of standards, policies, procedures, or regulations. In addition, the report should address the security of in-bond shipments as referenced within the House report.

COORDINATION OF AVIATION AND MARINE OPERATIONS AND PLANNING

The conferees strongly support the rationalization of the air and marine assets and organizations within the Department, and anticipate that the recent decision to transfer the Office of Air and Marine Operations (AMO) from ICE to CBP will serve to improve the ability of the Department and BTS to more effectively conduct their various homeland security, law enforcement, and related missions. With the presence of three significant aviation and maritime assets, facilities, and organizations within the Department, two within BTS, it is essential that those operations be coordinated both to gain the maximum benefits for the Department and related missions and support functions, as well as achieve efficiency and reduce redundancies from shared facilities and services.

It is therefore more important than ever that BTS submit the detailed AMO modernization and recapitalization plan as directed by the conferees in fiscal year 2004, and as indicated in the report submitted to Congress in March, 2004, entitled "Role in Securing the Homeland." That report provided an overview of AMO current missions, priorities, and plans, as well as plans for future acquisitions and operational efforts. However, it did not describe resources and timetables for procurement and organizational change. Although the report said that actual spending plans would be included in the modernization plan to follow, no plan

has been submitted. Similarly, the report only provided a total of on-board staff (1,017 of 1,215 positions authorized) not the detailed, multi-year staffing plan requested.

The ongoing review by the Joint Requirements Council and Aviation Management Council of DHS missions, requirements, and opportunities for strategic sourcing appears to have been a factor in the decision to transfer AMO. The conferees direct the Department to advise the House and Senate Committees on Appropriations on the status of the Department's review, and submit the final results of the study as soon as they become available.

The conferees expect to be provided the details involved in integrating air and marine operations within BTS, and direct the Under Secretary for Border and Transportation Security, in consultation with the U.S. Interdiction Coordinator, to submit a report to the House and Senate Committees on Appropriations no later than February 15, 2005, on: (1) specific actions taken or planned to rationalize and coordinate air and marine assets and operations within CBP, including organizational structure; (2) plans for modernizing the air and marine assets of CBP, including staffing plans, in the detail specified in House Report 108-280; (3) a cost/benefit analysis of retrofitting the existing P-3 fleet to extend the useful life of these aircraft; and (4) the multiple air and marine missions of CBP, including their relation to Coast Guard operations.

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

The conferees agree to provide \$340,000,000 as proposed by both the House and the Senate. Of these funds, \$86,000,000 is available for program management and operations, and \$254,000,000 is subject to the requirement for a detailed expenditure plan, as proposed by the House. Funds are available until expended.

The conferees continue to require a detailed expenditure plan and expect it to display detail greater than that provided for fiscal years 2003 and 2004. Such plans must reflect clear cost/benefit analyses associated with the increments being proposed for funding.

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES (INCLUDING RESCISSION OF FUNDS)

The conferees agree to provide \$4,534,119,000 for Customs and Border Protection (CBP), instead of \$4,612,441,000 as proposed by the House and \$4,615,960,000 as proposed by the Senate. This includes: \$145,159,000 for inspection and detection technology investments, of which \$50,000,000 shall be for radiation detection technology, and up to \$30,000,000 shall be available for either radiation detection or non-intrusive inspection technology; \$1,000,000 for a pilot study to monitor in-bond container shipments; \$2,000,000 for the Immigration Security Initiative; \$5,000,000 for the CBP Advanced Training Center; \$500,000 to continue steel tariff training; \$10,000,000 for unmanned aerial vehicles; not less than \$131,436,000 for the salaries and expenses for the Office of Air and Marine Operations; and a reduction of \$23,000,000 to reflect the transfer of the Charleston training center to the Federal Law Enforcement Training Center. The conferees provide that not to exceed \$35,000 shall be for official representation and reception expenses, as opposed to \$40,000 proposed by both the House and Senate. The total appropriation includes a reduction of \$193,308,000 in base budget shift to Immigration and Customs Enforcement.

The following table specifies funding by budget activity:

Headquarters Management and Administration:	
Headquarters Management and Administration:	\$1,172,838,000
Border Security Inspections and Trade Facilitation:	
Inspections, Trade and Travel Facilitation at Ports of Entry	1,242,800,000
Harbor Maintenance Fee Collection (Trust Fund)	3,000,000
Container Security Initiative	126,096,000
Other International Programs	57,300,000
Customs-Trade Partnership Against Terrorism/FAST	37,828,000
Inspection and Detection Technology Investments	145,159,000
Automated Targeting Systems	29,800,000
National Targeting Center	16,100,000
Other Technology Investments, Including Information Technology	1,000,000
Training	23,800,000
Subtotal, Border Security Inspections and Trade Facilitation	\$1,682,883,000
Border Security and Control Between Ports of Entry:	
Border Security and Control	1,413,800,000
Air Program Operations	37,300,000
Unmanned Aerial Vehicles	10,000,000
Integrated Surveillance and Intelligence System Procurement	64,162,000
Training	21,700,000
Subtotal, Border Security and Control Between Ports of Entry ...	1,546,962,000
Air and Marine Operations, Salaries and Expenses	131,436,000
Total, Salaries and Expenses:	4,534,119,000

RESCISSION

The conferees rescind \$63,010,000 of the funds provided in Public Law 108-11.

STAFFING PLAN AND BORDER STAFFING

The conferees note that CBP has not submitted the staffing plan due December 1, 2003, as directed in the fiscal year 2004 conference agreement, House Report 108-280. The conferees support a comprehensive approach to border security, including both people and technology. The Congress has funded significant increases in hardware and systems investment in a number of areas, as well as additional border staffing, both Border Patrol and inspection personnel. The conferees strongly endorse the CBP approach to border enforcement with its "one face at the border" philosophy.

The conferees therefore direct that the Department submit the pending staffing plan immediately, and submit an updated plan not later than 90 days after enactment of this Act. The plan shall include: actual on-board personnel for fiscal year 2004; projected staffing for fiscal year 2005; positions authorized but vacant; full-time, part-time, and temporary positions funded through direct appropriations; full-time, part-time and temporary fee-funded positions; and staffing, by position, at each port of entry, Border Patrol

station, or other border area location. The report should identify any new positions funded under this Act, should be consistent with staffing assumptions included in the CBP construction master plan that was due July, 2004, and should indicate how the CBP staffing allocation methodology factors in the deployment of complementary technology.

VEHICLE MANAGEMENT

The conferees are aware that CBP is conducting a comprehensive review of its vehicle management plan. The conferees strongly support efforts to incorporate the Border Patrol vehicle fleet into this Bureau-wide fleet management plan. The conferees direct CBP to submit a detailed report, no later than February 8, 2005, as specified by the House and Senate reports.

INTEGRATED SURVEILLANCE INFORMATION SYSTEM

The conferees strongly support the use of technology to enhance the security of our nation's borders, particularly in the vast expanses between ports of entry. The Integrated Surveillance Information System (ISIS) is intended to detect border intrusions, interpret surveillance data, and transmit such information in real-time to Border Patrol, CBP, and the Department operations and analysis centers. The conferees are aware of significant gaps in integration of sub-systems that encompass the ISIS, and direct the Under Secretary for BTS to report no later than February 8, 2005, on the status of this effort. The conferees also direct CBP to submit a master plan for nationwide deployment of ISIS and associated surveillance and sensor technology with its fiscal year 2006 budget request, including a five-year capital acquisition plan, as specified in the Senate report. In addition, the conferees direct the Government Accountability Office to undertake a study of ISIS project management, and spending plans for ISIS investment and operations for fiscal years 2006–2010, to assess how well the project management and spending plans account for the different needs and environments of the land and maritime borders, and to assess how CBP investment in ISIS is aligned with the Department's enterprise architecture and technology standards.

ENFORCEMENT OF TRADE REMEDIES LAW

The conferees have ensured that, of the amounts provided within this account, sufficient funds are available to enforce the anti-dumping authority contained in section 754 of the Tariff Act of 1930 (19 U.S.C. 1675c).

The conferees direct CBP to submit a report to the House and Senate Committees on Appropriations by January 15, 2005, on the status of its implementation of recommendations by the U.S. Treasury Department's Office of the Inspector General report on implementation of the Continued Dumping and Subsidy Offset Act (CDSOA). The report should address: (1) the proper establishment of special accounts; (2) the need to pay claimants within 60 days after the end of the fiscal year (including the need to prepare and send checks in a timely fashion, and to make certain that the addresses to which they are sent are correct); (3) the need to address CBP's failure to collect millions of dollars in unliquidated entries (including the need for CBP to conduct timely liquidations upon receipt of liquidation instructions from the Department of Commerce, and for CBP not to liquidate in situations involving tardy notice of suspension of liquidation); (4) the need to address CBP's failure to collect millions of dollars in open (unpaid) duty bills and interest (including a determination of whether required posting of cash deposits rather than bonds would result in increased collections);

(5) the need to establish standard operating procedures and adequate internal controls for the proper management of the CDSOA program; and (6) the progress and achievements of the CDSOA working group in addressing systemic issues identified in the report, along with any others relevant to proper administration of CDSOA.

In addition, the conferees are aware that CBP intends to transfer administrative responsibility for the CDSOA program to its Office of Finance. The conferees expect CBP to establish an organization that is accessible and responsive and directs CBP to include in the report a detailed description of which offices have responsibility for external relations, litigation, denials, verifications, and payments.

COUNTERDRUG SUPPORT PROGRAM

The Department of Homeland Security should work with the Department of Defense to permit the New Mexico National Guard to continue performing vehicle and cargo inspections in support of CBP and ICE missions, and CBP, in consultation with the Department of Defense, should report no later than March 1, 2005, on what actions are planned.

CBP ADVANCED TRAINING CENTER

The conferees include an increase of \$5,000,000 above the fiscal year 2004 level to operate and equip the CBP Advanced Training Center. Although the budget requested funding for the operation of this center in the Federal Law Enforcement Training Center (FLETC) "Salaries and Expenses" account, the conferees expect this to continue to be a CBP facility and that DHS will not use its reorganization authority to effectuate its transfer elsewhere. Pursuant to Public Law 106-246, the training to be conducted at the facility shall be configured in a manner so that it does not duplicate or displace any FLETC training. The conferees expect that training currently being conducted at a FLETC facility shall not be moved to the new CBP training facility.

TEXTILE TRANSHIPMENT ENFORCEMENT

The conferees direct CBP to maintain its efforts at the level authorized by Section 352 of the Trade Act of 2002.

PRE-ARRIVAL PROCESSING

The conferees are aware that the Department is working with government officials and private entities at Northern Border land ports of entry to securely expedite cargo, including such pre-clearance methods as the Pre-Arrival Processing System using barcode technology, and support expansion of such programs.

AIR AND MARINE OPERATIONS, SALARIES AND EXPENSES

The conferees agree to provide \$131,436,000 for the salaries and expenses of AMO, which is to be transferred from ICE to CBP. This reflects salaries and expenses presently funded through the ICE Salaries and Expenses account, and includes an additional \$3,000,000 for personnel and operations costs for the National Capital Region Air Branch and Coordination Center. The House provided \$5,000,000 for this purpose.

OFFSETTING FEE COLLECTIONS

The conferees continue to be concerned about the accuracy of estimates for fees supporting CBP operations, particularly for the Immigration User Fee. The conferees direct CBP to ensure that fee revenues are used first to fully fund base operations and adjustments, as supported by budget justification materials provided to the Congress, before undertaking any new initiatives. The conferees also direct the Department and CBP to inform the House and Senate Committees on Appropriations in a timely man-

ner of potential short-term operational or programmatic impacts from reduced fee collections.

AUTOMATION MODERNIZATION

The conferees agree to provide \$449,909,000, as proposed by both the House and the Senate. Funds are available until expended. This includes funding as requested for the Automated Commercial Environment (ACE), the Integrated Trade Data System (ITDS), and the costs of the legacy Automated Commercial System. This funding includes not less than \$321,690,000 for ACE and ITDS, of which \$16,190,000 is for ITDS, all of which remains subject to approval of its expenditure plan before it may be obligated.

CBP AUTOMATION MODERNIZATION

The conferees believe that ACE and CBP modernization should be integrated with, if not form the core of, the Department's information system and border security technology, the Container Security Initiative, and Automated Targeting Systems. The conferees direct CBP to address such issues in its quarterly reports on ACE implementation.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

The conferees agree to provide \$257,535,000, as proposed by the House, instead of \$467,535,000 as proposed by the Senate. This had been requested as part of ICE Salaries and Expenses, but the conferees have moved this funding to CBP to reflect the decision by the Secretary of Homeland Security.

TETHERED AEROSTAT RADAR SYSTEM

The conferees are concerned with an apparent lack of consensus about the scope and scale of the Tethered Aerostat Radar System among key stakeholders—AMO, the Department of Defense, the Office of National Drug Control Policy, and the Office of the United States Interdiction Coordinator (USIC). The conferees direct the Under Secretary for Border and Transportation Security, in consultation with USIC, to submit a joint report, no later than February 8, 2005, as specified in the House report.

AIRWING COMMUNICATIONS

The conferees believe that interoperable communications are necessary to ensure that all airwings can communicate with local law enforcement personnel.

CONSTRUCTION

The conferees agree to provide \$91,718,000, as proposed by both the House and the Senate. Funds are available until expended.

CONSTRUCTION MASTER PLAN AND SPENDING PLAN

The conferees are disappointed that the updated construction master plan called for in the fiscal year 2004 appropriation has not yet been submitted. The conferees direct the Department to submit that plan as soon as possible, and to submit a detailed spending plan for the fiscal year 2005 construction account no later than February 8, 2005, which includes, but should not be limited to, the following information for each tactical and facility construction project, by sector, type of construction, and facility, for fiscal years 2005–2009: (1) explanation of the purpose of work; (2) total estimated project cost; (3) amount of funding provided by fiscal year; (4) a detailed cost breakout for construction, design, planning, project management; and (5) date each phase of the project began or is scheduled to begin and is to be completed.

IMMIGRATION AND CUSTOMS ENFORCEMENT SALARIES AND EXPENSES

The conferees agree to provide \$2,438,494,000, instead of \$2,377,006,000 as proposed by the House and \$2,513,438,000 as proposed by the Senate. This includes increases

of: \$11,000,000 for alternatives to detention; \$6,000,000 to reduce immigration court backlog; \$14,000,000 for the Visa Security Unit and Overseas Operations; \$30,000,000 for the Institutional Removal Program; \$25,000,000 for benefit fraud enforcement; \$5,000,000 for worksite enforcement; \$26,500,000 for detention bedspace support; \$16,000,000 for compliance teams; \$50,000,000 for fugitive operations (including associated detention and removal costs); \$6,216,000 for the Guantanamo Migrant Operations Center; and \$4,200,000 for the Cyber Crime Center. This reflects the transfer of \$131,436,000 for salaries and expenses.

The conferees provide that not to exceed \$15,000 shall be for official representation and reception expenses, and that not to exceed \$11,216,000 shall be available to reimburse federal agencies for their costs associated with smuggled aliens.

The conferees also include an increase of \$193,308,000 to reflect a permanent realignment in base funding for investigations and overseas operations through a shift from CBP. As noted in the section below, the conferees are closely following the continuing review by ICE and the Department of administrative and other mission responsibilities, with the goal of fully mapping the costs and requirements of ICE and other agencies formed as a result of being merged into the new department. The following table specifies funding by budget activity:

Headquarters Management and Administration:	
Personnel Compensation and Benefits, services and other costs	\$96,202,000
Headquarters Managed IT Investment	120,119,000
Subtotal, Headquarters Management and Administration	216,321,000
Investigations:	
Operations	1,055,345,000
Training	15,671,000
Subtotal, Investigations	1,071,016,000
Intelligence:	
Headquarters Reporting Center	4,882,000
Operations	55,130,000
Subtotal, Intelligence 60,012,000	60,012,000
Detention and Removal Operations:	
Custody Management	504,221,000
Case Management	192,269,000
Fugitive Operations	35,242,000
Institutional Removal Program	33,719,000
Alternatives to Detention	14,202,000
Transportation and Removal Program	311,492,000
Subtotal, Detention and Removal Operations	1,091,145,000
Total, Salaries and Expenses	2,438,494,000

FINANCIAL MANAGEMENT

The conferees are extremely concerned about the financial health of ICE, and whether it has the systems and management in place to support the functioning of the agency. The adverse impact of hiring and spending freezes and uncertainty on the oper-

ations of this critical agency and the morale of its personnel cannot be ignored. The Department and ICE must significantly improve management and oversight of financial and administrative systems to prevent a repeat of the dramatic and unanticipated funding difficulties in fiscal years 2004 and expected in 2005. The conferees are disappointed that ICE has been unable to provide comprehensive data for fiscal year 2005 operations prior to the consideration of the conference agreement.

The conferees also expect that structural and management problems will be dealt with immediately and emphatically, and that improved analysis and planning systems will be put in place to give the agency, Department, and Congress a clear and transparent view of ICE's financial status. The conferees direct the Department's Chief Financial Officer and the Assistant Secretary for ICE to submit a detailed report no later than February 8, 2005, to the House and Senate Committees on Appropriations on the progress of its financial management overhaul. This report should include, but not be limited to, a detailed explanation of: (1) steps ICE is taking to address shortcomings of its present financial management systems; (2) how improved financial oversight will be carried out; (3) how ICE will improve its notification of financial irregularities; and (4) how reform of ICE financial management will be coordinated with the "tri-bureau" and "shared-services" efforts ICE carries out with CBP and U.S. Citizenship and Immigration Services (CIS).

USE OF IMMIGRATION EXAMINATIONS FEE

The conferees are aware that the Department is studying the possibility of the ICE Office of General Counsel receiving reimbursement from the examinations fee account for the costs of workload related to CIS. The conferees believe that ICE does not currently have the ability to provide a detailed accounting of this potential examinations fee account spending to CIS. It is reasonable for CIS, as the client, to expect that ICE will have in place an adequate system to track attorney time spent on CIS-related cases, and provide that information to CIS in support of the annual bill for services rendered. The Department should ensure that such a tracking system is in place prior to any future proposal to allocate examinations fee funds to ICE.

CYBER CRIMES CENTER

The conferees agree to provide \$4,200,000 for additional computer forensic infrastructure, to include content-addressable data storage, information technology services and staff, to expand the ICE Cyber Crime Center to ICE field offices.

CROSS-TRAINING OF ICE SPECIAL AGENTS

The conferees are aware that some ICE special agents have been cross-trained to act as Federal Air Marshals (FAMs) in a "surge capacity", with plans to train more in fiscal year 2005. The conferees believe that this is not an effective use of resources or training, and that it no longer has the full support of either ICE or FAM management. The conferees believe this training program should be discontinued.

INCREASED DETENTION BEDSPACE

The conferees agree to provide \$16,500,000 in addition to the level of funding provided in the House and Senate bills, which would support an increase in detention capacity of 500 beds for fiscal year 2005, leading to over 3,300 more removals of deportable aliens than currently planned.

TEXTILE TRANSSHIPMENT ENFORCEMENT

The conferees direct ICE to maintain its efforts at the level authorized by Section 352 of the Trade Act of 2002.

OFFSETTING FEE COLLECTIONS

The conferees continue to be concerned about the accuracy of estimates for fees supporting ICE operations, including the collection of fees for the Student and Exchange Visitor Program and the Immigration User Fee. The conferees direct ICE to ensure that fee revenues are used first to fully fund base operations and adjustments, as supported by budget justification materials provided to Congress, before undertaking any new initiatives. The conferees also direct the Department and ICE to inform the House and Senate Committees on Appropriations in a timely manner of potential short-term operational or programmatic impacts from reduced fee collections.

FEDERAL AIR MARSHALS

The conferees agree to provide \$662,900,000, as proposed by the House instead of \$712,900,000 as proposed by the Senate. Within this total, \$593,552,000 is for management and administrative expenses and \$69,348,000 is for travel and training. Funding is available for one year as proposed by the Senate.

CROSS-TRAINING OF ICE SPECIAL AGENTS

The conferees are aware that a number of ICE special agents have been cross-trained to serve as FAMs and that plans are in place to continue this training in fiscal year 2005. While ICE has previously described this effort as a means of developing a "surge capacity" to respond to a heightened threat condition, the conferees believe that it has not proven to be an effective use of resources or training, and that it no longer has the full support of either ICE or FAM management. The conferees believe this training program should be discontinued.

REPORTING REQUIREMENT

The conferees direct the Secretary to provide quarterly classified reports to the House and Senate Committees on Appropriations; the Senate Committee on Commerce, Science, and Transportation; and the House Committee on Transportation and Infrastructure on the number of individuals serving as FAMs, the number of FAMs who are women, minorities, or employees of agencies of the United States government other than the Department of Homeland Security; the percentage of domestic and international flights that have FAMs on board; and the rate at which individuals are leaving the Federal Air Marshal service. The first such report is due on January 15, 2005.

IDENTIFICATION

The conferees are concerned about public identification of FAMs and strongly support the rapid development of procedures and policies, such as a credential, that do not expose FAMs when on official travel.

FEDERAL PROTECTIVE SERVICE

The conferees agree to provide \$478,000,000, as proposed by both the House and the Senate.

AUTOMATION MODERNIZATION

The conferees agree to provide \$39,605,000, as proposed by both the House and the Senate. Funds are available until expended. The conferees also include a provision prohibiting the obligation of funds until the House and Senate Committees on Appropriations receive and approve an expenditure plan, as proposed by the House.

CONSTRUCTION

The conferees agree to provide \$26,179,000 as proposed by the House, and as specified by project in the Senate report.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

The conferees agree to provide \$4,323,523,000 instead of \$4,270,564,000 as proposed by the

House and \$4,386,083,000 as proposed by the Senate. Within this total, not to exceed \$3,000 is available for official reception and representation expenses as proposed by the House and the Senate. In addition to the amounts appropriated, a mandatory appropriation of \$250,000,000 is available to support the Aviation Security Capital Fund. Bill language is also included that reflects the collection of \$1,823,000,000 from aviation user fees, as authorized. Funding is provided as follows:

Passenger screening:	
Screening pilots (PP5)	\$129,654,000
Passenger screeners, PC&B	1,445,486,000
Passenger screeners, training and other	140,614,000
Human resource services	150,000,000
Checkpoint support	123,500,000
Secure flight	34,919,000
Crew vetting	10,000,000
Registered traveler program	15,000,000
Subtotal, Passenger screening	2,049,173,000
Baggage screening:	
Baggage screeners, PC&B	848,860,000
Baggage screeners, training and other	203,660,000
Explosive detection systems purchase	180,000,000
Explosive detection systems installation	45,000,000
Maintenance	174,940,000
Subtotal, Baggage screening	1,452,460,000
Security direction and enforcement:	
Aviation regulation and other enforcement	230,000,000
Airport management and staff	284,000,000
Airport information technology and other support	242,890,000
Federal flight deck officer program	25,000,000
Air cargo	40,000,000
Flight school checks (non-add, transfer from DOJ)	9,700,000
Subtotal, Security Direction and Enforcement	821,890,000

STAFFING LEVELS

The conferees include bill language that caps the full-time equivalent (FTE) screener workforce to up to 45,000 as proposed by the House. The conferees expect the Transportation Security Administration (TSA) to have no more than 45,000 full-time equivalent screeners by the end of fiscal year 2005. The conferees recognize that TSA may need to realign its workforce throughout the year due to attrition or advances in detection technologies. TSA has the flexibility to hire screeners during the fiscal year at those airports where additional or replacement screeners are necessary to maintain aviation security and customer service. The 45,000 FTE level is therefore to be regarded as a cap and not a staffing mandate.

AVIATION SECURITY COSTS AND FEES

The conferees include bill language, as proposed by the Senate, requiring the Government Accountability Office to conduct audits of air carriers' actual security costs for passenger and property screening incurred in calendar year 2000. Based on the findings of the review, the Secretary shall collect any additional fees from air carriers and make them available for airport security modifications.

PASSENGER AND BAGGAGE SCREENERS PERSONNEL, COMPENSATION AND BENEFITS

The conferees agree to provide \$1,445,486,000 for passenger screening and \$848,860,000 for baggage screening activities for both Federal screeners as well as any contracts awarded under the opt-out program after November 18, 2004, for all airports other than the five current screening pilots. The conferees agree that TSA needs the flexibility to manage the opt-out program without the need for re-programming actions for each individual contract. In addition to the report required by the House on cost savings resulting from opt-out, the conferees direct TSA to report on the following information regarding the opt-out program: (1) the number and location of each airport applying for participation under the opt-out program; (2) the decision by the Administrator on the application; (3) if an application by an airport is not accepted, the reasons why the application was not approved; and (4) the results of the competitive acquisition for contract screening services at those airports whose applications have been approved. The conferees direct that TSA provide the House and Senate Committees on Appropriations with advance notice 10 days before an announcement is made that an airport has been selected under the opt-out program. At the time the contract is awarded, TSA shall adjust its program, project, and activity line items to account for changes in third party private screening contracts and screener personnel, compensation and benefits to reflect the award of contracts under the opt-out program.

SCREENER COMPLAINTS

The conferees understand that there have been a disproportionate number of complaints against TSA for alleged violations of equal employment opportunity and veterans preference laws as those laws apply to employment of personnel in TSA airport screener positions at the Louis Armstrong New Orleans International Airport. There also appears to be a significant backlog of unresolved complaints. The conferees direct the Administrator to submit a report to the House and Senate Committees on Appropriations no later than March 31, 2005, on the personnel policies of the Department that apply to the employment of TSA airport screeners, particularly with regard to compliance with equal employment opportunity and veterans preference laws. The report should include an assessment of the extent of TSA's compliance with these laws, a discussion of any systemic problems that could have caused the circumstances giving rise to the disproportionate number of complaints, and the efforts being taken by the Administrator to eliminate the backlog of unresolved complaints and to correct any systemic problems at the Louis Armstrong New Orleans International Airport.

CHECKPOINT SUPPORT

The conferees agree to provide \$123,500,000 instead of \$86,060,000 as proposed by the House and \$161,060,000 as proposed by the Senate. Funding may be used for reconfiguration of airport checkpoints to expedite the flow of travelers; purchase, installation, and maintenance of checkpoint equipment; and electronic surveillance of checkpoints.

TSA shall submit a report to the House and Senate Committees on Appropriations no later than February 10, 2005, on the agency's pilot programs to screen passengers and carry-on baggage for explosives, as discussed in the Senate report.

SECURE FLIGHT

The conferees agree to provide \$34,919,000 as proposed by the Senate instead of \$40,000,000 as proposed by the House. Previous year funding remains unobligated for

this program that can be applied in fiscal year 2005. In addition, \$10,000,000 has been provided under a separate account for crew vetting, as proposed by the House. In the past, this funding was part of the CAPPS II/Secure Flight account.

The conferees note that the Department appears to be moving in the right direction regarding aviation passenger prescreening by proposing to check all watch lists through the new Secure Flight program, as was recommended by the 9/11 Commission. The conferees are concerned, however, that the 90 days allotted by TSA to plan, test, and analyze this new system before it is fully implemented may be insufficient. The conferees encourage TSA to focus first on getting the watchlist checks operational, before undertaking any other efforts. The conferees expect TSA to cooperate fully with the Government Accountability Office in their review of the Secure Flight program.

EXPLOSIVE DETECTION SYSTEMS PURCHASE

The conferees agree to provide \$180,000,000 instead of \$170,000,000 as proposed by the House and \$210,000,000 as proposed by the Senate. The conferees continue to encourage competition among the vendors so that multiple Explosive Detection Systems (EDS) technologies are available to TSA and airports. The conferees are aware of next-generation in-line EDS machines that are currently being tested, certified, and piloted. Within the \$180,000,000 provided, the conferees direct that not less than \$30,000,000 be used to install these next-generation explosive detection systems, particularly at medium and small airports, to permit more efficient handling of checked bags and reduce dependence on baggage screeners. These next-generation EDS systems are far smaller and less expensive than the current generation of screening units. The conferees believe that the expeditious deployment of these systems is essential for developing in-line solutions that do not require the costly, large-scale redesign and construction of baggage conveyor systems. Furthermore, although these next-generation machines have immediate application to checked-baggage screening, they also have the potential to cost-effectively enhance security at passenger checkpoints, transit stations, and other key facilities.

EXPLOSIVE DETECTION SYSTEMS INSTALLATION

In addition to the statutory allocation of \$250,000,000 in the Aviation Security Capital Fund, the conferees agree to provide \$45,000,000 to assist the eight airports that have signed Letters of Intent to install explosive detection systems in-line with their baggage systems. The installation of in-line systems to screen checked baggage at our Nation's airports is a critical step in combating the terrorist threat against aviation. The use of in-line EDS is not only more effective than explosive trace detection (ETD) and stand-alone systems, but is considerably less costly to operate. Accordingly, it has been widely recognized that a high priority should be given to the installation of in-line baggage screening systems. Most recently, the 9/11 Commission recognized this need in its recommendations, urging TSA to "expedite the installation" of such systems.

The conferees have included bill language requested by the President that permits the Aviation Security Capital Fund to be used to fund the eight Letters of Intent in fiscal year 2005 with a 75 percent Federal share. Under tight budgetary constraints the conferees do not have sufficient funding to raise these projects to a 90 percent Federal share.

The conferees direct TSA to comprehensively plan for expediting the installation of in-line EDS, including the formulation of detailed budget requirements that will provide

for both equipment acquisition and the capital costs of installing such system configurations at airports. Consistent with fiscal year 2004 report language, TSA should submit quarterly reports on its plans for such in-line installations that include: (1) the universe of airports that may benefit from an in-line EDS system or other physical modifications; (2) a list of all airports where TSA has begun working on plans to move EDS machines in-line either through the Boeing contract design phases or directly with the airports; and (3) a list of airports that will be doing EDS enhancements, including moving systems in-line that are not funded via Letters of Intent. Costs associated with each airport's project and a tentative timeline for award and completion should be included. Additionally, the plan should include information reflecting the anticipated cost savings—particularly personnel savings—that will be achieved from the use of in-line checked baggage systems contrasted with reliance on ETD and stand-alone systems. The conferees expect that TSA's planning will be conducted in consultation with aviation stakeholders (including airports, airlines, and EDS manufacturers).

AVIATION REGULATION AND OTHER ENFORCEMENT

The conferees agree to provide \$230,000,000 as proposed by the House instead of \$227,000,000 as proposed by the Senate. Within this funding, \$3,000,000 has been provided to expand the number of canine teams deployed to inspect air cargo. Due to the increasing need for explosive detection capability in the transportation sector, the conferees encourage the Department to conduct a pilot project to assess the cost and performance effectiveness of utilizing private sector providers of explosive detection canines.

AIR CARGO

The conferees agree to provide a total of \$115,000,000 for air cargo security. Of this total, \$40,000,000 is for 100 additional inspectors and enforcement activities and \$75,000,000 is for research and development of technologies to provide more effective and efficient methods of detecting air cargo threats.

Public Law 108-90, the Department of Homeland Security Appropriations Act of 2004, provided \$85,000,000 to strengthen the oversight of air cargo security and for research and development of technological solutions for inspections of cargo carried on passenger aircraft. Public Law 108-90 also provided statutory language directing the Secretary to develop the best technology for the inspection and screening of air cargo on passenger aircraft at the earliest date possible and for the enhancement of the known shipper program. Given recent Department reports of low obligations for these programs, the conferees are concerned that the Department is not moving with sufficient speed to implement this direction. The conferees direct the Department to act expeditiously to fully obligate and expend the funding provided for air cargo security activities and direct TSA to provide quarterly reports to the House and Senate Committees on Appropriations beginning in December, 2004, on the use of all dollars obligated and plans for the use of unobligated balances.

The conferees direct TSA to work more aggressively to strengthen air cargo security. In particular, TSA should strengthen the known shipper program to include regular security checks on all known shippers to assure that they are not compromising security standards. Similarly, TSA is directed to work with the indirect air carriers to assure that they abide by all security directives and information circulars relating to air cargo. TSA shall also validate the indirect air car-

riers security measures used when they consolidate freight and transport it to passenger and all-cargo aircraft to prevent unauthorized access.

DEPLOYABLE FLIGHT RECORDERS

The ability to rapidly determine whether a security breach caused an aviation accident is critical. Therefore, the conferees direct TSA to work with the Federal Aviation Administration to determine whether it would improve security analysis in aviation accidents if deployable flight incident recorders were required aboard commercial passenger aircraft and to report back to the House and Senate Committees on Appropriations within 180 days of enactment of this Act.

MARITIME AND LAND SECURITY

The conferees recommend a total funding level of \$75,000,000 for staffing and activities within TSA's maritime and land security program. Of this total, \$48,000,000 is a direct appropriation and \$27,000,000 is available through offsetting collections. The House proposed \$65,000,000 in direct appropriations and \$67,000,000 in offsetting collections. The Senate proposed \$44,000,000 in direct appropriations and \$67,000,000 in offsetting collections. Funding shall be available until September 30, 2006, as proposed by the House instead of September 30, 2005, as proposed by the Senate. The following table specifies funding levels by budget activity:

Table with 2 columns: Activity and Amount. Rows include Credentialing (\$5,000,000), Transportation worker identification credential (15,000,000), Hazardous materials truck tracking (2,000,000), Hazardous materials safety (17,000,000), Enterprise staffing (24,000,000), Rail security (12,000,000), Offsetting collections (27,000,000), and Subtotal, Maritime and Land (48,000,000).

MARITIME AND LAND SECURITY GRANTS

While funding has been provided for a variety of maritime and land security grants within the Office of State and Local Government Coordination and Preparedness (SLGCP), as proposed by the Senate, the conferees realize that TSA staff have the subject matter expertise on port, rail, intercity bus, and highway security. The conferees, therefore, direct TSA to work with SLGCP to review grant applications, determine eligibility, and make award determinations for these four grant areas.

The conferees are concerned about the lack of priority-setting in the intercity bus grant program. TSA and SLGCP should clearly identify priorities, including the importance of passenger screening and terminal security. It also is important to focus on the unique structure of the intercity bus industry and the importance of fixed route intercity bus service.

TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL

The conferees agree to provide \$15,000,000 instead of \$65,000,000 as proposed by the House and \$53,000,000 as proposed by the Senate. Funding has been decreased for this program because of delays in prototyping and evaluating this credential. The conferees direct TSA to report back to the House and Senate Committees on Appropriations about the results of prototype testing before moving into the next phase. Of the total funding, \$5,000,000 is a direct appropriation that will be used to develop and install necessary hardware and software at those sites producing and personalizing the transportation worker identification credentials. The additional \$10,000,000 appropriation will be offset throughout the fiscal year from application fees.

RAIL SECURITY

The conferees agree to provide \$12,000,000 instead of \$11,000,000 as proposed by the House and \$15,000,000 as proposed by the Senate. This level will support the deployment of up to 100 federal rail compliance inspectors and includes \$2,000,000 for the deployment of canine explosive detection teams. In addition to funds provided under TSA, the conferees include \$150,000,000 for rail security grants under the Office of State and Local Government Coordination and Preparedness, funding within the Science and Technology Directorate to research and design rail security requirements that could strengthen rail security nationwide, and funding within the Information Analysis and Infrastructure Protection Directorate to improve the security of rail corridors that carry hazardous materials.

The conferees are aware of promising advances in train control technology that would allow a central operator the ability to remotely control the operation of a freight or passenger train in times of distress. The conferees believe development of such a system would enhance the security of the rail system, and direct TSA to implement projects that demonstrate and advance this technology.

HAZARDOUS MATERIALS TRUCK TRACKING

The conferees have provided \$2,000,000 to continue the previously funded program to coordinate tracking and monitoring truck shipments of hazardous materials.

INTELLIGENCE

The conferees agree to provide \$14,000,000 as proposed by both the House and the Senate.

RESEARCH AND DEVELOPMENT

The conferees agree to provide \$178,000,000 instead of \$174,000,000 as proposed by the House and \$181,000,000 as proposed by the Senate. Funding shall be allocated as follows:

Table with 2 columns: Activity and Amount. Rows include Research and development, including Tech Center (\$49,000,000), Next-generation explosive detection systems (54,000,000), and Air cargo (75,000,000).

Table with 2 columns: Activity and Amount. Row includes Subtotal, Research and Development (178,000,000).

NEXT-GENERATION EXPLOSIVE DETECTION SYSTEMS

The conferees agree to provide \$54,000,000 instead of \$50,000,000 as proposed by the House and \$57,000,000 as proposed by the Senate. Of this total, \$10,000,000 is for the Manhattan II project as proposed by the House.

AIR CARGO

The conferees agree to provide \$75,000,000 for air cargo research and development as proposed by both the House and the Senate. Of this total, \$20,000,000 shall be used to accelerate the research and development of new technologies to detect explosives in air cargo bound for passenger and all-cargo aircraft, and for the acceleration of the air cargo inspection pilot program to additional locations, including airports experiencing extreme environmental conditions, to ensure equipment durability.

ADMINISTRATION

The conferees agree to provide \$519,852,000 instead of \$524,852,000 as proposed by the House and \$534,852,000 as proposed by the Senate. Funding shall be available until September 30, 2006, as proposed by the House. The following table specifies funding levels by budget activity:

Table with 2 columns: Activity and Amount. Rows include Headquarters support (\$267,382,000), Mission support centers (5,000,000), Information technology applications (240,470,000).

Corporate training	7,000,000
Subtotal, Administration	519,852,000
UNITED STATES COAST GUARD	
OPERATING EXPENSES	
The conferees agree to provide \$5,157,220,000 instead of \$5,171,220,000 as proposed by the House and \$5,153,220,000 as proposed by the Senate. Within this total, \$1,204,000,000 shall be available for defense-related activities, as proposed by the House instead of \$1,090,000,000 as proposed by the Senate. Funding for operating expenses shall be allocated as follows:	
Military Pay and Allowance:	
Military pay and allowances	\$2,161,114,000
Military health care	544,785,000
Permanent change of station	101,928,000
Subtotal, military pay and allowance	2,807,827,000
Civilian Pay and Benefits:	
Civilian pay and benefits Pay for performance demonstration	456,110,000
Subtotal, civilian pay and benefits	456,110,000
Training and Recruiting:	
Training and education ..	81,407,000
Recruitment	80,034,000
Subtotal, training and recruiting	161,441,000
Operating Funds and Unit Level Maintenance:	
Atlantic Command	153,427,000
Pacific Command	175,377,000
1st District	43,367,000
7th District	52,004,000
8th District	36,302,000
9th District	23,265,000
13th District	18,050,000
14th District	12,512,000
17th District	22,557,000
Headquarters directorates	312,322,000
Headquarters managed units	74,175,000
Other activities	767,000
Subtotal, operating funds and unit level maintenance	924,125,000
Centrally Managed Accounts:	175,438,000
Immediate and Depot Level Maintenance:	
Aeronautical maintenance	222,384,000
Electronic maintenance	95,460,000
Civil/Ocean engineering & shore facilities maintenance	151,035,000
Vessel maintenance	154,400,000
Subtotal, immediate and depot level maintenance	623,279,000
Watch Standards:	9,000,000
Total	5,157,220,000

For the fiscal year 2006 budget justification and for reprogrammings pursuant to Section 503 of this Act, the Coast Guard shall use the six budget categories listed above (military pay and allowances, civilian pay and benefits, training and recruiting, operating funds and unit level maintenance, centrally managed accounts, and intermediate and depot level maintenance). However, notwithstanding reprogramming thresholds, the Coast Guard shall notify the House and Senate Committees on Appropriations of changes within program, projects, and ac-

tivities of the 23 line items listed above as they occur.

BALLAST WATER MANAGEMENT PROGRAM
The conferees agree to provide \$4,000,000 as proposed by the Senate instead of \$4,662,000 as proposed by the House.

AERONAUTICAL MAINTENANCE
The conferees do not agree to language contained in the House report related to fluid outflow collection devices. The Senate had no comparable report language.

WATCH STANDARDS
The conferees agree to provide \$9,000,000 for the Coast Guard to come into compliance with its watch standards, which specify that an individual on duty or watch in a Coast Guard Search and Rescue Command Center facility should not work more than 12 hours in a 24-hour period, except in an emergency or unforeseen circumstance. The House provided \$13,000,000 for this activity.

FOREIGN VESSEL SECURITY PLANS
The conferees are concerned that the Coast Guard intends to rely on foreign governments to review foreign vessel security plans. The conferees expect the Coast Guard to use its Port State Control Program, a risk-based independent verification process, to ensure that foreign vessel security plans are adhered to and in place. The conferees also expect the Coast Guard to randomly assess the vessel security plans of vessels not identified by the Port State Control Program. The conferees direct the Coast Guard to report no later than March 1, 2005, on the progress of this foreign vessel security oversight process, including the Coast Guard resources required to implement this process.

SECTOR COMMANDS
The conferees direct the Coast Guard to adhere to reporting requirements addressed in the House report 30 days prior to moving any sector commands. As part of these decisions, the Coast Guard is encouraged to recognize the importance of existing Department of Defense capabilities to maximize coordination and eliminate redundancies when forming joint sector command centers with the Navy.

LIQUEFIED NATURAL GAS TERMINALS
The Coast Guard shall submit a report to the House and Senate Committees on Appropriations, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives not later than 90 days after the enactment of this Act on opportunities for integrating the process the Coast Guard uses to issue letters of recommendation for proposed liquefied natural gas terminals and the process by which the Federal Energy Regulatory Commission issues permits for such terminals under the National Environmental Policy Act. The report shall also include the advisability of requiring that Coast Guard responsibilities relating to vessel transit, facility security assessment and facility security plans under the Maritime Transportation Security Act be completed for a proposed liquefied natural gas terminal before a final environmental impact statement for such terminal is published under the Federal Energy Regulatory Commission process.

ICEBREAKING STUDY
As discussed in the Senate report and the Coast Guard authorization bill for fiscal year 2005, the conferees require the National Academy of Sciences to study the role of Coast Guard icebreakers.

MARITIME SAFETY AND SECURITY TEAMS
The conferees direct the Coast Guard to adhere to Senate report language on maritime safety and security teams.

ENVIRONMENTAL COMPLIANCE AND RESTORATION
The conferees agree to provide \$17,000,000 as proposed by both the House and the Senate.

RESERVE TRAINING
The conferees agree to provide \$113,000,000 as proposed by the House instead of \$117,000,000 as proposed by the Senate.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS (INCLUDING RESCISSION OF FUNDS)

The conferees agree to provide \$982,200,000 instead of \$936,550,000 as proposed by the House and \$1,062,550,000 as proposed by the Senate. Consistent with prior practice, bill language is included to distribute the total appropriation by separate obligation availabilities. The following table summarizes the recommended level by program, project, and activity:

Vessels and critical infrastructure:	
Great Lakes icebreaker replacement	\$7,750,000
Response boat medium ...	12,000,000
Subtotal, vessels and critical infrastructure	19,750,000
Deepwater:	
Aircraft	
Maritime patrol aircraft	5,250,000
VTOL unmanned aerial vehicle (VUAV)	43,000,000
Capability enhancements for HH-60 Avionics	15,000,000
Capability for HC-130 aircraft radar	9,000,000
HH-65 re-engining project	99,000,000
Convert surveillance aircraft	14,000,000
Surface Ships	
National security cutter	264,500,000
Offshore patrol cutter requirements analysis	25,000,000
IDS patrol boat (110' to 123' conversion)	30,000,000
Fast response cutter	30,000,000
IDS small boats	2,300,000
270' WMEC sustainment project for major equipment	12,500,000
CHISR	
Command and control system for common operating picture	31,000,000
270' WMEC C4ISR upgrades	1,500,000
Communications area master station upgrade at shore sites	19,500,000
SEI Equipment for 270' WMEC and 378' WHEC ..	1,600,000
Logistics	
ICGS Development	15,100,000
Shore sites	1,600,000
Facilities required for future asset deployments	23,100,000
ICGS Management	43,000,000
Government program management/ICGS	38,000,000
Subtotal, Deepwater ...	723,950,000
Aircraft:	
Armed helicopter equipment	2,500,000
Other equipment:	
Rescue 21	134,000,000
Automatic Identification System	24,000,000
Subtotal, other equipment	158,000,000

Shore facilities and aids to navigation facilities: Survey and design, shore operational and support projects	1,000,000
Minor AC&I shore construction projects	1,600,000
Small arms range at ISC Honolulu, Hawaii	1,600,000
Waterway aids to navigation infrastructure	800,000
Subtotal, shore facilities and aids to navigation facilities	5,000,000
<hr/>	
Personnel and related support: Direct personnel costs	72,500,000
AC&I core	500,000
Subtotal, personnel and related support	73,000,000
Total	\$982,200,000

The conferees agree to bill language proposed by the House that requires the Secretary to annually submit to the Congress, with the budget request, a future years capital investment plan for the Coast Guard that identifies for each capital budget line item: (1) the proposed appropriation included in the budget, (2) the total estimated cost of completion, (3) proposed funding levels for each of the next 5 fiscal years or until the project is completed, (4) an estimated completion date at the projected funding levels, and (5) changes from previous capital investment plans. The Secretary shall also ensure that amounts specified in future capital investment plans are consistent and that any inconsistencies between the capital investment plan and proposed appropriations are identified and justified.

The conferees have also retained long-standing bill language, as proposed by the Senate, that authorizes any proceeds that result from the disposal of surplus real property be applied as offsetting collections and only available for Rescue 21.

DEEPWATER

The conferees require the Secretary to submit to Congress at the time of the fiscal year 2006 budget request a new Deepwater baseline. This new baseline must include revised acquisition timelines for each asset that is necessary to fulfill homeland security functions or multi-agency procurements as identified by the Joint Requirements Council; a timeline and detailed justification for each new asset; a detailed description of the revised mission requirements and impact on the acquisition timeline; and funding levels for each asset the Coast Guard continues to believe is necessary to acquire as proposed by the House. The Senate has no comparable bill language.

LEGACY ASSETS

The conferees direct the Coast Guard to report to the House and Senate Committees on Appropriations, within 30 days of enactment of this Act, on its plan for maintenance of all its legacy assets and the entity responsible, whether contractor or Coast Guard, for such maintenance and estimated costs, including the costs associated with each legacy asset and future funding requests planned by the Coast Guard. The Coast Guard is also directed to submit quarterly reports to the Committees on its actions with respect to this plan, beginning with the submission of the President's budget request for fiscal year 2006.

HH-65 RE-ENGINEING PROJECT

The conferees agree to provide \$99,000,000 instead of \$75,000,000 as proposed by the House and \$115,000,000 as proposed by the Senate. In addition, the conferees direct the Coast Guard to reallocate to the HH-65 re-

engining project: (1) the \$4,000,000 provided in fiscal year 2003 for the development of a new fuel control system (FADEC), and (2) \$5,700,000 provided in fiscal year 2003 for additional 38 LTS-101-850 engines. These funds are no longer needed for the original work because the current HH-65 engine is being replaced entirely by a different manufacturer.

The conferees are aware that the Coast Guard's HH-65 Dolphin helicopters are experiencing an alarming rate of engine failure and that the Commandant would like to re-engine these critical assets within a 24-month period. The conferees commend the Coast Guard for moving quickly to address this critical flight safety issue and direct that all of the funds appropriated for HH-65 re-engining in fiscal year 2005 and past legacy aircraft sustainment funds be used to accelerate the delivery of conversion kits and the re-engining schedule. The conferees believe that taking immediate and definitive action to return the HH-65 fleet to safe and reliable operations is the Coast Guard's highest aviation priority. The additional funding provided above the level requested in the budget shall be used to achieve a 24-month completion schedule. If the Commandant determines that the present re-engining operations of the Coast Guard are not capable of achieving a 24-month completion goal, then he shall contract with a second qualified facility to achieve this objective. The conferees expect any additional funding required to meet this schedule to be included in the President's fiscal year 2006 budget submission.

COVERT SURVEILLANCE AIRCRAFT

The conferees agree to provide \$14,000,000 for manned, covert, multi-sensor surveillance aircraft to perform maritime domain awareness missions as proposed by the House.

IDS PATROL BOAT

The conferees agree to provide up to \$30,000,000 for the IDS patrol boat in the Deepwater program. As part of Deepwater re-baselining, the Secretary in conjunction with the Coast Guard is directed to provide an analysis of operational patrol boat and other ship hours available over the past five years and over the next ten years under the rebaselined program. The analysis should include the hours contributed by each class of ship or patrol boat (fast response cutter, 110', 123', or a replacement patrol boat); a yearly retirement, conversion, and acquisition schedule (including costs) covering all ships and patrol boats; and a year by year count of the different vessels in the Coast Guard inventory over the timeframe requested. Given the current and future reliance of the Coast Guard on these vessels, it is imperative that the Congress has a clear schedule of current and outyear assets that will provide the requisite operational hours. This report should be provided to the House and Senate Committees on Appropriations no later than February 10, 2005.

AIRCRAFT DEPLOYMENTS

The conferees direct the Coast Guard to adhere to Senate report language on support facilities for aircraft deployments.

RESCISSION

The conferees rescind \$16,000,000 from funding appropriated in fiscal year 2004 (Public Law 108-90) for Rescue 21 due to contract delays and high unobligated balances.

ALTERATION OF BRIDGES

The conferees agree to provide \$15,900,000 instead of \$16,400,000 as proposed by the House and \$15,400,000 as proposed by the Senate. Within this total, funds shall be allocated as follows:

Florida Avenue Bridge in New Orleans, Louisiana ..	\$4,400,000
Chelsea Street Bridge in Chelsea, Massachusetts ..	1,000,000

Canadian Pacific Railroad Bridge in La Crosse, Wisconsin	2,000,000
Fourteen Mile Bridge, Mobile, Alabama	5,500,000
EJ&E Railroad Bridge in Morris, Illinois	1,500,000
Burlington Northern Santa Fe Bridge in Burlington, Iowa	1,500,000
Total	15,900,000

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

The conferees agree to provide \$18,500,000 as proposed by the Senate instead of \$13,500,000 as proposed by the House within the Science and Technology Directorate. The conferees expect the Commandant of the Coast Guard to continue to coordinate with the Under Secretary for Science and Technology on research and development activities.

RETIRED PAY

The conferees agree to provide \$1,085,460,000 as proposed by both the House and the Senate.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

The conferees agree to provide \$1,172,125,000 instead of \$1,179,125,000 as proposed by the House and \$1,159,125,000 as proposed by the Senate. This includes: not to exceed \$25,000 for representation and reception expenses; \$5,000,000, to remain available until expended, for Secret Service costs related to National Special Security Events; \$34,536,000 to support investigations of electronic crimes; \$2,100,000 for forensic support to the National Center for Missing and Exploited Children (NCMEC) as well as a \$5,000,000 grant to NCMEC.

Funds shall be allocated as follows:

Protection:	
Protection of persons and facilities	\$571,640,000
National Special Security Event Fund	5,000,000
Protective intelligence activities	53,989,000
White House mail screening	16,365,000
Subtotal, Protection ...	646,994,000

Field Operations:	
Domestic field operations	221,489,000
International field office administration, operations and training	19,208,000
Electronic crimes special agent program and electronic crimes task forces	34,536,000
Subtotal, Field Operations	275,233,000

Administration:	
Headquarters, management and administration	197,747,000
National Center for Missing and Exploited Children	7,100,000
Subtotal, Administration	204,847,000

Training:	
Rowley training center ..	45,051,000
Total, Salaries and Expenses	\$1,172,125,000

NATIONAL SPECIAL SECURITY EVENTS (NSSES)

The conferees agree to provide not less than \$5,000,000 above the budget request for the Secret Service's unanticipated costs related to NSSEs, instead of \$10,000,000 as proposed by the House. Funds are available until expended. The Conferees direct the Secret Service to budget for foreseeable costs related to NSSEs within its base budget. The Secret Service has the lead security responsibility for these events as authorized by Presidential Decision Directive 62 and 18 USC 3056 (e).

ELECTRONIC CRIMES TASK FORCES (ECTFs)

The conferees agree to provide \$34,356,000 instead of \$36,356,000 as proposed by the House and \$31,356,000 as proposed by the Senate. The \$3,000,000 above the budget request is provided for the costs associated with the training and support of new Special Agents assigned to ECTFs. The Secret Service is directed to submit a deployment plan not later than February 8, 2005, to the House and Senate Committees on Appropriations, describing the staffing and other resources assigned to each ECTF, as specified in the House report. The Department is encouraged to apply any lapsed salary savings to fund ECTF requirements.

OPERATING EXPENSES
(RESCISSION OF FUNDS)

The conferees rescind \$750,279 of the funds provided in Public Law 108-11.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS,
AND RELATED EXPENSES

The conferees agree to provide \$3,633,000 as proposed by both the House and Senate. Funds are available until expended.

TITLE III—PREPAREDNESS AND
RECOVERY

OFFICE OF STATE AND LOCAL GOVERNMENT
COORDINATION AND PREPAREDNESS

The conferees agree with the creation of the Office of State and Local Government Coordination and Preparedness (SLGCP), which merges the Office of State and Local Government Coordination with the Office for Domestic Preparedness (ODP). Administration and oversight of the following programs were moved to SLGCP from legacy agencies:

Emergency Preparedness and Response Directorate.—Metropolitan medical response system, first responder counter-terrorism training assistance, assistance to firefighter grants, emergency management performance grants, state and local all-hazards emergency operations planning, Citizens Corps, interoperable communications equipment, and Community Emergency Response Teams.

Office for Domestic Preparedness.—State domestic preparedness equipment support; law enforcement terrorism prevention; New York equipment replacement; national exercise program (TOPOFF) grants; multi-state anti-terrorism information exchange; terrorism early alert and strategic planning system; State Homeland Security Grant Program; and the Urban Area Security Initiative (UASI) Grant Program including UASI port security grants, UASI mass transit security grants, and UASI radiological defense systems.

Transportation Security Administration.—Port Security Grants, Intercity Bus Security Grants, Operation Safe Commerce, and Trucking Industry Security Grants.

The conferees understand that, while SLGCP will provide a single entry point for grant applications, the subject matter experts of those transferred grants will remain with the original legacy agencies. SLGCP shall continue to include these experts in the review of grant applications, the determination of eligibility, and making award deter-

minations. The conferees agree that no more than 12 personnel from the Transportation Security Administration (TSA) and 51 personnel from the Emergency Preparedness and Response (EP&R) Directorate shall be transferred to SLGCP to assist in the administration of these grants.

MANAGEMENT AND ADMINISTRATION

The conferees agree to provide \$3,546,000 instead of \$41,432,000 as proposed by the House and \$25,000,000 as proposed by the Senate. Funds are provided for the management and administration expenses of the Office of State and Local Government Coordination. Management and administration expenses for the Office for Domestic Preparedness are provided as a percentage of the formula-based grants, as authorized by Section 1014 of the USA PATRIOT Act. Funding of not to exceed \$2,000 is provided for official reception and representation expenses, as proposed by the House.

STATE AND LOCAL PROGRAMS

The conferees agree to provide \$3,086,300,000 instead of \$3,423,900,000 as proposed by the House and \$2,845,081,000 as proposed by the Senate.

Formula-Based Grants:		
Formula-Based Grants: ..	\$1,100,000,000	
Law Enforcement Terrorism Prevention Grants:	400,000,000	
Subtotal, Formula-Based Grants	1,500,000,000	
Discretionary Grants:		
High-Threat, High-Density Urban Area Grants	885,000,000	
Rail and Transit Security Grants	150,000,000	
Port Security Grants	150,000,000	
Intercity Bus Security Grants	10,000,000	
Trucking Security Grants	5,000,000	
Subtotal, Discretionary Grants	1,200,000,000	
Technology Transfer:		
Technology Transfer Program	50,000,000	
National Programs:		
National Domestic Preparedness Consortium	135,000,000	
National Exercise Program	52,000,000	
Metropolitan Medical Response System	30,000,000	
Technical Assistance	30,000,000	
Demonstration Training Grants	30,000,000	
Continuing Training Grants	25,000,000	
Citizen Corps	15,000,000	
Evaluations and Assessments	14,300,000	
Rural Domestic Preparedness Consortium	5,000,000	
Subtotal, National Programs	3,086,300,000	
Total, State and Local Programs:	\$3,086,300,000	

The conferees view state and local jurisdictions' ability to detect, prevent and respond to a terrorist attack as a high priority. State and local responders are first to arrive on scene when a terrorist attack occurs and must be prepared to protect life and property. This function is inherently non-federal, although federal resources and expertise are needed to manage the crisis, and provide sup-

port to state and local assets when an attack overwhelms their resources. For purposes of eligibility for funds under this heading, any county, city, village, town, district, borough, port authority, transit authority, intercity rail provider, commuter rail system, freight rail provider, water district, regional planning commission, council of government, Indian tribe with jurisdiction over Indian country, authorized tribal organization, Alaska Native village, independent authority, special district, or other political subdivision of any state shall constitute a "local unit of government."

FORMULA-BASED GRANTS

The conferees agree to provide \$1,100,000,000 instead of \$1,250,000,000 as proposed by the House and \$970,000,000 as proposed by the Senate. These funds are available to all states for purposes of training, procuring equipment (such as interoperable communications equipment), and conducting exercises, based on each state's approved, updated homeland security strategy. The conferees expect that these funds will be made available to states within 45 days after enactment of this Act, that states will have 45 days to apply after the grant is announced, and that SLGCP will act within 15 days of receipt of an application. The conferees also agree that no less than 80 percent of these funds shall be obligated by the state to local units of government within 60 days of the state receiving funds. None of the funds may be used for construction or overtime, except as provided in this Act. The conferees urge the Department to work with state and local governments to ensure that regional authorities, such as port, transit, or tribal authorities, are given due consideration in the distribution of state formula grants. Not to exceed 3 percent may be used for administrative expenses.

The conferees are pleased with steps taken by the SLGCP to allow states and localities to reallocate State Homeland Security Grant Program funds to address emerging threats identified by credible assessments. The conferees understand that beginning with fiscal year 2004 grant funds, reallocation of funds for this purpose does not require prior approval by SLGCP, provided that reallocation of funds for activities pursued by states and localities are consistent with state homeland security strategies, within the scope of allowable program expenditures, and that such reallocation will be notified to SLGCP through the required, regularly scheduled programmatic report.

LAW ENFORCEMENT TERRORISM PREVENTION
GRANTS

The conferees agree to provide \$400,000,000 as proposed by the Senate instead of \$500,000,000 as proposed by the House. The conferees expect that these funds will be made available to states within 45 days after enactment of this Act, that states will have 45 days to apply after the grant is announced, and that SLGCP will act within 15 days of receipt of an application. The conferees also agree that no less than 80 percent of these funds shall be obligated by the state to local units of government within 60 days of the state receiving funds. Not to exceed 3 percent may be used for administrative expenses.

Law enforcement terrorism prevention activities that involve compensation of overtime shall be limited to those specifically related to homeland security, such as providing expanded investigative and intelligence efforts. Funding may not be used to supplant ongoing, routine public safety activities of state and local law enforcement. State applications must certify that all requests for overtime comply with this requirement.

DISCRETIONARY GRANTS

The conferees agree to provide \$1,200,000,000 instead of \$1,000,000,000 as proposed by the House and \$1,328,000,000 as proposed by the Senate. Of these funds, \$885,000,000 is made available to the Secretary for discretionary grants to high-threat, high-density urban areas, instead of \$900,000,000 as proposed by the House and \$875,000,000 as proposed by the Senate. The Secretary shall consider credible threat, presence of critical infrastructure, population, vulnerability, cooperation of multiple jurisdictions in preparing domestic preparedness plans, and the identified needs of public agencies in determining the allocation of these funds. The conferees expect funds to be obligated no later than 60 days after enactment of the Act. The conferees also agree that no less than 80 percent of these funds shall be obligated by the state to local units of government within 60 days of the state receiving funds. Grants may be made to single or multiple jurisdictions in the same urban area. Of the funds made available for grants to high-threat, high-density urban areas, \$25,000,000 is for grants to non-profit organizations determined by the Secretary to be at high risk of international terrorist attacks.

The conferees agree that except for rail, transit, and port security grants, the use of grant funds for construction is prohibited. However, for those projects that specifically address enhanced security at critical infrastructure facilities, such as improved perimeter security, minor construction or renovation for necessary guard facilities, fencing, and related efforts, project construction or renovation not exceeding \$1,000,000 is allowable, as deemed necessary by the Secretary. The conferees expect SLGCP to continue the practice of reimbursing eligible overtime expenses as designated in ODP Information Bulletin No. 127, dated August 3, 2004.

The conferees are aware that the Department has previously provided technical assistance to urban areas through the Urban Area Security Initiative. The conferees encourage SLGCP to consider urban area technical assistance requirements as part of normal technical assistance requests, which are funded under a separate account.

TRANSPORTATION SECURITY GRANTS

Of the funds provided for Discretionary Grants, \$150,000,000 is for port security grants; \$150,000,000 is for rail, freight, and transit security grants; \$10,000,000 is for intercity bus security grants; and \$5,000,000 is for trucking security grants. Despite the consolidation of selected grant award functions within SLGCP, the conferees agree that TSA subject matter experts will remain within TSA and SLGCP shall continue to include these experts in the review of grant applications, the determination of eligibility, and making award determinations.

The conferees are concerned that port security grants made to independent terminal operators are not coordinated at the state, local port authority, or Captain of the Port levels. The conferees direct that SLGCP ensure the coordination of all port security grants with the state, local port authority, and the Captain of the Port, to ensure all vested parties are aware of grant determinations and that the limited resources are maximized.

The conferees are concerned about the lack of priority setting in the intercity bus grant program. It is important for the Department to clearly identify priorities, including the importance of passenger screening and terminal security, and focus on the unique structure of the intercity bus industry and the importance of fixed route service.

TECHNOLOGY TRANSFER PROGRAM

The conferees agree to provide \$50,000,000 as proposed by the House. The Senate pro-

posed \$50,000,000 under the Law Enforcement Terrorism Prevention Grants. The conferees are aware of the unique needs of jurisdictions in smaller communities that make it more difficult for them to identify, select, procure, practice and become proficient in specialized equipment and technology. The conferees direct SLGCP to develop a technology transfer program to assist smaller communities in acquiring and using commercially available technologies to prevent, deter, and respond to terrorist attacks, as identified in state homeland security strategies. This competitive program shall be a direct assistance program, not a grant program, and SLGCP will provide the equipment and technical assistance directly to the selected jurisdictions. This includes, but is not limited to, interoperable communications technology, defensive protective equipment for first responders, and vulnerability assessment technology appropriate to rural jurisdictions. A key element of this program shall be the provision of appropriate training and technical assistance to ensure effective integration of the technologies into the jurisdictions' response plans. This training should address the specialized equipment related issues found in small and rural communities, and solutions achieved by SLGCP's technology transfer program that address these issues. Of the amount provided, no more than \$10,000,000 may be used for commercially available equipment testing and validation to determine appropriateness for inclusion in the technology transfer program.

NATIONAL PROGRAMS

The conferees agree to provide \$336,300,000 instead of \$275,081,000 as proposed by the Senate. The House proposed \$328,900,000 for these programs in separate accounts.

NATIONAL DOMESTIC PREPAREDNESS CONSORTIUM

Of the funds provided for National Programs, the conferees agree to provide \$135,000,000 as proposed by the Senate instead of \$130,000,000 as proposed by the House. Of these funds, \$55,000,000 is for the Center for Domestic Preparedness.

NATIONAL EXERCISE PROGRAM

Of the funds provided for National Programs, the conferees agree to provide \$52,000,000 as proposed by both the House and Senate.

TECHNICAL ASSISTANCE

Of the funds provided for National Programs, the conferees agree to provide \$30,000,000 as proposed by the Senate instead of \$7,600,000 as proposed by the House. Of these funds, \$20,000,000 shall be for the Interoperable Communication Technical Assistance program, as proposed by the Senate. The House contained no similar provision.

The conferees recognize the importance of interoperable communications standards, which are critical to the Department's efforts to improve communications nationally. Therefore, the Science and Technology Directorate shall expedite the development of these standards, and coordinate with SLGCP to ensure that SLGCP's technical assistance program incorporates these standards, as appropriate.

METROPOLITAN MEDICAL RESPONSE SYSTEM

Of the funds provided for National Programs, the conferees agree to provide \$30,000,000 instead of \$50,000,000 as proposed by the House. The Senate included no similar provision.

DEMONSTRATION TRAINING GRANTS

Of the funds provided for National Programs, the conferees agree to provide \$30,000,000 instead of \$50,000,000 as proposed by the House and \$55,000,000 as proposed by

the Senate. The conferees agree that these peer reviewed competitive grants shall be for first responder pilot and demonstration training projects, covering the local, regional, and national levels.

CONTINUING TRAINING GRANTS

Of the funds provided for National Programs, the conferees agree to provide \$25,000,000. The conferees agree to create this separate grant program to fund continuing first responder training efforts, instead of funding from a combined competitive training account as proposed by the House. The Senate contained no similar provision.

EVALUATIONS AND ASSESSMENTS

Of the funds provided for National Programs, the conferees agree to provide \$14,300,000 as proposed by the House instead of \$3,081,000 as proposed by the Senate.

CITIZEN CORPS

Of the funds provided for National Programs, the conferees agree to provide \$15,000,000 instead of \$20,000,000 as proposed by the House and \$30,000,000 as proposed by the Senate.

RURAL DOMESTIC PREPAREDNESS CONSORTIUM

Of the funds provided for National Programs, the conferees agree to provide \$5,000,000 for the development of a Rural Domestic Preparedness Consortium, as proposed by the House. The Senate included no similar provision. Training for rural first responders poses unique challenges when compared to their urban counterparts. This new consortium should provide a regional approach to rural first responder awareness level training, develop emerging training, and provide technical assistance in support of rural homeland security requirements. SLGCP is to provide a report to the House and Senate Committees on Appropriations on the creation of this consortium no later than January 15, 2005.

HOMELAND SECURITY PRESIDENTIAL

DIRECTIVE 8

At the urging of both the Congress and the President, the Department is proceeding with a proposed plan to transition first responder grant programs to a risk- and threat-based allocation system. The conferees will monitor this progress so that the Congress can consider such a transition in fiscal year 2006, with the exception of the guaranteed state minimum as prescribed in section 1014 of the USA PATRIOT Act of 2001. In this regard, the conferees direct that SLGCP continue the development of a universal list of first responder preparedness tasks, defined capabilities to accomplish those tasks grouped by the vulnerability of the jurisdiction, and performance metrics for each capability, as defined in the draft National Preparedness Goal. The conferees further direct SLGCP to establish a comprehensive rollout strategy to educate state and local jurisdictions on the finalized National Preparedness Goal. The conferees include bill language requiring SLGCP to provide state and local jurisdictions with nationally accepted preparedness levels of first responder capabilities no later than January 31, 2005; include in the fiscal year 2005 formula-based grant guidance guidelines for the states to adopt national preparedness standards in fiscal year 2006; and issue final guidance on the implementation of the National Preparedness Goal, as required in Homeland Security Presidential Directive 8, no later than March 31, 2005.

FIREFIGHTER ASSISTANCE GRANTS

The conferees agree to provide \$715,000,000 instead of \$650,000,000 as proposed by the House and \$750,000,000 as proposed by the Senate. Of this amount, \$65,000,000 shall be

for firefighter staffing, as authorized by section 34 of the Federal Fire Prevention and Control Act of 1974, instead of \$50,000,000 as proposed by the House. The Senate proposed \$100,000,000 for this purpose in a separate account. Not to exceed 5 percent may be used for administrative expenses. Funds are available until September 30, 2006.

The conferees are concerned by the Department's proposed shift in grant focus from all-hazards to placing priority on terrorism, and the proposed deletion of several eligible activities, specifically, wellness and fitness programs, emergency medical services, fire prevention programs, public education programs, and modifications of facilities for health and safety of personnel. The Department should continue the present practice of funding applications according to local priorities and those established by the United States Fire Administration (USFA); reinstate all previously eligible funding areas, continue direct funding of grants to fire departments and the peer review process for determining funding awards; and include the USFA during grant administration. The conferees further direct the Department to continue the practice of allowing the Alaska Village Initiatives to apply for grants on behalf of Alaskan communities, and make \$3,000,000 available for implementation of section 205(c) of Public Law 108-129, the United States Fire Administration Reauthorization Act of 2003.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

The conferees agree to provide \$180,000,000 instead of \$236,000,000 as proposed by the Senate. The House proposed \$170,000,000 under State and Local Programs. Not to exceed 3 percent may be used for administrative expenses.

The conferees agree that Emergency Management Performance Grants (EMPG) are vital to state and local emergency management systems, and therefore do not agree to shift from an all-hazards to a terrorism-specific focus or to limit personnel expenses to 25 percent. The conferees direct the Department to continue funding personnel expenses without a limit and to continue current grant administrative practices, including grant allocation, in a manner identical to fiscal year 2004. Despite the consolidation of selected grant award functions within SLGCP, the conferees agree that EMPG subject matter experts will remain within EP&R and SLGCP shall continue to include these experts in the review of grant applications, determination of eligibility, and making award determinations. Furthermore, the conferees expect the EP&R regional emergency managers' relationship with state and local governments to continue.

COUNTERTERRORISM FUND

The conferees agree to provide \$8,000,000 instead of \$10,000,000 as proposed by both the House and Senate. Funds are available until expended. The Secretary shall notify the House and Senate Committees on Appropriations 15 days prior to obligation of these funds.

EMERGENCY PREPAREDNESS AND RESPONSE OFFICE OF THE UNDER SECRETARY FOR EMERGENCY PREPAREDNESS AND RESPONSE

The conferees agree to provide \$4,211,000 as proposed by both the House and Senate.

The conferees direct the Emergency Preparedness and Response (EP&R) Directorate to continue the practice of making balances from funds appropriated for disaster relief for the terrorist attacks of September 11, 2001, available to New York State at the request of the Governor of New York in coordination with the Mayor of New York City. Of the amounts available, \$4,450,000 shall be for

Project Liberty for personnel, families, and retirees of the New York City Fire Department and New York City Police Department, if requested by the Governor of New York.

PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY

The conferees agree to provide \$239,499,000 instead of \$210,499,000 as proposed by the House and \$231,499,000 as proposed by the Senate.

URBAN SEARCH AND RESCUE

Of the funds provided for Preparedness, Mitigation, Response, and Recovery, the conferees agree to provide \$30,000,000 for Urban Search and Rescue Teams as proposed by the Senate, instead of \$7,000,000 as proposed by the House. Not to exceed 3 percent may be used for administrative expenses.

EMERGENCY HOUSING PLAN

Of the funds provided for Preparedness, Mitigation, Response, and Recovery, the conferees agree to provide \$2,000,000, as proposed by the House, in support of EP&R's emergency housing plan to evaluate and deploy new housing solutions which can be used in conjunction with traditional response and recovery solutions. These new solutions shall be collapsible so that they may stack for economical shipping and storage, expand during assembly to increase usable space, be sturdy enough to ensure multiple reuse in future deployments, and address both housing and other infrastructure needs. In light of recent natural disasters, the conferees and EP&R believe this evaluation of new housing and infrastructure solutions is very timely. The conferees direct a report on the evaluation and deployment of these new housing solutions be submitted to the House and Senate Appropriations Committees no later than January 14, 2005, and that emergency housing and infrastructure requirements be submitted with the fiscal year 2006 budget request.

NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS)

Of the funds provided for Preparedness, Mitigation, Response, and Recovery, the conferees agree to provide \$15,000,000 instead of \$7,000,000 as proposed by both the House and Senate. The conferees expect the Department to implement a program concept for the NIMS Integration Center (NIC) that is anchored in multiple locations serving regional interests. As part of the NIMS mission the conferees strongly encourage the Department to establish regional centers to facilitate the development and deployment of NIMS training, education and publications.

MINORITY EMERGENCY PREPAREDNESS DEMONSTRATION PROGRAM

The conferees continue to be concerned with EP&R's slow progress in the implementation of the Minority Emergency Preparedness Demonstration Program. Notwithstanding the draft outline for such a program shared with the Committees earlier this year and the direction of the Committees over the past three years to implement this program, EP&R has not acted. The conferees direct EP&R to develop a pilot program for socio-economically disadvantaged communities and underrepresented members of the population that assesses and analyzes the preparation and response of these communities and individuals to a widespread disaster affecting multiple states and regions. The program should utilize information gathered from organizations such as community based organizations, faith-based institutions, historically black colleges and universities, and private organizations and businesses serving socio-economically disadvantaged communities and underrepresented

populations. The Department is directed to implement this pilot program no later than December 1, 2004; if this program is not implemented by December 1, 2004, the Secretary is to provide a written justification to the House and Senate Committees on Appropriations as to why this direction is not being followed.

SHOCKOE CREEK

The conferees direct EP&R to conduct an investigation of the Shockoe Creek drain field in Richmond, Virginia, to determine means of preventing future damage in that area from floods and other natural disasters.

OPERATING EXPENSES

(RESCISSION OF FUNDS)

The conferees rescind \$5,000,000 of the funds provided by Public Law 108-11.

ADMINISTRATIVE AND REGIONAL OPERATIONS

The conferees agree to provide \$202,939,000 instead of \$203,939,000 as proposed by the House and \$196,939,000 as proposed by the Senate. Within these funds, the conferees agree to provide \$6,000,000 for the Document Management Support Program, instead of \$7,000,000 as proposed by the House. Funding of not to exceed \$3,000 is provided for official reception and representation funds as proposed by the Senate instead of \$4,000 as proposed by the House.

PUBLIC HEALTH PROGRAMS

The conferees agree to provide \$34,000,000 as proposed by both the House and Senate.

BIODEFENSE COUNTERMEASURES

The conferees agree with the budget estimate to make available in fiscal year 2005, \$2,528,000,000 in obligation authority for fiscal years 2005-2008 pursuant to Public Law 108-90.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The conferees agree to provide for the receipt and expenditure of fees collected, as authorized by Public Law 105-276, as proposed by both the House and Senate.

DISASTER RELIEF

The conferees agree to provide \$2,042,380,000 as proposed by the House instead of \$2,221,000,000 as proposed by the Senate. The conferees do not agree to include \$70,000,000 in emergency funding for the American Red Cross, as proposed by the Senate. These funds are addressed in the fiscal year 2004 emergency supplemental, as requested by the President on September 14, 2004.

The conferees direct the Under Secretary for Emergency Preparedness and Response to place special emphasis on the recruitment of American Indians, Alaska Natives, Native Hawaiians, and other minorities for positions within Disaster Assistance Employee cadres maintained by EP&R. The Under Secretary shall provide to the House and Senate Committees on Appropriations a report no later than 100 days after enactment of this Act which assesses the representation of American Indians, Alaska Natives, Native Hawaiians, and other minorities in the Disaster Assistance Employee cadres. The report should also identify recruitment strategies to increase the representation of such individuals in the cadres.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

The conferees agree to provide \$567,000 for administrative expenses as proposed by both the House and Senate. Gross obligations for the principal amount of direct loans shall not exceed \$25,000,000 as proposed by both the House and Senate.

FLOOD MAP MODERNIZATION FUND

The conferees agree to provide \$200,000,000 as proposed by the Senate instead of

\$150,000,000 as proposed by the House. The conferees do not agree to Senate report language regarding the National Service Provider.

NATIONAL FLOOD INSURANCE FUND
(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide \$33,336,000 for salaries and expenses as proposed by both the House and Senate. The conferees further agree to provide up to \$79,257,000 for flood mitigation activities and limitations of \$55,000,000 for operating expenses, \$562,881,000 for agents' commissions and taxes, and \$30,000,000 for interest on Treasury borrowings as proposed by both the House and Senate.

NATIONAL FLOOD MITIGATION FUND

The conferees agree to provide \$20,000,000 by transfer from the National Flood Insurance Fund as proposed by the House. The Senate proposed \$20,000,000 for flood mitigation by transfer under Mitigation Grant Programs. Funds are available until September 30, 2006.

NATIONAL PRE-DISASTER MITIGATION FUND

The conferees agree to provide \$100,000,000 as proposed by the House. The Senate proposed \$150,000,000 for pre-disaster mitigation under Mitigation Grant Programs. Not to exceed 3 percent may be used for administrative expenses. Funds are available until expended.

The conferees are concerned by EP&R's slow progress in awarding fiscal year 2003 pre-disaster mitigation grants. These grants were only recently awarded and an excessive unobligated balance remains. The conferees direct EP&R to report no later than February 15, 2005, on any changes it intends to make in future grants, including an expeditious and reasonable obligation plan for awarding all unobligated funds. The report shall also describe feedback received from state hazard mitigation officers and an assessment of ways to streamline the application and award process.

EMERGENCY FOOD AND SHELTER

The conferees agree to provide \$153,000,000 as proposed by both the House and Senate. Not to exceed 3.5 percent may be used for administrative expenses. Funds are available until expended.

TITLE IV—RESEARCH, DEVELOPMENT, TRAINING, ASSESSMENTS, AND SERVICES

CITIZENSHIP AND IMMIGRATION SERVICES
SALARIES AND EXPENSES

The conferees agree to provide \$160,000,000, as proposed by the House, instead of \$140,000,000 as proposed by the Senate. This includes \$140,000,000 for backlog elimination, as well as \$20,000,000 for the historical records project to convert immigration records into an electronic, digitally-accessible format. The conferees direct that no funding for the historical record project may be obligated until U.S. Citizenship and Immigration Services (CIS) submits a detailed expenditure plan to the House and Senate Committees on Appropriations for approval. Current estimates of examination fee collections, which constitute the majority of off-setting resources for CIS are \$1,571,000,000. The conferees direct that not to exceed \$5,000 of these collections shall be for official reception and representation expenses, as proposed by the House.

The following table specifies funding by budget activity, and includes both direct appropriations and estimated collections:

Adjudication Services (fee accounts):	
Pay and Benefits	\$561,000,000
Operating Expenses:	
District Operations	284,000,000

Service Center Operations	217,000,000
Asylum, Refugee, and International Operations	73,000,000
Records Operations	65,000,000
<hr/>	
Total, Adjudication Services	1,200,000,000

Backlog Reduction Initiatives (Direct Appropriations):	
Contracting Services	120,000,000
Other	20,000,000
Digitization	20,000,000
<hr/>	
Total, Backlog Reduction Initiatives	160,000,000

Information and Customer Services (fee accounts):	
Pay and Benefits	78,000,000
Operating Expenses:	
National Customer Service Center	46,000,000
Information Services	14,000,000
<hr/>	
Total, Information and Customer Services	138,000,000

Administration (fee accounts):	
Pay and Benefits	43,000,000
Operating Expenses	190,000,000
<hr/>	
Total, Administration	233,000,000

Total, Citizenship and Immigration Services 1,731,000,000

REGIONAL SERVICE CENTERS

The conferees direct the Department to evaluate the distribution of staff and resources among the four CIS regional service centers, and submit a report no later than December 1, 2004, with recommendations to normalize the petition processing times across the regional centers.

BENEFIT FRAUD

The conferees have agreed to the Administration's request to increase the resources available for benefit fraud enforcement by decreasing the funds available to Immigration and Customs Enforcement (ICE) from the examinations fee account, and leaving those resources available to CIS, as proposed in the House report. These resources are to fund the Office of Fraud Detection and National Security (FDNS) Unit, as called for by the Government Accountability Office. The FDNS unit is responsible for developing, implementing, directing, and overseeing the joint CIS-ICE anti-fraud initiative, and conducting law enforcement/background checks on every applicant, beneficiary, and petitioner prior to granting any immigration benefits. CIS is to report by July 1, 2005, to the House and Senate Committees on Appropriations on the progress in implementing the joint anti-fraud initiative.

FEDERAL LAW ENFORCEMENT TRAINING CENTER (FLETC)

SALARIES AND EXPENSES

The conferees agree to provide \$177,440,000 instead of \$183,440,000 as proposed by the House and \$181,440,000 as proposed by the Senate. Funds above the budget request include a transfer of \$21,000,000 for the Charleston, South Carolina, training facility. The conferees do not provide \$2,000,000, as requested, for the transfer of the CBP Advanced Training Facility. At the department's request, the conferees do not include \$2,000,000 for the pay for performance demonstration project.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

The conferees agree to provide \$44,917,000, instead of \$37,917,000 as proposed by the House and \$42,917,000 as proposed by the Senate. Funds above the budget request include \$5,000,000 for renovation and construction needs at the Artesia, New Mexico, training center, as proposed by the Senate, and \$2,000,000 for renovation and construction needs at the Charleston, South Carolina, training center.

FACILITIES MASTER PLAN

An updated facilities Master Plan that identifies unfunded training facilities construction and renovation needs has not been submitted to the House and Senate Committees on Appropriations. The conferees direct FLETC to submit an updated Master Plan with the fiscal year 2006 budget request.

INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

MANAGEMENT AND ADMINISTRATION

The conferees agree to provide \$132,064,000 for management and administration to support 803 full-time equivalent positions as proposed by the House instead of \$137,064,000 as proposed by the Senate. This includes \$5,864,000 for the Office of the Under Secretary and \$126,200,000 for other salaries and expenses. Funding of \$35,000,000 for the Homeland Security Operations Center is funded under Assessments and Evaluation as proposed by the House. Within the amounts provided, not to exceed \$5,000 is available for official reception and representation expenses as proposed by the House. The Senate proposed \$20,000 in the Assessments and Evaluations account.

The conferees agree to provide \$22,940,000 for protective security field operations and expect that the deployment of personnel will be executed in accordance with direction provided in the House report.

ASSESSMENTS AND EVALUATIONS

The conferees agree to provide \$761,644,000 instead of \$722,512,000 as proposed by the House and \$718,512,000 as proposed by the Senate. Funds are available until September 30, 2006. Funding is allocated as follows:

Program	Amount
Critical infrastructure outreach & partnerships	\$106,592,000
Critical infrastructure identification and evaluation	77,861,000
National infrastructure simulation and analysis center (NISAC)	20,000,000
Protective actions	191,647,000
Biosurveillance	11,000,000
Cyber security	67,380,000
National security emergency preparedness telecommunications	140,754,000
Competitive analysis and evaluation	4,000,000
Threat determination and assessment	21,943,000
Infrastructure vulnerability and risk assessment	71,080,000
Evaluation and studies	14,387,000
Homeland security operations center	35,000,000
<hr/>	
Total, Assessments and Evaluations	761,644,000

The conferees have included up to \$3,000,000 for the Under Secretary of Information Analysis and Infrastructure Protection (IAIP) to complete an analysis of whether the Department should require private sector entities to provide IAIP existing information about their security measures and vulnerabilities in order to improve IAIP's ability to evaluate critical infrastructure protections nationwide. The analysis should include all

critical infrastructure, including chemical plants, evaluate the costs to the private sector for implementing such a requirement, the benefits of securing the information, and costs to IAIP to implement this requirement. The conferees direct the Government Accountability Office to review the quality of IAIP's analysis and report to the House and Senate Committees on Appropriations within three months after the analysis is complete.

The conferees have included bill language requiring the Under Secretary for IAIP to provide a quarterly report to the House and Senate Committees on Appropriations on all sole-source contractual agreements. The report shall include a listing of all sole-source contracts entered into, the recipient, the purpose of the contract, and a detailed explanation of why the competitive process was not followed. The conferees direct that the first report be submitted by November 15, 2004, and subsequent reports be submitted no later than 30 days following the completion of each quarter of the fiscal year.

CRITICAL INFRASTRUCTURE OUTREACH AND PARTNERSHIPS

The conferees agree to provide \$106,592,000 instead of \$91,592,000 as proposed by the Senate and \$71,592,000 as proposed by the House.

The conferees agree to provide \$35,000,000 for computer hosting of departmental applications, network connectivity, and critical data storage under the direction of the Department's Chief Information Officer.

CRITICAL INFRASTRUCTURE IDENTIFICATION AND EVALUATION

The conferees agree to provide \$77,861,000 as proposed by the House, instead of \$64,730,000 as proposed by the Senate.

NATIONAL INFRASTRUCTURE SIMULATION AND ANALYSIS CENTER

The conferees agree to provide \$20,000,000 instead of \$16,000,000 as proposed by the House and \$23,105,000 as proposed by the Senate.

The conferees direct the Protective Security Division to obligate funds previously made available by Public Law 108-7 for the NISAC at the earliest date possible.

PROTECTIVE ACTIONS

The conferees agree to provide \$191,647,000 as proposed by the House instead of \$193,673,000 as proposed by the Senate.

NATIONAL ASSET DATABASE

The conferees are aware that the National Asset Database (NADB), an inventory of the nation's critical infrastructure and key resources compiled from federal, state, local, and private sector input, now includes information on approximately 30,000 assets, some 2,000 of which are considered of critical importance. Although IAIP continues to populate and refine the NADB, the Protective Security Division (PSD) has already begun completing Buffer Zone Protection Plans (BZPPs) for the sites it contains. These BZPPs are efforts to reduce vulnerabilities by extending the protected area from the critical infrastructure site out into the community. The conferees strongly support this initiative, and direct PSD to complete BZPPs for all critical assets in the NADB by the end of fiscal year 2005.

RAIL CORRIDOR SECURITY

The conferees are aware that security measures are being implemented to improve the security of the Washington, DC, rail corridor through the cooperative efforts of freight rail operators, local law enforcement and first responders, and the federal government with the objective of reducing the risk of a terrorist attack on rail cars carrying hazardous materials. The conferees direct PSD to use existing resources within Protec-

tive Actions to begin applying this concept to other major metropolitan areas.

DEVELOPMENT OF PROTOCOLS, POLICIES AND PROCEDURES

While the conferees are supportive of the efforts of IAIP to implement protective measures using the funds provided within Protective Actions, the conferees are concerned about the lack of written protocols, policies, and procedures governing the use of these funds. The conferees believe that without such guidelines, there exists the potential for duplication of effort between this account and other funding sources, such as grant programs within the Office of State and Local Government Coordination and Preparedness, as well as the possibility that funds could be used in ways that might not be consistent with the overall goals of the Department's critical infrastructure protection efforts. In addition to the funds provided in the Act, the conferees are aware of unobligated balances that remain available for these purposes from prior year appropriations. The conferees direct IAIP to develop appropriate written guidelines for the use of Protective Actions funds for buffer zone protection plans and grants that preserve needed flexibility, while preventing potential duplication or misapplication, and to provide a report regarding this policy to the House and Senate Committees on Appropriations no later than November 30, 2004.

CYBER SECURITY

The conferees agree to provide \$67,380,000 as proposed by both the House and the Senate. The conferees agree to include \$3,500,000 for "live wire" cyber exercises to build upon previous similar terrorist attacks on the Nation's cyber infrastructure to demonstrate the impact of a cyber-based attack on critical infrastructures and to highlight the interdependencies among critical infrastructures and underscore the requirement for enhanced cross-sector cooperation.

The conferees support the National Cyber Security Division's (NCS) efforts to monitor, predict, and prevent cyber attacks, and to minimize the damage and efficiently recover from attacks. The conferees encourage the NCS to identify, assess, and implement preventative measures with organizations providing public health needs.

COMPETITIVE ANALYSIS AND EVALUATION

The conferees agree to provide \$4,000,000 instead of \$3,868,000 as proposed by the House and \$18,868,000 as proposed by the Senate.

HOMELAND SECURITY OPERATIONS CENTER

The conferees agree to provide \$35,000,000 as proposed by the House. Funding of \$35,000,000 for the Homeland Security Operations Center was proposed by the Senate under the Management and Administration account.

NATIONAL ALERTS

The conferees support the Department's use of the National Oceanic and Atmospheric Administration (NOAA) all-hazards weather radio system as the foundation for the Homeland Security Advisory System and provide \$10,000,000 for fiscal year 2005, the same amount provided in fiscal year 2004. These funds are for the distribution of NOAA radios to schools throughout the country on a priority basis and for satellite, digital broadcast, and other advanced technologies to disseminate vital warning information to ensure that the general public can more effectively be warned about terrorist threats and other emergencies. For fiscal year 2004 and fiscal year 2005 funds, the conferees expect the Department to adhere to Section 102(b)(2) of Public Law 107-296 in purchasing and distributing the NOAA radios to schools as deemed appropriate by the Secretary.

The conferees direct the Secretary to work with the Chairman of the Federal Communications Commission to develop a legislative solution for a universal system for broadcasting national alerts. This will alleviate the need for separate negotiations between the Department and radio broadcasters, television broadcasters, and other telecommunications providers.

SCIENCE AND TECHNOLOGY (S&T)

MANAGEMENT AND ADMINISTRATION

The conferees agree to provide \$68,586,000 for management and administration to include 320 full-time equivalent positions as proposed by the House, instead of \$42,550,000 as proposed by the Senate. Within the amounts provided, not to exceed \$3,000 is available for official reception and representation expenses. The funding includes \$6,315,000 for the immediate Office of the Under Secretary and \$62,271,000 for other salaries and expenses. The conferees consolidate all salary expenses in one account and the recommendation reflects the salaries and expenses for laboratory facilities, including the National Biodefense Analysis and Countermeasures Center (NBACC), the Plum Island Animal Disease Center and the Environmental Measurements Laboratory previously funded under S&T's program account.

The conferees are concerned about the substantial lack of communication within the management of S&T, which has resulted in misinformation being provided to Congress. The conferees strongly encourage S&T to review their management practices to improve upon internal communications. The conferees believe S&T should move expeditiously to develop a policy regarding the use of national laboratories, and direct S&T to report to the House and Senate Committees on Appropriations on this policy no later than October 15, 2004.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

The conferees agree to provide \$1,046,864,000 instead of \$1,063,713,000 as proposed by the House and \$1,016,647,000 as proposed by the Senate. Funds are allocated as follows:

	<i>Amount</i>
Biological countermeasures	\$362,650,000
Nuclear and radiological countermeasures	122,614,000
Chemical countermeasures	53,000,000
High explosives countermeasures	19,700,000
Threat and vulnerability, testing and assessment ...	65,800,000
Critical infrastructure protection	27,000,000
Conventional missions in support of DHS	54,650,000
(total includes transfers from consolidated transferred accounts) ..	
Rapid prototyping program	76,000,000
Standards	39,700,000
Emerging threats	10,750,000
University programs/Homeland security fellowship programs	70,000,000
Consolidated transferred accounts	
National Biodefense Analysis & Countermeasures Center	35,000,000
Counter MANPADS	61,000,000
SAFETY Act	10,000,000
Cyber Security	18,000,000
Interoperability and communications	21,000,000
Total, Research, development, acquisition, and operations	\$1,046,864,000

BIOLOGICAL COUNTERMEASURES

The conferees agree to provide \$362,650,000 as proposed by the House instead of

\$346,310,000 as proposed by the Senate. This funding level supports the budget request for the individual programs within biological countermeasures with the following exceptions: \$9,350,000 is transferred to management and administration for salaries and expenses; and \$35,000,000 for the NBACC is funded as a separate program.

NUCLEAR AND RADIOLOGICAL COUNTERMEASURES

The conferees agree to provide \$122,614,000 as proposed by the House instead of \$127,810,000 as proposed by the Senate; \$6,686,000 is transferred to management and administration for salaries and expenses.

CHEMICAL COUNTERMEASURES

The conferees agree to provide \$53,000,000 as proposed by the House instead of \$52,400,000 as proposed by the Senate.

HIGH EXPLOSIVE COUNTERMEASURES

The conferees agree to provide \$19,700,000 instead of \$9,700,000 as proposed by the House and \$33,590,000 as proposed by the Senate. The conferees include \$10,000,000 to develop and conduct simulated real-world exercises to validate a training program for the use of commercially-available equipment against suicide bombers in commuter and passenger rail environments.

THREAT AND VULNERABILITY, TESTING AND ASSESSMENT

The conferees agree to provide \$65,800,000 instead of \$68,900,000 as proposed by the House and \$68,100,000 as proposed by the Senate.

CRITICAL INFRASTRUCTURE PROTECTION

The conferees agree to provide \$27,000,000 as proposed by the House, instead of \$14,830,000 as proposed by the Senate. The conferees provide \$12,000,000 to support existing work in research and development and application of technology for community based critical infrastructure protection efforts.

CONVENTIONAL MISSIONS IN SUPPORT OF DHS

The conferees agree to provide \$54,650,000 instead of \$44,000,000 as proposed by the House and \$34,000,000 as proposed by the Senate. The conferees agree to merge this account with the consolidated transferred accounts, as proposed by the Senate. Additionally, the conferees provide \$10,000,000 to support the container security initiative, to accelerate the development of advanced sensors, and begin development of the Advanced Container Information Network in a joint U.S., international, and industry effort, as proposed by the House. The conference agreement includes \$10,650,000 transferred from the consolidated transferred accounts as proposed by the Senate, instead of \$24,150,000 as proposed by the House in a separate account. Funding is allocated as follows:

	<i>Amount</i>
Emergency Preparedness and Response	\$9,650,000
Border Transportation and Security	23,000,000
Secret Service	2,000,000
Federal Air Marshals	10,000,000
Container security initiative	10,000,000
Total, Conventional Missions	54,650,000

RAPID PROTOTYPING

The conferees agree to provide \$76,000,000 as proposed by the House instead of \$75,120,000 as proposed by the Senate.

STANDARDS

The conferees agree to provide \$39,700,000 instead of \$39,699,000 as proposed by the House and \$39,239,000 as proposed by the Senate.

EMERGING THREATS

The conferees agree to provide \$10,750,000 as proposed by the Senate instead of \$21,000,000 as proposed by the House.

UNIVERSITY PROGRAMS/FELLOWSHIP PROGRAMS

The conferees agree to provide \$70,000,000 as proposed by the House instead of \$69,048,000 as proposed by the Senate.

CONSOLIDATED TRANSFERRED ACCOUNTS

The conferees include no funding for consolidated transferred accounts. For these activities, \$10,650,000 is provided under conventional missions in support of the Department as proposed by the Senate instead of \$24,150,000 as proposed by the House in a stand-alone account. The conferees agree to fund Coast Guard research, development, test, and evaluation under Coast Guard as proposed by the Senate instead of within S&T as proposed by the House.

SAFETY ACT IMPLEMENTATION

The conferees support the language in the House report that establishes an office to implement the requirements of the "Support Anti-terrorism by Fostering Effective Technologies Act of 2002", (SAFETY Act), and directs S&T to streamline the application process and expedite approvals. The conferees further direct the SAFETY Act Implementation Office to provide a written report no later than January 1, 2005, to the House and Senate Committees on Appropriations that describes the process and procedure for prioritizing and reviewing SAFETY Act applications.

INTEROPERABILITY AND COMMUNICATIONS

The conferees agree to provide \$21,000,000 as proposed by the House, instead of \$11,000,000 as proposed by the Senate.

TITLE V—GENERAL PROVISIONS

Section 501. The conferees continue a provision that no part of any appropriation shall remain available for obligation beyond the current fiscal year unless expressly provided.

Section 502. The conferees continue a provision that unexpended balances of prior appropriations may be merged with new appropriations accounts and used for the same purpose, subject to reprogramming guidelines.

Section 503. The conferees continue and modify a provision that provides authority to reprogram appropriations within an account and to transfer not to exceed 5 percent between appropriations accounts with 15-day advance notification of the House and Senate Committees on Appropriations. A detailed funding table identifying each Congressional control level for reprogramming purposes is included at the end of this Report. These reprogramming guidelines shall be complied with by all agencies funded by the Department of Homeland Security Appropriations Act, 2005.

The conferees expect the Department to submit reprogramming requests on a timely basis, and to provide complete explanations of the reallocations proposed, including detailed justifications of the increases and offsets, and any specific impact the proposed changes will have on the budget request for the following fiscal year and future-year appropriations requirements. Each request submitted to the House and Senate Committees should include a detailed table showing the proposed revisions at the account, program, project, and activity level to the funding and staffing (full-time equivalent position) levels for the current fiscal year and to the levels requested in the President's budget for the following fiscal year.

The conferees expect the Department to manage its programs and activities within the levels appropriated. The conferees are

concerned with the number of reprogramming proposals submitted for consideration by the Department and remind the Department that reprogramming or transfer requests should be submitted only in the case of an unforeseeable emergency, or a situation that could not have been predicted when formulating the budget request for the current fiscal year. Further, the conferees note that when the Department submits a reprogramming or transfer request to the Committees on Appropriations and does not receive identical responses from the House and Senate, it is the responsibility of the Department to reconcile the House and Senate differences before proceeding, and if reconciliation is not possible, to consider the reprogramming or transfer request unapproved.

The conferees would also like to clarify that this section applies to the Department's Working Capital Fund and that no funds may be obligated from the Working Capital Fund to fund programs, projects, or activities for which appropriations have been specifically rejected by the Congress, to initiate new programs or activities, or to augment the funds or personnel for any program, project, or activity above the levels appropriated by this Act.

The Department is not to propose a reprogramming or transfer of funds after June 30th unless there are exceptional or extraordinary circumstances such that lives or property are placed in imminent danger.

Section 504. The conferees continue a provision that not to exceed 50 percent of unobligated balances remaining at the end of fiscal year 2005 from appropriations made for salaries and expenses shall remain available through fiscal year 2006 subject to reprogramming guidelines.

Section 505. The conferees continue a provision that provides that funds for intelligence activities are deemed to be specifically authorized during fiscal year 2005 until the enactment of an Act authorizing intelligence activities for fiscal year 2005.

Section 506. The conferees continue a provision that directs FLETC to establish an accrediting body to establish standards for assessing federal law enforcement training programs, facilities, and instructors.

Section 507. The conferees continue and modify a provision that requires notification of the House and Senate Committees on Appropriations 3 business days before any grant allocation, discretionary grant award, discretionary contract award, or letter of intent totaling \$1,000,000 or more is announced by the Department.

Section 508. The conferees modify and continue a provision that no agency shall purchase, construct, or lease additional facilities for federal law enforcement training without advance approval of the House and Senate Committees on Appropriations.

Section 509. The conferees modify and continue a provision that FLETC shall schedule basic and/or advanced law enforcement training at all four training facilities under its control to ensure that these training centers are operated at the highest capacity.

Section 510. The conferees continue a provision that none of the funds may be used for any construction, repair, alteration, or acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, has not been approved.

Section 511. The conferees continue and make permanent a provision that none of the funds may be used to require airport sponsors to provide building modifications, utilities and expenses, or space to the TSA without cost for services related to aviation security.

Section 512. The conferees continue a provision that none of the funds may be used in contravention of the Buy American Act.

Section 513. The conferees continue and modify a provision that directs the Department to research, develop, and procure certified systems to inspect and screen air cargo on passenger aircraft at the earliest date possible, to enhance the known shipper program, and to triple the percentage of cargo inspected on passenger aircraft. TSA shall require cargo screened on passenger aircraft to meet the tripling threshold as measured by the average percentage of cargo inspected per day, per airline, per airport. The current minimum per flight shall also be maintained.

Section 514. The conferees include a new provision that directs the Commandant of the Coast Guard to provide to Congress a list of approved but unfunded priorities each year at the time that the President's budget is submitted, as proposed by the House.

Section 515. The conferees include a new provision that amends title 49 of the United States Code to provide for the disposition of unclaimed money recovered at airport security checkpoints, as proposed by the House.

Section 516. The conferees include a new provision that allows TSA to impose a reasonable charge for the lease of real and personal property to TSA employees, as proposed by the House.

Section 517. The conferees include a new provision that directs that the acquisition management system of TSA be applied to the acquisition of services, equipment, supplies, and materials, as proposed by the House.

Section 518. The conferees include a new provision related to the transfer of the authority to conduct background investigations from the Office of Personnel Management to the Department, as proposed by the House and modified by the conferees. The conferees are concerned by delays in personnel security and suitability background investigations, update investigations and periodic reinvestigations for Departmental employees and, in particular for positions within the Office of the Secretary and Executive Management and the Directorates of Science and Technology and Information Analysis and Infrastructure Protection. The conferees direct that this authority be used to expeditiously process background investigations, including updates and reinvestigations, as necessary.

Section 519. The conferees include a new provision that amends the Homeland Security Act to provide for the termination of the Homeland Security Institute 5 years after its establishment, as proposed by the House.

Section 520. The conferees include a new provision that amends the Homeland Security Act so that of the original members of the Advisory Committee, one class of six shall have a term of 1 year, one class of seven a term of 2 years, and one class of seven a term of 3 years, as proposed by the House.

Section 521. The conferees include a new provision that exempts funds appropriated under paragraphs (1) and (2) of the State and Local Programs heading under Title III of this Act from the provisions of the Cash Management Improvement Act, as proposed by the House.

Section 522. The conferees continue and modify a provision that prohibits the use of funds for deployment or implementation of CAPPs II, Secure Flight, or other follow on successor programs until certain conditions are met.

Section 523. The conferees include a new provision that amends the Homeland Security Act to clarify the provision on contracting with foreign entities, as proposed by the House and Senate.

Section 524. The conferees include a new provision that directs that none of the funds

may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448), as proposed by the House and the Senate.

Section 525. The conferees include a new provision setting the fiscal year 2004 overtime limitation at \$30,000 for Customs and Border Protection (CBP), as proposed by the Senate. The conferees modify the Senate language to eliminate reductions to CBP's salaries and expenses appropriation.

Section 526. The conferees include a new provision regarding notifications.

Section 527. The conferees include a new provision regarding competitive sourcing, as proposed by the House. The Senate bill contained a similar provision.

Section 528. The conferees include a new provision that none of the funds may be used to alter the Secret Service from being anything but a distinct entity within the Department, to merge the Secret Service with any other agency or department function, or to alter the current reporting structure of the Secret Service, as proposed by the Senate.

PROVISIONS NOT ADOPTED

The conference agreement deletes section 514 of the House bill amending the Homeland Security Act to establish a Chief Procurement Officer within the Department and to modify the reporting structure for the Chief Financial Officer and the Chief Information Officer.

The conference agreement deletes section 525 of the House bill making an unspecified reduction of \$50,000,000 to the Office of the Under Secretary for Management, and increasing firefighter assistance grants under Title III of this Act by the same amount.

The conference agreement deletes Section 513 of the Senate bill prohibiting the use of funds for contracting out full time employee equivalent positions for which funds have been appropriated unless the House and Senate Committees on Appropriations are notified 15 days in advance. This provision is addressed in the statement of managers.

The conference agreement deletes Section 515 of the Senate bill prohibiting the use of funds to process or approve a competition under Office of Management and Budget Circular A-76 for services provided as of June 1, 2004, by certain employees of the Bureau of Citizenship and Immigration Services. This issue is addressed in Section 527.

The conference agreement deletes section 517 of the Senate bill directing FEMA to investigate the Shockoe Creek drain field in Richmond, VA, to determine means of preventing future damage from floods and other natural disasters. This requirement is addressed in the statement of managers.

The conference agreement deletes section 518 of the Senate bill providing an additional \$200,000,000 for new ICE Air and Marine airbases, \$50,000,000 for Federal Air Marshals, \$50,000,000 for non-profit organization assistance through SLGCP, \$50,000,000 for firefighter assistance grants, \$20,000,000 for Emergency Management and Performance Grants (EMPGs), and extending Customs user fees until June 1, 2005.

The conference agreement deletes section 519 of the Senate bill providing an additional \$150,000,000 for CBP salaries and expenses, \$100,000,000 for ICE salaries and expenses, \$128,000,000 for rail and transit security grants, \$36,000,000 for EMPGs, and extending Customs user fees until September 30, 2005.

The conference agreement deletes section 520 of the Senate bill providing \$5,000,000 out of the funds provided for Air and Marine Interdiction, Operations, Maintenance, and Procurement for a pilot project to test interoperable communications between the Northern Border Air Wing in Bellingham,

WA and local law enforcement. This requirement is addressed in the statement of managers.

The conference agreement deletes section 521 of the Senate bill requiring the development of an integrated transportation security plan no later than February 1, 2005. This requirement is addressed in the statement of managers.

The conference agreement deletes section 522 of the Senate bill requiring a report on goods purchased by the Department that were manufactured outside the U.S. This requirement is addressed in the statement of managers.

The conference agreement deletes section 524 of the Senate bill providing for the continued support of the New Mexico National Guard for the performance of vehicle and cargo inspection activities to support law enforcement activities. This requirement is addressed in the statement of managers.

The conference agreement deletes section 525 of the Senate bill requiring a report on HSPD-7 regarding the mapping of the U.S. critical infrastructure, assessment of state and local resources, and the Department's plan for geospatial information systems management, and further requiring reporting on the Chief Information Officer's implementation of geospatial capability. This requirement is addressed in the statement of managers.

The conference agreement deletes section 527 of the Senate bill requiring status reports on the number of active Federal Air Marshals every 90 days. This requirement is addressed in the statement of managers.

The conference agreement deletes section 528 of the Senate bill requiring a report not later than 180 days after enactment on the personnel policies of the Department that apply to the employment of airport screeners in TSA with particular emphasis on compliance with equal opportunity and veterans preference laws. This requirement is addressed in the statement of managers.

The conference agreement deletes section 529 of the Senate bill directing that none of the funds may be used for implementation of any policy or practice that reveals the identity of a Federal Air Marshal. This requirement is addressed in the statement of managers.

The conference agreement deletes section 530 of the Senate bill requiring a report from the secretary on protecting commercial aircraft from MANPADS. This requirement is addressed in the statement of managers.

The conference agreement deletes section 532 of the Senate bill requiring the submittal of data-mining reports from the head of each agency or relevant privacy officer 90 days after the end of fiscal year 2005. This requirement is addressed in the statement of managers.

The conference agreement deletes section 533 of the Senate bill directing FEMA to provide \$4,450,000 from within funds currently available to mental health counseling entities. This requirement is addressed in the statement of managers.

The conference agreement deletes section 534 of the Senate bill reflecting the sense of the Senate that the Information Analysis and Infrastructure Protection Directorate should work with the American Red Cross. This requirement is addressed in the statement of managers.

The conference agreement deletes section 535 of the Senate bill reflecting the sense of the Senate that the Director of SLGCP be authorized to reprogram State grant funds to address specific security requirements that arise after the State has submitted its application. This requirement is addressed in the statement of managers.

The conference agreement deletes section 536 of the Senate bill directing FEMA to periodically report on the representation of

American Indians, Alaska Natives, and Native Hawaiians in the Disaster Assistance Employee cadres. This requirement is addressed in the statement of managers.

The conference agreement deletes section 537 of the Senate bill amending the Homeland Security Act to allow the Chief Financial Officer and the Chief Information Officer

to report directly to the Secretary by striking dual report language.

The conference agreement deletes section 538 of the Senate bill amending P.L. 108-137.

The conference agreement deletes section 539 of the Senate bill authorizing the Secretary of Agriculture to deploy disaster liaisons to Department of Agriculture Service

Centers in a federally declared disaster area whenever FEMA personnel are deployed in that area.

CONFERENCE RECOMMENDATIONS

The conference agreement's detailed funding recommendations for programs in this bill are contained in the following table:

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	Budget Request	Conference

DEPARTMENT OF HOMELAND SECURITY		
TITLE I - DEPARTMENTAL MANAGEMENT AND OPERATIONS		
Departmental Operations		
Office of the Secretary and Executive Management:		
Immediate Office of the Secretary.....	2,388	2,141
Immediate Office of the Deputy Secretary.....	1,112	1,112
Office of Security.....	21,044	21,424
Chief of Staff.....	5,240	5,240
Executive Secretary.....	5,190	3,500
Special Assistant to the Secretary/Private Sector.....	3,781	3,781
Office for National Capital Region Coordination...	1,323	688
Office for State and Local Government Coordination	3,546	---
Office of International Affairs.....	1,318	1,200
Office of Public Affairs.....	10,669	8,120
Office of Legislative Affairs.....	6,627	5,400
Office of General Counsel.....	10,821	10,821
Office of Civil Rights and Liberties.....	15,025	13,000
Citizenship and Immigration Services Ombudsman....	5,858	3,546
Homeland Security Advisory Committee.....	1,414	1,287
Privacy Officer.....	3,774	3,774
Regions.....	3,493	---

Subtotal, Office of the Secretary and Executive Management.....	102,623	85,034
Office of the Under Secretary for Management:		
Under Secretary for Management.....	1,434	1,434
Business Transformation Office.....	1,832	920
Office of the Chief Financial Officer.....	12,275	---
Office of the Chief Procurement Officer.....	7,024	7,350
Office of Human Resources.....	7,706	7,200
Office of the Chief Information Officer.....	68,396	---
Secure communications for the Secretary.....	747	---
Office of Administration.....	27,271	27,270
Immigration statistics.....	5,898	5,898
Headquarters.....	65,081	65,081
Human resources system.....	102,500	36,000
Investment review board.....	2,500	---

Subtotal, Office of the Under Secretary for Management.....	302,664	151,153
Office of the Chief Financial Officer.....	---	13,000
Office of the Chief Information Officer:		
Salaries and expenses.....	---	67,270
Information technology services.....	---	91,000
Security activities.....	---	31,000
Wireless program.....	---	86,000

Subtotal, Office of the Chief Information Officer.....	---	275,270

Total, Departmental operations.....	405,287	524,457

Department-Wide Technology Investments		
Information technology services.....	92,000	---
Security activities.....	31,000	---
Wireless program.....	100,000	---

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	Budget Request	Conference

Salaries and expenses.....	3,000	---
Total, Department-wide technology investments...	226,000	---

Office of Inspector General		
Operating expenses.....	82,317	82,317
Total, title I. Departmental Management and Operations.....	713,604	606,774
	=====	=====
TITLE II - SECURITY, ENFORCEMENT, AND INVESTIGATIONS		
Office of the Under Secretary for Border and Transportation Security.....	10,371	9,617
U.S. Visitor and Immigrant Status Indicator Technology	340,000	340,000
Customs and Border Protection		
Salaries and expenses:		
Headquarters management and administration.....	1,366,146	1,172,838
Border security inspections and trade facilitation:		
Inspections, trade, and travel facilitation at ports of entry.....	1,262,800	1,242,800
Harbor maintenance fee collection (trust fund)	3,000	3,000
Container security initiative.....	126,096	126,096
Other international programs.....	58,300	57,300
Customs trade partnership against terrorism/ Free and secure trade.....	37,828	37,828
Inspection and detection technology investments.....	115,159	145,159
Automated targeting systems.....	29,800	29,800
National Targeting Center.....	16,100	16,100
Other technology investments, including information technology.....	---	1,000
Training.....	18,300	23,800
Subtotal, Border security inspections and trade facilitation.....	1,667,383	1,682,883
Border security and control between ports of entry:		
Border security and control.....	1,413,800	1,413,800
Air program operations.....	37,300	37,300
Unmanned aerial vehicles.....	10,000	10,000
Integrated surveillance and intelligence system procurement.....	64,162	64,162
Training.....	21,700	21,700
Subtotal, Border security and control between ports of entry.....	1,546,962	1,546,962
Air and marine operations, personnel compensation and benefits.....	---	131,436
Subtotal, Salaries and expenses (gross).....	4,580,491	4,534,119
Rescission (P.L. 108-11).....	---	-63,010
Subtotal, Salaries and expenses (net).....	4,580,491	4,471,109

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	Budget Request	Conference

Automation modernization:		
Automated commercial environment/International		
Trade Data System (ITDS).....	321,690	321,690
Automated commercial system and legacy IT costs...	128,219	128,219

Subtotal, Automation modernization.....	449,909	449,909
Air and marine operations:		
Operations and maintenance.....	---	196,535
Procurement.....	---	61,000

Subtotal, Air and marine operations.....	---	257,535
Construction (Border patrol).....	91,718	91,718

Total, Direct appropriations.....	5,122,118	5,270,271
Fee accounts:		
Immigration inspection user fee.....	(429,000)	(429,000)
Immigration enforcement fines.....	(6,000)	(6,000)
Land border inspection fee.....	(28,000)	(28,000)
COBRA passenger inspection fee.....	(318,000)	(318,000)
APHIS inspection fee.....	(204,000)	(204,000)
Puerto Rico collections.....	(89,000)	(89,000)
Small airport user fees.....	(5,004)	(5,004)

Subtotal, fee accounts.....	(1,079,004)	(1,079,004)

Total, Customs and Border Protection.....	(6,201,122)	(6,349,275)
Appropriations.....	(5,122,118)	(5,333,281)
Rescission.....	---	(-63,010)
(Fee accounts).....	(1,079,004)	(1,079,004)
Immigration and Customs Enforcement		
Salaries and expenses:		
Headquarters Management and Administration		
(non-Detention and Removal Operations):		
Personnel compensation and benefits, service		
and other costs.....	45,676	96,202
Headquarters managed IT investment.....	120,119	120,119

Subtotal, Headquarters management and		
administration.....	165,795	216,321
Investigations:		
Operations.....	947,347	1,055,345
Training.....	15,671	15,671

Subtotal, Investigations.....	963,018	1,071,016
Intelligence:		
Headquarters Reporting Center.....	4,882	4,882
Operations.....	51,130	55,130

Subtotal, Intelligence.....	56,012	60,012
Detention and removal operations:		
Custody management.....	482,721	504,221
Case management.....	192,269	192,269
Fugitive operations.....	35,242	35,242
Institutional removal program.....	33,719	33,719
Alternatives to detention.....	14,202	14,202

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	Budget Request	Conference
Transportation and removal program.....	311,492	311,492
Subtotal, Detention and removal operations..	1,069,645	1,091,145
Air and marine operations, personnel compensation and benefits.....	116,436	---
Subtotal, Salaries and expenses.....	2,370,906	2,438,494
Federal air marshals:		
Federal air marshals.....	612,900	---
Management and administration.....	---	593,552
Travel and training.....	---	69,348
Subtotal, Federal air marshals.....	612,900	662,900
Federal protective service:		
Basic security.....	106,362	106,362
Building specific security (including capital equipment replacement/acquisition).....	371,638	371,638
Subtotal.....	478,000	478,000
Offsetting fee collections.....	-478,000	-478,000
Automation modernization:		
ATLAS/CHIMERA IT connectivity	39,605	39,605
Air and marine operations:		
Operations and maintenance.....	196,535	---
Procurement.....	61,000	---
Subtotal, Air and marine interdiction.....	257,535	---
Construction.....	26,179	26,179
Total, Direct appropriations.....	3,307,125	3,167,178
Fee accounts:		
Immigration inspection user fee.....	(90,000)	(90,000)
Breached bond/detention fund.....	(70,000)	(70,000)
Student exchange and visitor fee.....	(65,375)	(40,000)
Subtotal, fee accounts.....	(225,375)	(200,000)
Total, Immigration and Customs Enforcement.....	(3,532,500)	(3,367,178)
Appropriations.....	(3,307,125)	(3,167,178)
(Fee accounts).....	(225,375)	(200,000)
Transportation Security Administration		
Aviation security:		
Passenger screening:		
Screening pilots.....	129,654	129,654
Passenger screeners:		
Personnel, compensation and benefits.....	1,445,486	1,445,486
Training and other.....	140,614	140,614
Subtotal.....	1,586,100	1,586,100
Human resource services.....	150,000	150,000
Checkpoint support.....	86,060	123,500
CAPPS II.....	60,000	34,919
Crew vetting.....	---	10,000

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	Budget Request	Conference
Registered traveler	15,000	15,000
Subtotal, Passenger screening.....	2,026,814	2,049,173
Baggage screening:		
Baggage screeners:		
Personnel, compensation and benefits.....	848,860	848,860
Training and other.....	203,660	203,660
Subtotal.....	1,052,520	1,052,520
Explosive detection systems:		
Purchase.....	150,000	180,000
Installation.....	---	45,000
Subtotal.....	150,000	225,000
Maintenance.....	174,940	174,940
Subtotal, Baggage screening.....	1,377,460	1,452,460
Airport security direction and enforcement:		
Aviation regulation and other enforcement	227,000	230,000
Airport management and staff.....	284,000	284,000
Airport information technology and other support.....	267,890	242,890
Federal flight deck officer program.....	25,000	25,000
Air cargo.....	30,000	40,000
Subtotal, Airport security direction and enforcement.....	833,890	821,890
Flight school checks (by transfer).....	(4,600)	(9,700)
Subtotal, Aviation security (gross).....	4,238,164	4,323,523
Offsetting fee collections.....	-2,223,000	-1,823,000
Total, Aviation security (net).....	2,015,164	2,500,523
Maritime and land security:		
TWIC.....	55,000	15,000
Other credentialing activities.....	---	2,000
Rail security.....	---	5,000
Intercity bus security.....	---	12,000
Hazardous materials security.....	17,000	17,000
Staffing and operations.....	24,000	24,000
Transfer to credentialing activities.....	-67,000	-27,000
Subtotal, Maritime and land security.....	29,000	48,000
Credentialing activities.....	67,000	67,000
Offsetting fee collections.....	-67,000	-67,000
Intelligence.....	14,000	14,000
Research and development:		
Research and development at Tech Center.....	49,000	49,000
Next generation explosive detection systems and explosive trace detection.....	50,000	54,000
Air cargo.....	55,000	75,000
Subtotal, Research and development.....	154,000	178,000

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	Budget Request	Conference

Administration:		
Headquarters administration.....	277,382	267,382
Mission support centers.....	14,000	5,000
Information technology	240,470	240,470
Corporate training.....	8,000	7,000
Subtotal, Administration.....	539,852	519,852
Aviation security capital fund.....	(250,000)	(250,000)
Total, Transportation Security Administration...	2,752,016	3,260,375

United States Coast Guard		
Operating expenses:		
Military pay and allowances.....	2,812,827	2,807,827
Civilian pay and benefits.....	466,110	456,110
Training and recruiting.....	166,441	161,441
Operating funds and unit level maintenance.....	929,125	924,125
Centrally managed accounts.....	175,438	175,438
Coast Guard watch standards.....	---	9,000
Intermediate and depot level maintenance.....	623,279	623,279
Subtotal, Operating expenses.....	5,173,220	5,157,220
Less adjustment for defense function.....	-340,000	-1,204,000
Defense function.....	340,000	1,204,000
Subtotal, Operating expenses.....	5,173,220	5,157,220
Appropriations.....	(4,833,220)	(3,953,220)
Defense function.....	(340,000)	(1,204,000)
Environmental compliance and restoration.....	17,000	17,000
Reserve training.....	117,000	113,000
Acquisition, construction, and improvements:		
Vessels:		
Great Lakes Icebreaker (GLIB) replacement.....	7,750	7,750
41 foot UTB and NSB replacement project.....	12,000	12,000
Subtotal, Vessels.....	19,750	19,750
Aircraft:		
Armed helicopter equipment (Phase I) (legacy asset).....	1,800	2,500
Other equipment:		
Automatic identification system.....	4,000	24,000
National distress and response system modernization.....	161,000	134,000
Subtotal, Other equipment.....	165,000	158,000
Personnel compensation and benefits:		
Core acquisition costs.....	500	500
Direct personnel cost.....	72,500	72,500
Subtotal, Personnel compensation and benefits.....	73,000	73,000
Integrated deepwater systems:		
Aircraft.....	147,250	86,250
HH-65 re-engining.....	---	99,000
Surface ships.....	354,290	364,300
C4ISR.....	53,590	53,600
Logistics.....	39,870	39,800

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	Budget Request	Conference
Systems engineering and integration.....	45,000	43,000
Government program management.....	38,000	38,000
Subtotal, Integrated deepwater systems.....	678,000	723,950
Shore facilities and aids to navigation:		
Shore operational and support projects.....	1,000	1,000
Shore construction projects.....	1,600	1,600
Small arms range at ISC Honolulu, HI.....	1,600	1,600
Waterways aids to navigation infrastructure...	800	800
Subtotal, Shore facilities and aids to navigation.....	5,000	5,000
Subtotal, Acquisition, construction, and improvements (gross).....	942,550	982,200
Rescission (P.L. 108-90).....	---	-16,000
Subtotal, Acquisition, construction, and improvements (net).....	942,550	966,200
Alteration of bridges.....	---	15,900
Research, development, test, and evaluation.....	---	18,500
Subtotal, U.S. Coast Guard discretionary.....	6,249,770	6,287,820
Retired pay (mandatory).....	1,085,460	1,085,460
Total, United States Coast Guard.....	7,335,230	7,373,280
Appropriations.....	(7,335,230)	(7,389,280)
Rescissions.....	---	(-16,000)
	=====	=====
United States Secret Service		
Salaries and expenses:		
Protection:		
Protection of persons and facilities.....	571,640	571,640
National special security event fund.....	---	5,000
Protective intelligence activities.....	53,989	53,989
White House mail screening.....	16,365	16,365
Subtotal, Protection.....	641,994	646,994
Field operations:		
Domestic field operations.....	221,489	221,489
International field office administration, operations and training.....	19,208	19,208
Electronic crimes special agent program and electronic crimes task forces.....	31,536	34,536
Subtotal, Field operations.....	272,233	275,233
Administration:		
Headquarters, management and administration...	197,747	197,747
National Center for Missing and Exploited Children.....	2,100	7,100
Subtotal, Administration.....	199,847	204,847

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	Budget Request	Conference

Training:		
Rowley training center.....	45,051	45,051
Subtotal, Salaries and expenses.....	1,159,125	1,172,125
Operating expenses (rescission) (P.L. 108-11).....	---	-750
Acquisition, construction, improvements and related expenses (Rowley training center).....	3,633	3,633
Total, United States Secret Service.....	1,162,758	1,175,008

Total, title II, Security, Enforcement, and Investigations:		
New budget (obligational) authority.....	20,029,618	20,595,729
Appropriations.....	(20,029,618)	(20,675,489)
Rescission.....	---	(-79,760)
	=====	=====
TITLE III - PREPAREDNESS AND RECOVERY		
Office for State and Local Government Coordination and Preparedness		
Salaries and expenses.....	---	3,546
State and local programs:		
Basic formula grants.....	700,000	1,100,000
Law enforcement terrorism prevention grants.....	500,000	400,000
Emergency management performance grants.....	170,000	---
Urban area security initiative:		
High-threat, high-density urban area.....	1,200,000	885,000
Critical infrastructure.....	200,000	---
Port security grants.....	46,000	150,000
Rail and transit security.....	---	150,000
Trucking security grants.....	---	5,000
Intercity bus security grants.....	---	10,000
Subtotal, Urban area security initiative....	1,446,000	1,200,000
Technology transfer.....	---	50,000
National programs:		
National domestic preparedness consortium....	80,000	135,000
National exercise program.....	52,000	52,000
Technical assistance.....	7,600	30,000
Metropolitan medical response system.....	---	30,000
Demonstration training grants.....	---	30,000
Continuing training grants.....	---	25,000
Citizen Corps.....	50,000	15,000
Evaluations and assessments.....	14,300	14,300
Rural domestic preparedness consortium.....	---	5,000
Subtotal, National programs.....	203,900	336,300
Continuing and emerging training.....	3,000	---
Management and administration.....	38,355	---
Subtotal, State and local programs.....	3,061,255	3,086,300

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	Budget Request	Conference
Firefighter assistance grants.....	500,000	650,000
Fire department staffing assistance grants:		
Staffing for Adequate Fire and Emergency Response (SAFER) Act.....	---	65,000
Subtotal, Firefighter assistance grants.....	500,000	715,000
Emergency management performance grants.....	---	180,000
Total, Office for State and Local Government Coordination and Preparedness.....	3,561,255	3,984,846
Counterterrorism Fund		
Counterterrorism fund.....	20,000	8,000
Emergency Preparedness and Response		
Office of the Under Secretary for Emergency Preparedness and Response.....	4,211	4,211
Preparedness, mitigation, response and recovery:		
Operating activities.....	201,499	209,499
Urban search and rescue teams.....	7,000	30,000
Subtotal, Preparedness, mitigation, response and recovery	208,499	239,499
Operating expenses (rescission).....	---	-5,000
Administrative and regional operations.....	146,939	202,939
Defense function.....	50,000	---
Subtotal, Administrative and regional operations	196,939	202,939
Public health programs:		
National disaster medical system.....	34,000	34,000
Radiological emergency preparedness program.....	-1,000	-1,000
Biodefense countermeasures:		
Advance appropriations, FY 2005.....	2,528,000	2,528,000
Disaster relief.....	2,151,000	2,042,380
Disaster assistance direct loan program account:		
(Limitation on direct loans).....	(25,000)	(25,000)
Administrative expenses.....	567	567
Flood map modernization fund.....	200,000	200,000
National flood insurance fund:		
Salaries and expenses.....	33,336	33,336
Flood mitigation.....	79,257	79,257
Offsetting fee collections.....	-112,593	-112,593
(Transfer to Mitigation grants).....	(-20,000)	---
(Transfer to National flood mitigation fund).....	---	(-20,000)
Subtotal, National flood insurance fund.....	---	---
National flood mitigation fund (by transfer).....	---	(20,000)
National pre-disaster mitigation fund.....	---	100,000
Mitigation grants.....	150,000	---
(By transfer).....	(20,000)	---

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	Budget Request	Conference
Emergency food and shelter.....	153,000	153,000
Total, Emergency Preparedness and Response.....	5,625,216	5,498,596

Total, title III, Preparedness and Recovery:		
New budget (obligational) authority.....	9,206,471	9,491,442
Appropriations.....	(6,678,471)	(6,968,442)
Advance appropriations.....	(2,528,000)	(2,528,000)
Rescissions.....	---	(-5,000)
(Limitation on direct loans).....	(25,000)	(25,000)
(Transfer out).....	(-20,000)	(-20,000)
(By transfer).....	(20,000)	(20,000)
	=====	=====
TITLE IV - RESEARCH AND DEVELOPMENT, TRAINING, ASSESSMENTS, AND SERVICES		
Citizenship and Immigration Services		
Backlog reduction initiative:		
Contracting services.....	120,000	120,000
Other.....	20,000	20,000
Digitization.....	---	20,000
Subtotal, Backlog reduction initiative.....	140,000	160,000
Adjudication services (fee account):		
Pay and benefits.....	(621,000)	(621,000)
Operating expenses:		
District operations.....	(244,000)	(244,000)
Service center operations.....	(197,000)	(197,000)
Asylum, refugee and international operations..	(73,000)	(73,000)
Records operations.....	(65,000)	(65,000)
Subtotal, Adjudication services.....	(1,200,000)	(1,200,000)
Information and customer services (fee account):		
Pay and benefits.....	(78,000)	(78,000)
Operating expenses:		
National Customer Service Center.....	(46,000)	(46,000)
Information services.....	(14,000)	(14,000)
Subtotal, Information and customer services.....	(138,000)	(138,000)
Administration (fee account):		
Pay and benefits.....	(43,000)	(43,000)
Operating expenses.....	(190,000)	(190,000)
Subtotal, Administration.....	(233,000)	(233,000)

Total, Citizenship and Immigration Services.....	(1,711,000)	(1,731,000)
Appropriations.....	(140,000)	(160,000)
(Immigration Examination Fee Account).....	(1,571,000)	(1,571,000)
Federal Law Enforcement Training Center		
Salaries and expenses.....	158,440	177,440
Acquisition, construction, improvements and related expenses.....	37,917	44,917
Total, Federal Law Enforcement Training Center..	196,357	222,357

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	Budget Request	Conference
Information Analysis and Infrastructure Protection		
Management and administration:		
Office of the Under Secretary for Information Analysis and Infrastructure Protection.....	5,864	5,864
Other salaries and expenses.....	121,200	126,200
Department of Homeland Security Command Center....	35,000	---
Subtotal, Management and administration.....	162,064	132,064
Assessments and evaluations:		
Critical infrastructure outreach and partnerships.....	71,592	106,592
Critical infrastructure identification and evaluation.....	77,861	77,861
National Infrastructure Simulation and Analysis Center (NISAC).....	16,000	20,000
Protective actions.....	191,647	191,647
Biosurveillance.....	11,000	11,000
Cyber security.....	67,380	67,380
NS-EP Telecommunications.....	---	140,754
Defense function.....	140,754	---
Competitive analysis and evaluation.....	18,868	4,000
Threat determination and assessment.....	21,943	21,943
Infrastructure vulnerability and risk assessment..	71,080	71,080
Evaluation and studies.....	14,387	14,387
Department of Homeland Security Command Center....	---	35,000
Subtotal, Assessments and evaluations.....	702,512	761,644
Total, Information Analysis and Infrastructure Protection.....	864,576	893,708
Science and Technology		
Management and administration:		
Office of the Under Secretary for Science and Technology.....	6,315	6,315
Other salaries and expenses.....	46,235	62,271
Subtotal, Management and administration.....	52,550	68,586
Research, development, acquisition, and operations:		
Biological countermeasures:		
Operating expenses.....	---	362,650
Defense function.....	407,000	---
Subtotal, Biological countermeasures.....	407,000	362,650
Nuclear and radiological countermeasures.....	129,300	122,614
Chemical countermeasures.....	53,000	53,000
High explosives countermeasures.....	9,700	19,700
Threat and vulnerability, testing and assessment..	101,900	65,800
Conventional missions in support of DHS.....	34,000	54,650
Rapid prototyping program.....	76,000	76,000
Standards.....	39,699	39,700
Emerging threats.....	21,000	10,750
Critical infrastructure protection.....	61,000	27,000
University programs/homeland security fellowship..	30,000	70,000
National Biodefense Analysis and Countermeasures Center construction.....		
	---	35,000
Consolidated transferred accounts.....	24,150	---
Counter MANPADs.....	---	61,000

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

	Budget Request	Conference
Safety act.....	---	10,000
Cyber security.....	---	18,000
Interoperability and communications.....	---	21,000
Subtotal, Research, development, acquisition, and operations.....	986,749	1,046,864
Total, Science and Technology.....	1,039,299	1,115,450
Total, title IV, Research and Development, Training Assessments, and Services:		
New budget (obligational) authority.....	2,240,232	2,391,515
Grand total, Department of Homeland Security:		
New budget (obligational) authority.....	32,189,925	33,085,460
Appropriations.....	(29,661,925)	(30,642,220)
Advance appropriations.....	(2,528,000)	(2,528,000)
Rescissions.....	---	(-84,760)
(Limitation on direct loans).....	(25,000)	(25,000)
(Transfer out).....	(-20,000)	(-20,000)
(By transfer).....	(20,000)	(20,000)

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2005 recommended by the Committee of Conference, with comparisons to the fiscal year 2004 amount, the 2005 budget estimates, and the House and Senate bills for 2005 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2004	\$37,048,446
Budget estimates of new (obligational) authority, fiscal year 2005	32,189,925
House bill, fiscal year 2005	33,085,401
Senate bill, fiscal year 2005	36,128,460
Conference agreement, fiscal year 2005	33,085,460
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2004	-3,962,986
Budget estimates of new (obligational) authority, fiscal year 2005	+895,535
House bill, fiscal year 2005	+59
Senate bill, fiscal year 2005	-3,043,000

HAROLD ROGERS,
BILL YOUNG,
FRANK R. WOLF,
ZACH WAMP,
TOM LATHAM,
JO ANN EMERSON,
KAY GRANGER,
JOHN E. SWEENEY,
DON SHERWOOD,

Managers on the Part of the House.

THAD COCHRAN,
TED STEVENS,
ARLEN SPECTER,
PETE V. DOMENICI,
MITCH MCCONNELL,
RICHARD SHELBY,
JUDD GREGG,
BEN NIGHTHORSE
CAMPBELL,
LARRY CRAIG,

Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 4567,
DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2005

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent that it be in order at any time to consider a conference report to accompany H.R. 4567; that the conference report be considered as read; and that all points of order against the conference report and against its consideration be waived.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. SABO. Mr. Speaker, reserving the right to object, might I inquire of the gentleman from Kentucky if the conference report we have today as it relates to Homeland Security, his word was, 2 days ago, titles I through V absent VI, I guess we were talking about, is it identical as to what our agreement was of several days ago?

Mr. ROGERS of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. SABO. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Speaker, the conference report that is

being filed is precisely as it was when we left conference.

Mr. SABO. So, Mr. Speaker, there have been no changes or additions or deletions?

Mr. ROGERS of Kentucky. Correct.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. SABO. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding to me.

So let me be explicit. Does that mean that there is no change whatsoever from the decision made in the conference when the conference approved A-76?

Mr. ROGERS of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. SABO. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Speaker, the gentleman is correct.

□ 1330

Mr. OBEY. Mr. Speaker, if the gentleman would continue to yield under his reservation, I at this point do not plan to object, but under the reservation of the gentleman from Minnesota (Mr. SABO), I just want to make one point. I referred earlier to what is happening in this House, when we see decisions made by subcommittees routinely overturned when somebody does not like them. I do not want to object, because this bill is a serious matter involving homeland security, but I must note that we are cooperating procedurally on this side of the aisle, even though this conference was gavelled to an end in a manner which prevented me from being able to get a vote on the matter that I discussed earlier on the previous bill, and in my judgment that was a slap in the face, not just to me, but to every member of the conference on both sides of the aisle who were prepared to support that motion.

I think that when this House routinely allows votes to be reversed, as they were on the Medicare bill weeks ago, or when they allow conference committees to block what is clearly the action of the majority will in the subcommittees, then this House might as well not operate at all. We might as well just wire our respective buttons to our respective party leaders' offices and go get a steak somewhere for the remainder of the year.

Mr. Speaker, I am pleased to hear that the A-76 provision has not been arbitrarily removed. I wish I could say the same thing with respect to the extension of the milk program to which I referred several weeks ago.

Mr. Speaker, I will not object to consideration of the bill.

Mr. SABO. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. ROGERS of Kentucky. Mr. Speaker, pursuant to the previous

order of the House, I call up the conference report on the bill (H.R. 4567) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the order of the House of today, the conference report is considered read.

(For conference report and statement, see immediately prior proceedings of the House of today.)

The SPEAKER pro tempore. The gentleman from Kentucky (Mr. ROGERS) and the gentleman from Minnesota (Mr. SABO) will each control 30 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. ROGERS).

GENERAL LEAVE

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the conference report to accompany H.R. 4567, and that I may include tabular material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my intention is to be brief, and I hope that the debate today is brief because of the hour and the day of the week and the day of the session.

Mr. Speaker, I am very pleased to present to the body the second-ever conference report for the Department of Homeland Security. This agreement provides \$32 billion for the Department. That is \$1.1 billion above the current level and \$496 million over the President's request. These amounts exclude the \$2 billion supplemental provided in September for Hurricanes Charlie and Francis, as well as the \$6.5 billion in supplemental funding formally included in as part of this bill for Ivan and Jeanne. Including these funds, the Department will receive \$38.5 billion in fiscal year 2005.

Mr. Speaker, I would be remiss if I did not mention my concerns over attempts to add extraneous matters to this bill. I appreciate the desire by some people to attach legislative riders to appropriations bills. After all, appropriations bills are must-do legislation. However, these attempts, and in particular the actions taken by the other body to add extraneous matter, have led to unnecessary delays in the consideration of this bill that funds important homeland security programs.

My colleagues might be interested to know that FEMA is running out of money. Despite the \$2 billion given to FEMA just 4 weeks ago, the pot is almost empty, practically drained dry. There is an unprecedented amount of work to be done in the country because

of Hurricanes Charlie, Francis, Ivan and Jeanne, and, simply put, without some very creative accounting, FEMA would be out of money today.

I am pleased that the Military Construction conference agreement includes emergency funds to help Florida, especially, recover from the devastation of the recent hurricanes, providing an additional \$5.6 billion for those efforts.

Mr. Speaker, in just one year, the Department of Homeland Security has made tremendous progress. More work obviously needs to be done, but the Department, I think, is clearly on the right track, identifying our vulnerabilities, matching them to threats and putting out guidance on ways to protect our homeland. The conference agreement builds upon the successes of the past year and includes initiatives to move us closer to our goals of prevention, preparedness and response.

In the interests of time, Mr. Speaker, I would like to highlight just a few of the items included in the proposed agreement, items I know are of interest to all of the Members.

First, there is \$4 billion in the bill for our first responders. The agreement strikes a balance between funding high-risk communities and providing support for States and localities to achieve and maintain minimum levels of preparedness.

The bill includes \$1.1 billion for the basic formula grants and \$1.2 billion to improve security in our urban and most populated areas.

There is \$9.8 billion in the bill for border protection and related activities, including \$145 million for new inspection and detection technologies. There is \$340 million for the U.S. Visit Program, and there is \$1.1 billion for detention and removal operations on our borders. The conferees provide \$26.5 million in new funding to provide 750 additional beds for detainees, permit removal of 5,000 additional deportable aliens, and reduce the risk that such aliens will be released into our communities while they await deportation.

This funding will also advance our efforts to create smart borders that keep terrorists out without stemming the flow of free commerce or legitimate travel into and from the country.

Thirdly, the conference agreement supports security for all modes of transportation, including \$5.1 billion for the Transportation Security Administration, with \$673 million for our Federal air marshals program. There is \$118 million in the bill for air cargo screening, which we hear so much about. This money will support the hiring of 100 new air cargo inspectors, the development of new cargo screening technology and the expansion of canine enforcement teams. The bill also requires TSA to triple the number of cargo inspections on passenger aircraft.

Let me repeat that, Mr. Speaker, in case someone may have questioned

what I said. This bill requires the Transportation Security Administration to triple the number of cargo inspections on passenger planes.

The agreement also funds several initiatives for rail security, including \$150 million for grants to high threat rail systems, hiring and deploying rail security inspectors and canine teams to screen for explosives and furthering intelligence-related activities.

Also, Mr. Speaker, there is \$1.1 billion for science and technology, targeting the research and development of technologies to detect biohazards and nuclear detection technology for cargo. We also continue to fully fund R&D for anti-missile devices aimed at commercial aircraft.

Finally, there is \$894 million for the information analysis and infrastructure protection. That is a mouthful, but it is to complete an inventory of critical infrastructure in the country, enhance current communications between Federal, State and local homeland security personnel, interoperability, if you will, and to assist local communities as they put protective measures in place to protect our hometowns.

Mr. Speaker, the important work of the Department of Homeland Security cannot be emphasized enough. I believe this conference agreement builds on the progress of the past year and substantially furthers the protection of our homeland. I urge my colleagues to support it.

Mr. Speaker, the Homeland Security Appropriations Subcommittee will soon bid farewell to our Congressional Fellow, Lt. Ben Nicholson, who has served the Committee on Appropriations over the past three years in two different Subcommittees.

Lt. Ben Nicholson has been detailed to the Committee from the United States Coast Guard since 2001. He served initially with the Transportation Subcommittee; spent a year helping establish the new Transportation-Treasury Subcommittee; and this year came to work with the Homeland Security Subcommittee. Mr. Speaker, the Appropriations Committee had never had a detailee from the Coast Guard. Lt. Ben Nicholson was a pathbreaker for the service in that role, and he performed admirably. He did everything we asked of him, with pinpoint accuracy and usually ahead of time. I would also add that he served the Committee during interesting times, perhaps more interesting than he imagined when he accepted the job. Eight months after he began, the 9/11 terrorist attacks occurred. Immediately after that, the anthrax attacks occurred. He assisted the Committee in overseeing the establishment of the Transportation Security Administration, including key analysis, which demonstrated the overstaffing of screening personnel in smaller airports. He made sure that shipbuilding loans for the Maritime Administration were contingent upon management improvements in the contracting and oversight process. And he properly evaluated, and helped us provide for, critical facility repairs at MARAD's James River Reserve Fleet, which was devastated by Hurricane Isabel last year. Ben's maritime experience and background were simply invaluable to our Committee.

On the Homeland Subcommittee, we have benefited from the experience Lt. Nicholson gained as a Coast Guard Officer, in particular his insights into the operations of a complex military organization that is combined with a large domestic agency. He has superb analytical skills that have been critical in our review of a \$32 billion budget request and in developing complex spreadsheets that synthesize funding issues into easily understood documents we have used in hearings, closed briefings, in Full Committee, and on the floor. His infectious energy, his focus, and superb analytic and technical skills have also helped keep the momentum for this bill moving forward. His high standards of professionalism and thoroughness are beyond reproach, and his contributions have been highly valued.

Through all of this, Ben maintained the decorum and professionalism that we have all come to expect from our military officer corps, and he has represented the Coast Guard with the highest integrity and competence. Lt. Nicholson has served me, this Subcommittee, the Transportation-Treasury Subcommittee, and the House well. We are sorry to see him leave, and will miss him as our colleague—but are glad to count him as a friend. Each of us on the Homeland Security Appropriations Subcommittee wish Ben all the best as he moves forward in his career, where we anticipate seeing great things of him in the coming years.

I am grateful for his contributions.

Mr. Speaker, the Homeland Security Appropriations Subcommittee will soon bid farewell to our Congressional Fellow, Brian Dunlop, who has served the Committee on Appropriations over the past 2 years in two different Subcommittees.

Mr. Dunlop will soon be leaving to resume duties as a senior Special Agent for the U.S. Secret Service. Special Agent Dunlop came to the former Treasury-Postal Subcommittee during the summer of 2002, and has proven himself indispensable to the smooth functioning of the Committee during the intense period surrounding the planning for, and inauguration of, the new Homeland Security Department and the Homeland Security Appropriations Subcommittee. His strong understanding of organizational dynamics, of operational issues and real-world, real-time considerations for building a successful new Department contributed significantly to the success of this subcommittee. Brian brought to the appropriations process clear, thoughtful analysis and mature judgment developed in his successful career in criminal investigation and protective operations. He has clearly mastered the technical issues and folkways of the appropriations process and he undoubtedly has as good a working knowledge of the nooks and crannies of the Department of Homeland Security as anyone working there.

Special Agent Dunlop has provided insight into sensitive law enforcement and security matters involved in setting up and overseeing DHS in its capacity as the newest member of the Intelligence Community. In this capacity, he facilitated the work of this Subcommittee by developing detailed analyses, preparing classified briefings, writing easy to understand fact-sheets and briefing packages on extremely technical issues; and developing and implementing complicated oversight travel for the Subcommittee. Brian has also been the "go to" man when the Subcommittee required answers on crosscutting law enforcement issues,

such as coordinating the security efforts of multiple agencies during high threat periods; as well as developing consistency in professional standards, training, and gun use policies throughout DHS.

Brian was instrumental in evaluating the need to deploy Infrastructure Protection personnel to states and localities, whose responsibility will be to work with the public and private sector to implement security measures to protect critical infrastructure. His analysis and

recommendations will have lasting effects, as protective security advisors will now be on site in every state in order to better secure our nation's infrastructure.

Throughout his service here, Brian has shown unqualified professionalism, perception, and the great combination of a keen sense of humor, a cool head, and a modesty rarely seen on Capitol Hill. Special Agent Dunlop has served me, this Subcommittee, and the House well. We are sorry to see him leave,

and will miss him as our colleague—but are glad to count him as a friend. Each of us on the Homeland Security Appropriations Subcommittee wish Brian all the best as he moves forward in his career, where we anticipate seeing great things of him in the coming years.

I am grateful for his contributions.

Mr. Speaker, I include the following for the RECORD.

DEPARTMENT OF HOMELAND SECURITY - FY 2005 (H.R. 4567)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
DEPARTMENT OF HOMELAND SECURITY						
TITLE I - DEPARTMENTAL MANAGEMENT AND OPERATIONS						
Departmental Operations						
Office of the Secretary and Executive Management.....	80,317	102,623	80,227	82,206	85,034	+4,717
Office of the Under Secretary for Management.....	130,210	302,864	129,356	245,579	151,153	+20,943
Office of the Chief Financial Officer.....	---	---	13,000	---	13,000	+13,000
Office of the Chief Procurement Officer.....	---	---	7,734	---	---	---
Office of the Chief Information Officer.....	---	---	60,139	---	275,270	+275,270
Total, Departmental operations.....	210,527	405,287	290,456	327,785	524,457	+313,930
Department-wide technology investments.....	183,784	226,000	211,000	222,000	---	-183,784
Office of Inspector General						
Operating expenses.....	58,318	82,317	82,317	82,317	82,317	+23,999
(By transfer).....	(22,000)	---	---	---	---	(-22,000)
Total, Office of Inspector General.....	(80,318)	(82,317)	(82,317)	(82,317)	(82,317)	(+1,999)
Total, title I, Departmental Management and Operations:						
New budget (obligational) authority.....	452,629	713,604	583,773	632,102	606,774	+154,145
(By transfer).....	(22,000)	---	---	---	---	(-22,000)
TITLE II - SECURITY, ENFORCEMENT, AND INVESTIGATIONS						
Office of the Under Secretary for Border and Transportation Security.....	8,058	10,371	10,371	8,864	9,617	+1,559
U.S. Visitor and Immigrant Status Indicator Technology	328,053	340,000	340,000	340,000	340,000	+11,947
Customs and Border Protection						
Salaries and expenses.....	4,367,430	4,577,491	4,609,441	4,463,960	4,531,119	+163,689
Harbor maintenance fee collection (trust fund)....	3,000	3,000	3,000	3,000	3,000	---
Rescission.....	---	---	---	---	-63,010	-63,010
Subtotal, Salaries and expenses.....	4,370,430	4,580,491	4,612,441	4,466,960	4,471,109	+100,679
Automation modernization.....	438,520	449,909	449,909	449,909	449,909	+11,389
Air and marine operations.....	---	---	---	---	257,535	+257,535
Construction (border patrol).....	89,830	91,718	91,718	91,718	91,718	+1,888
Total, Direct appropriations.....	4,898,780	5,122,118	5,154,068	5,008,587	5,270,271	+371,491
Fee accounts.....	(1,044,327)	(1,079,004)	(1,100,551)	(1,079,004)	(1,079,004)	(+34,677)
Total, Customs and border protection.....	(5,943,107)	(6,201,122)	(6,254,619)	(6,087,591)	(6,349,275)	(+406,168)
Immigration and Customs Enforcement						
Salaries and expenses.....	2,138,358	2,370,906	2,377,006	2,413,438	2,438,494	+300,136
Rescission.....	-54,000	---	---	---	---	+54,000
Federal air marshals.....	622,704	612,900	662,900	662,900	662,900	+40,196
Federal protective service.....	424,211	478,000	478,000	478,000	478,000	+53,789
Offsetting fee collections.....	---	-478,000	-478,000	-478,000	-478,000	-478,000
Automation modernization.....	39,764	39,605	39,605	39,605	39,605	-159
Air and marine operations.....	208,960	257,535	257,535	267,535	---	-208,960
Construction.....	26,617	26,179	26,179	26,179	26,179	-438
Total, Direct appropriations.....	3,406,614	3,307,125	3,363,225	3,409,657	3,167,178	-239,436
Fee accounts.....	(273,000)	(225,375)	(225,375)	(250,375)	(200,000)	(-73,000)
Total, Immigration and customs enforcement.....	(3,679,614)	(3,532,500)	(3,588,600)	(3,660,032)	(3,367,178)	(-312,436)
Transportation Security Administration						
Aviation security.....	3,724,112	4,238,184	4,270,564	4,386,083	4,323,523	+599,411
Maritime and land security.....	261,449	29,000	65,000	44,000	48,000	-213,449
Credentialing activities.....	---	67,000	67,000	67,000	67,000	+67,000
Intelligence.....	13,520	14,000	14,000	14,000	14,000	+480
Research and development.....	154,285	154,000	174,000	181,000	178,000	+23,715
Administration.....	424,679	539,852	524,852	534,852	519,852	+95,173
Aviation security capital fund.....	---	(250,000)	(250,000)	(250,000)	(250,000)	(+250,000)
Subtotal, Transportation Security Administration (gross).....	4,578,045	5,042,016	5,115,416	5,226,935	5,150,375	+572,330

DEPARTMENT OF HOMELAND SECURITY - FY 2005 (H.R. 4567)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
Offsetting fee collections:						
Aviation security fees.....	-2,070,000	-2,223,000	-1,823,000	-1,823,000	-1,823,000	+247,000
Credentialing fees.....	---	-67,000	-67,000	-67,000	-67,000	-67,000
Subtotal, offsetting collections.....	-2,070,000	-2,290,000	-1,890,000	-1,890,000	-1,890,000	+180,000
Total, Transportation Security Administration (net).....						
	2,508,045	2,752,016	3,225,416	3,336,935	3,260,375	+752,330
United States Coast Guard						
Operating expenses.....	4,347,256	4,833,220	3,967,220	4,063,220	3,953,220	-394,036
Defense function.....	337,994	340,000	1,204,000	1,090,000	1,204,000	+866,006
Emergency appropriations (P.L. 108-106).....	23,183	---	---	---	---	-23,183
Rescissions.....	-71,000	---	---	---	---	+71,000
Subtotal, Operating expenses.....	4,637,433	5,173,220	5,171,220	5,153,220	5,157,220	+519,787
Environmental compliance and restoration.....	16,900	17,000	17,000	17,000	17,000	+100
Reserve training.....	94,440	117,000	113,000	117,000	113,000	+18,560
Acquisition, construction, and improvements.....	961,492	942,550	936,550	1,062,550	982,200	+20,708
Rescissions.....	---	---	-33,000	---	-16,000	-16,000
Subtotal, Acquisition, construction, and improvements.....	961,492	942,550	903,550	1,062,550	966,200	+4,708
Alteration of bridges.....	19,136	---	16,400	15,400	15,900	-3,236
Research, development, test, and evaluation.....	14,912	---	---	18,500	18,500	+3,588
Subtotal, U.S. Coast Guard discretionary.....	5,744,313	6,249,770	6,221,170	6,383,670	6,287,820	+543,507
Retired pay (mandatory).....	1,020,000	1,085,460	1,085,460	1,085,460	1,085,460	+65,460
Total, United States Coast Guard.....	6,764,313	7,335,230	7,306,630	7,469,130	7,373,280	+608,967
United States Secret Service						
Salaries and expenses.....	1,130,570	1,159,125	1,179,125	1,159,125	1,172,125	+41,555
Operating expenses (rescission).....	---	---	---	---	-750	-750
Acquisition, construction, improvements, and related expenses.....	3,558	3,633	3,633	3,633	3,633	+75
Total, United States Secret Service.....	1,134,128	1,162,758	1,182,758	1,162,758	1,175,008	+40,880
Total, title II, Security, Enforcement, and Investigations:						
New budget (obligational) authority.....	19,047,991	20,029,618	20,582,468	20,735,931	20,595,729	+1,547,738
Appropriations.....	(19,149,808)	(20,029,618)	(20,615,468)	(20,735,931)	(20,675,489)	(+1,525,681)
Emergency appropriations.....	(23,183)	---	---	---	---	(-23,183)
Rescissions.....	(-125,000)	---	(-33,000)	---	(-79,760)	(+45,240)
TITLE III - PREPAREDNESS AND RECOVERY						
Office for State and Local Government Coordination and Preparedness						
Salaries and expenses.....	---	---	41,432	25,000	3,546	+3,546
State and local programs.....	3,267,608	3,061,255	3,423,900	2,845,081	3,086,300	-181,308
Firefighter assistance grants.....	745,575	500,000	650,000	700,000	715,000	-30,575
Emergency management planning grants.....	---	---	---	180,000	180,000	+180,000
Total, Office of State and Local Government Coordination and Preparedness.....	4,013,183	3,561,255	4,115,332	3,750,081	3,984,846	-28,337
Counterterrorism fund.....	9,941	20,000	10,000	10,000	8,000	-1,941
Emergency Preparedness and Response						
Office of the Under Secretary for Emergency Preparedness and Response						
Preparedness and Response.....	3,430	4,211	4,211	4,211	4,211	+781
Preparedness, mitigation, response, and recovery.....	223,673	208,499	210,499	231,499	239,499	+15,826
Operating expenses (rescission).....	-3,000	---	---	---	-5,000	-2,000
Administrative and regional operations.....	166,015	146,939	203,939	146,939	202,939	+36,924
Defense function.....	---	50,000	---	50,000	---	---
Subtotal, Administrative and regional operations.....	166,015	196,939	203,939	196,939	202,939	+36,924
Public health programs.....	481,144	34,000	34,000	34,000	34,000	-447,144

DEPARTMENT OF HOMELAND SECURITY - FY 2005 (H.R. 4567)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
Radiological emergency preparedness program.....	---	-1,000	-1,000	-1,000	-1,000	-1,000
Biodefense countermeasures.....	884,749	---	---	---	---	-884,749
Advance appropriations.....	4,703,000	---	---	---	---	-4,703,000
Advance appropriations, FY 2005.....	---	2,528,000	2,528,000	2,528,000	2,528,000	+2,528,000
Subtotal, Biodefense countermeasures.....	5,587,749	2,528,000	2,528,000	2,528,000	2,528,000	-3,059,749
Disaster relief.....	1,789,380	2,151,000	2,042,380	2,151,000	2,042,380	+253,000
(Transfer to Office of the Inspector General).....	(-22,000)	---	---	---	---	(+22,000)
Red Cross (emergency appropriations).....	---	---	---	70,000	---	---
Emergency appropriations (P.L. 108-106).....	500,000	---	---	---	---	-500,000
Emergency rescission (P.L. 108-199).....	-225,000	---	---	---	---	+225,000
Emergency appropriations (P.L. 108-303).....	2,000,000	---	---	---	---	-2,000,000
Subtotal, Disaster relief.....	4,064,380	2,151,000	2,042,380	2,221,000	2,042,380	-2,022,000
Disaster assistance direct loan program account:						
(Limitation on direct loans).....	(25,000)	(25,000)	(25,000)	(25,000)	(25,000)	---
Administrative expenses.....	557	567	567	567	567	+10
Flood map modernization fund.....	198,820	200,000	150,000	200,000	200,000	+1,180
National flood insurance fund:						
Salaries and expenses.....	32,663	33,336	33,336	33,336	33,336	+673
Flood mitigation.....	77,809	79,257	79,257	79,257	79,257	+1,448
Offsetting fee collections.....	---	-112,593	-112,593	-112,593	-112,593	-112,593
(Transfer to Mitigation grants).....	---	(-20,000)	---	(-20,000)	---	---
(Transfer to National flood mitigation fund).....	(-20,000)	---	(-20,000)	---	(-20,000)	---
Subtotal, National flood insurance fund.....	110,472	---	---	---	---	-110,472
National flood mitigation fund (by transfer).....	(20,000)	---	(20,000)	---	(20,000)	---
National pre-disaster mitigation fund.....	149,115	---	100,000	---	100,000	-49,115
Mitigation grants.....	---	150,000	---	150,000	---	---
(By transfer).....	---	(20,000)	---	(20,000)	---	---
Subtotal, Mitigation grants.....	---	(170,000)	---	(170,000)	---	---
Emergency management performance grants.....	178,938	---	---	---	---	-178,938
Emergency food and shelter.....	152,097	153,000	153,000	153,000	153,000	+903
Cerro Grande fire claims.....	37,837	---	---	---	---	-37,837
Total, Emergency Preparedness and Response.....	11,351,227	5,625,216	5,425,596	5,718,216	5,498,596	-5,852,631
Total, title III, Preparedness and Recovery:						
New budget (obligational) authority.....	15,374,351	9,206,471	9,550,928	9,478,297	9,491,442	-5,882,909
Appropriations.....	(8,399,351)	(6,678,471)	(7,022,928)	(6,880,297)	(6,968,442)	(-1,430,909)
Emergency appropriations.....	(2,500,000)	---	---	(70,000)	---	(-2,500,000)
Advance appropriations.....	(4,703,000)	(2,528,000)	(2,528,000)	(2,528,000)	(2,528,000)	(-2,175,000)
Rescissions.....	(-3,000)	---	---	---	(-5,000)	(-2,000)
Emergency rescissions.....	(-225,000)	---	---	---	---	(+225,000)
(Limitation on direct loans).....	(25,000)	(25,000)	(25,000)	(25,000)	(25,000)	---
(Transfer out).....	(-42,000)	(-20,000)	(-20,000)	(-20,000)	(-20,000)	(+22,000)
(By transfer).....	(20,000)	(20,000)	(20,000)	(20,000)	(20,000)	---
TITLE IV - RESEARCH AND DEVELOPMENT, TRAINING, ASSESSMENTS, AND SERVICES						
* Citizenship and Immigration Services						
Operating expenses.....	234,733	140,000	160,000	140,000	160,000	-74,733
Immigration examination fee account.....	(1,564,000)	(1,571,000)	(1,571,000)	(1,546,000)	(1,571,000)	(+7,000)
Total, Citizenship and immigration services.....	(1,798,733)	(1,711,000)	(1,731,000)	(1,686,000)	(1,731,000)	(-67,733)
Federal Law Enforcement Training Center						
Salaries and expenses.....	154,506	158,440	183,440	181,440	177,440	+22,934
Acquisition, construction, improvements, and related expenses.....	37,137	37,917	37,917	42,917	44,917	+7,780
Total, Federal Law Enforcement Training Center..	191,643	196,357	221,357	224,357	222,357	+30,714
Information Analysis and Infrastructure Protection						
Management and administration.....	124,263	162,064	132,064	157,064	132,064	+7,801

DEPARTMENT OF HOMELAND SECURITY - FY 2005 (H.R. 4567)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
Assessments and evaluations.....	710,084	561,758	722,512	577,758	761,644	+51,560
Defense function.....	---	140,754	---	140,754	---	---
Subtotal, Assessments and evaluations.....	710,084	702,512	722,512	718,512	761,644	+51,560
Total, Information Analysis and Infrastructure Protection.....	834,347	864,576	854,576	875,576	893,708	+59,361
Science and Technology						
Management and administration.....	43,908	52,550	68,586	52,550	68,586	+24,678
Research, development, acquisition, and operations....	868,844	579,749	1,063,713	630,647	1,046,864	+178,020
Defense function.....	---	407,000	---	386,000	---	---
Subtotal, Research, development, acquisition, and operations.....	868,844	986,749	1,063,713	1,016,647	1,046,864	+178,020
Total, Science and Technology.....	912,752	1,039,299	1,132,299	1,069,197	1,115,450	+202,698
Total, title IV, Research and Development, Training, Assessments, and Services: New budget (obligational) authority.....	2,173,475	2,240,232	2,368,232	2,309,130	2,391,515	+218,040
TITLE V - GENERAL PROVISIONS						
Section 518:						
Customs user fee extension.....	---	---	---	-370,000	---	---
Federal Air Marshals.....	---	---	---	50,000	---	---
Air and Marine Interdiction.....	---	---	---	200,000	---	---
SLGCP, non-profit assistance grants.....	---	---	---	50,000	---	---
Firefighter Assistance grants (Sec. 33).....	---	---	---	50,000	---	---
EMPG.....	---	---	---	20,000	---	---
Total, Sec. 518.....	---	---	---	---	---	---
Section 519:						
Customs user fee extension.....	---	---	---	-414,000	---	---
CBP, salaries and expenses.....	---	---	---	150,000	---	---
ICE, salaries and expenses.....	---	---	---	100,000	---	---
SLGCP, State and local programs, rail grants.....	---	---	---	128,000	---	---
EMPG.....	---	---	---	36,000	---	---
Total, Sec. 519.....	---	---	---	---	---	---
Section 526:						
CBP, salaries and expenses.....	---	---	---	-1,000	---	---
Total, title V, General Provisions: New budget (obligational) authority.....	---	---	---	-1,000	---	---
TITLE VI - EMERGENCY AGRICULTURAL DISASTER ASSISTANCE						
Crop disaster assistance (sec. 601) (emergency appropriation).....	---	---	---	2,464,000	---	---
Crop insurance (sec. 601) (emergency appropriation)....	---	---	---	15,000	---	---
Livestock assistance (sec. 602) (emergency appropriation).....	---	---	---	475,000	---	---
Tree assistance (sec. 603) (emergency appropriation)....	---	---	---	20,000	---	---
Total, title VI, Emergency Agricultural Disaster Assistance: New budget (obligational) authority.....	---	---	---	2,974,000	---	---
Grand total, Department of Homeland Security:						
New budget (obligational) authority.....	37,048,446	32,189,925	33,085,401	36,128,460	33,085,460	-3,962,986
Appropriations.....	(30,175,263)	(29,661,925)	(30,590,401)	(30,556,460)	(30,642,220)	(+466,957)
Emergency appropriations.....	(2,523,183)	---	---	(3,044,000)	---	(-2,523,183)
Advance appropriations.....	(4,703,000)	(2,528,000)	(2,528,000)	(2,528,000)	(2,528,000)	(-2,175,000)
Rescissions.....	(-128,000)	---	(-33,000)	---	(-84,760)	(+43,240)
Emergency rescissions.....	(-225,000)	---	---	---	---	(+225,000)
(Limitation on direct loans).....	(25,000)	(25,000)	(25,000)	(25,000)	(25,000)	---
(Transfer out).....	(-42,000)	(-20,000)	(-20,000)	(-20,000)	(-20,000)	(+22,000)
(By transfer).....	(42,000)	(20,000)	(20,000)	(20,000)	(20,000)	(-22,000)

Mr. Speaker, I reserve the balance of my time.

Mr. SABO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first let me congratulate the chairman on his work in presenting this bill to us and thank all the staff, both on the minority and majority, for their work in putting this bill together. This is a complicated bill and involved lots of hard work and many, many hours. I and all the Members appreciate the work they do for us.

I will vote for this bill, but not with a great deal of excitement. One thing one can say for this bill is that it represents a very significant improvement on the President's budget. I find it rare that any of the budgets that come from the President that relate to homeland security reflect much of what I hear in the popular media and in the popular discussion by the President and other members of the administration. Their proposals rarely reflect a point of view that homeland security is one of the highest priorities of our country.

Clearly, we made some improvements, and we have spent billions of dollars. My own judgment, however, is that the Department is much better on press releases than they are on accomplishments. Maybe they have an impossible task in terms of putting 22 different agencies into one agency in this period of time, but I still find that agency loaded with confusion, loaded with management problems, spending an incredible amount of time putting the basics together, shuffling boxes, trying to find out where money is, where money is not, all-of-a-sudden hiring freezes because somebody did not keep track of money. The basics are not there. So I think they have lots of work yet to do to focus their attention really on solving what is a significant problem in this country.

I have expressed at various times some of my specific concerns where I think they are significantly underfunding homeland security in the country, and I will not repeat those today. Let me just, however, raise one concern.

We clearly are moving backwards in funding first responders in this country.

□ 1345

Our total funding for first responders in this bill is less than it was last year. That simply does not make sense. There are some very specific programs that are being cut. One that I find very important is the Metropolitan Medical Response System, a program that predated the Department of Homeland Security, and it is being cut by around \$20 million, close to a 40 percent cut. That simply does not make sense.

But for all the Members, I think they should be particularly concerned over what is happening with the formula-based grants program in this bill, and then further complicated by the Intelligence bill that we passed yesterday in the House and the bill that passed the

Senate. Currently, the formula-based grants which flow to the States on the basis of population and for which they made plans on how they should be expended is \$1.690 billion. That program is being reduced by close to \$600 million in this bill, to \$1.1 billion, a deep cut in formula funds that flow to the States, who it is going to hurt; and at the same time, we are upping the Urban Area Security Initiative by close to \$200 million. But we are fundamentally taking money away from smaller States and from rural areas to fund the increase in the Urban Area Initiative Grant program.

Then, that is further complicated by the bill that passed the House yesterday; and it is my understanding the bill that passed the Senate. They would further reduce the formula grant back to only a basic guarantee to the States, a minimal amount, and leave everything else at the discretion of the Secretary. How the Secretary intends to distribute that fund, we do not know. We have asked and they have no answers.

So I would just suggest to all, to all of my colleagues who come from more rural areas, come from smaller-sized States, they are facing a disproportionate cut in local first responder funding in this bill in either the House or Senate Intelligence bills passed, and they will face an even deeper cut in the funding for local first responders, and I just simply think that is wrong.

Mr. Speaker, I reserve the balance of my time.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

We would not be here at this point in time without the gentleman whom I yield to next. This full chairman of our committee has been marvelous in this bill in helping us through. I believe this is the last of the appropriations bills that this full committee chairman will, in effect, manage before this body; and I know that he is enormously pleased with the passage, or soon to be passed, I am sure, of the MILCON bill that includes aid for his home State.

Mr. Speaker, we all owe a great debt of gratitude to this great public servant who has put up with all sorts of devilishness during the development of this bill, among others.

So I yield such time as he may consume to the honorable gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding me this time, and I take this time to say that these are the last appropriations matters that we will deal with prior to the election. But I want the Members to know that when we come back in November, we and our counterparts in the Senate will have worked during the break to try to provide for the rest of the appropriations bills, that have not been completed in an omnibus package that we hope will be able to conclude the business of the 108th Congress.

As we prepare to do that, I want to thank the gentleman from Kentucky (Mr. ROGERS), the chairman of this Subcommittee on Homeland Security, and the gentleman from Minnesota (Mr. SABO), the ranking member.

This is an extremely important piece of legislation. They have done a really great job. I can tell my colleagues that there have been many, many obstacles, and they have worked really hard around those obstacles, and they have produced a good product.

But none of this could have happened, and none of what we just did earlier on the Military Construction bill or the hurricane supplemental, without tremendous staff. When it is all said and done, and the Members have their debates and their arguments and have made decisions, there is an awful lot of staff work that has to be done to help make that happen, and then to produce the product that we write and consider on the floor.

I want to mention specifically the staff director and the clerk of the Committee on Appropriations, Jim Dyer; the full committee staff just across the hall from here, John Blazey, Dale Oak, Therese McAuliffe and John Scofield, and the others who work in the front office, Diann Kane, Sandy Farrow, John Howard and Jane Porter. Martin Delgado also had a big part of this supplemental on agricultural issues. Rich Efford was very heavily involved and responsible for much of the success in our transportation areas. Debbie Weatherly worked on Interior, and Kevin Cook on Energy and Water.

Others who have been important to the emergency supplemental, include Kevin Roper on Defense; Tim Peterson on VA-HUD; Carol Murphy on military construction and whose bill became the vehicle for the hurricane supplemental. And Michelle Mrdeza on homeland security, Mike Ringle on commerce and justice, John Shank on foreign operations, and Craig Higgins on Labor-HHS, all have been important on the supplemental. Additionally, all of the staff of our subcommittees and Rob Nabors, who is the chief clerk for the gentleman from Wisconsin (Mr. OBEY), and I am sure that the gentleman from Wisconsin (Mr. OBEY) will supply the list of all of his staff have been important to this work. We would like to recognize all of them because they have done a really great job.

This is a good bill. After we vote on this Homeland Security bill, and when we vote on the Military Construction bill and the hurricane supplemental, I hope that then everyone will leave here in a relaxed mood and have a very safe journey home to do whatever it is they are going to do to campaign for reelection. I thank all of you for the support that you have given us. I really appreciate it.

Mr. SABO. Mr. Speaker, I yield myself such time as I may consume.

Let me just say as a member of the Committee on Appropriations, I think there is no one on that committee that

all of the Members have greater respect for than the gentleman from Florida (Mr. YOUNG). He amazes me to the degree that he keeps his calm and cool. While all of us scurry about with great excitement and angst, the person who stands there calmly and coolly and keeps our committee functioning is the gentleman from Florida (Mr. YOUNG). I have just incredible respect and admiration for the work that the gentleman from Florida (Mr. YOUNG) has done these last 6 years as Chair of the committee. All of us have disagreements on policies and issues, but the gentleman from Florida (Mr. YOUNG) has made it a pleasant committee to serve on, and I think all Members just thank the gentleman from Florida, deeply.

Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. TURNER).

Mr. TURNER of Texas. Mr. Speaker, I thank the gentleman for yielding me this time.

I want to commend the gentleman from Kentucky (Chairman ROGERS) and the gentleman from Minnesota (Ranking Member SABO), the gentleman from Florida (Chairman YOUNG), and the gentleman from Wisconsin (Ranking Member OBEY) for their work on producing this conference report. I am pleased that the report contains more funding than was requested by the President.

However, it is clear that this conference report does not contain the level of resources needed to ensure that the Department of Homeland Security, our Border Patrol agents, our airport security workers, our port directors, and our first responders urgently need in order to make America safe.

This failure has occurred despite vigorous efforts to strengthen the bill. The ranking member of the House Committee on Appropriations, the gentleman from Wisconsin (Mr. OBEY), and the ranking member of the Senate committee, Senator BYRD, attempted to add \$2 billion to the conference report for critical homeland security needs; but, regrettably, they were defeated on a 9 to 8 vote.

We are at war against al Qaeda. Osama bin Laden declared one year after 9/11 that his goal is to kill 4 million Americans. Business as usual is not an option. Our terrorist enemies are not waiting. We must do all we can as fast as we can to protect this country.

The administration tells us regularly that al Qaeda may attack us anywhere, any time, and admits that we are not as safe as we must be. The bipartisan 9/11 Commission issued that same warning.

Faced with the reality of an imminent threat of another terrorist attack, the President requested only a 4.6 percent increase, about \$1 billion, in our homeland security funding for this fiscal year. We spend that much in Iraq every week. In last night's debate, the President declared that he has tripled homeland security funding since 9/11. That \$20 billion increase, however, is

only 2 cents out of every dollar of Federal discretionary spending.

The gap between the rhetoric of protecting the homeland and the reality of protecting the homeland is wide indeed.

The fiscal policies and priorities of the President and the Republican leadership are a record of wrong choices while America is at war. While the President expresses pride in spending \$20 billion more on homeland security last year than we spent in the year of 9/11, the President's tax cuts gave the top 1 percent of American taxpayers, those making over \$1 million, four times that amount of tax cuts, all the while America is at war.

The reckless fiscal policy that has been pursued by the Republican leadership has resulted in our government borrowing \$422 billion last year alone. This is half of all of the money we appropriated to fund the entire government last year.

For the first time in American history, we have sent young men and women into war while passing the burden of paying for it to the next generation.

The fact is, Mr. Speaker, we have not taken strong enough action in the wake of 9/11 to make our country safe from terrorist attack. Here are a few examples: America is not safe when we fail to install sufficient numbers of radiation detection monitors at all of our ports of entry. America is not safe when we fail to screen 100 percent of the cargo that travels on passenger planes. America is not safe when over 24,000 illegal immigrants from countries other than Mexico are caught, but released into our communities because the Department of Homeland Security lacks funding for detention space.

America is not safe when we screen only 5 percent of the 7 million cargo containers that enter our country each year for weapons of mass destruction. America is not safe when the government has only enough anthrax vaccine in our stockpile to inoculate 500 people. America is not safe when our Nation's first responders lack the equipment they need to talk to one another in the event of an emergency. America is not safe when the Department of Homeland Security's own Inspector General concludes that 3 years after 9/11 we still lack an integrated, comprehensive terrorist watch list. And America is not safe when our border inspectors and our police officers do not have access to the full range of information held by our government on terrorist suspects.

We all know that it is only a matter of time before al Qaeda strikes us again. Can we say in all honesty that we have made America as safe as we need to be if we increase our investment in protecting the American people here at home by no more than what we spend in 1 week in Iraq?

It is all about choices, and there can be no doubt that the American people will hold us accountable for the choices we make.

We are at war against al Qaeda. Usama Bin Laden declared 1 year after 9/11 that his goal is to kill 4 million Americans. "Business as usual" is not an option. Our terrorist enemies are not waiting. We must do all we can—as fast as we can—to protect our country.

The administration tells us regularly that al Qaeda may attack us anywhere, anytime—and admits we are not as safe as we must be. The bipartisan 9/11 Commission issued the same warning.

Faced with the reality of imminent threat of another terrorist attack, the President requested only a 4.6 percent increase—about \$1 billion—in homeland security funding for this fiscal year—we spend that much in Iraq every week. In last night's debate, the President declared that he has tripled homeland security funding since 9/11. That \$20 billion increase, however, is only 2 cents out of every dollar in fiscal discretionary spending.

The gap between the rhetoric of protecting the homeland and the reality of a real commitment to protect the homeland is wide indeed.

The fiscal policies and priorities of the President and the Republican leadership are a record of the wrong choices while America is at war.

While the President expresses pride in spending \$20 billion more on homeland security last year than in the year of 9/11, the President's tax cuts gave the top 1 percent of American taxpayers—those making more than \$1 million a year—four times that amount—all while America is at war.

This reckless fiscal policy has resulted in our government borrowing \$422 billion last year alone—this is over one-half of all the money we appropriated last year to fund our entire government.

For the first time in American history, we have sent young men and women into war while passing the burden of paying for it on to their generation.

The fact is, Mr. Speaker, we have not taken strong action in the wake of 9/11 to make our country safe from terrorist attack. Let me give you some examples:

America is not safe when we secured less nuclear material in Russia and around the world in the two years after 9/11 than in the two years before 9/11.

America is not safe when we fail to install radiation detection monitors at all ports of entry and other critical sites.

America is not safe when we fail to screen 100 percent of the cargo that travels on passenger planes.

America is not safe when over 24,000 illegal immigrants from countries other than Mexico are caught but released into our communities because the Department of Homeland Security lacks detention space. Two years ago, on its website, al Qaeda took note of our porous borders.

America is not safe when we screen only 5 percent of the 7 million cargo containers that enter our country each year for weapons of mass destruction.

America is not safe when 120,000 hours of terrorist-related wiretap information lies untranslated at the FBI.

America is not safe when the government has only enough anthrax vaccine in our stockpile to inoculate 500 people.

America is not safe when we fail to aggressively deal with the threat of biological weapons by pursuing a "Manhattan Project" to

shorten the time between the discovery of a "bug" and the development of a drug or vaccine to counter it.

America is not safe when cities like Chicago and New York have only 1 health care worker vaccinated for smallpox for every 40,000 people, and some States have only a couple of dozen health care workers vaccinated against smallpox to enable them to respond to a smallpox attack.

America is not safe when our Nation's first responders lack the ability and the equipment they need to talk to one another during an emergency.

America is not safe when the Department of Homeland Security's own Inspector General has concluded that 3 years after 9/11 we still lack an integrated, comprehensive terrorist watch list.

America is not safe when our border inspectors and police officers do not have access to the full range of information held by our government on terrorist suspects.

America is not safe when we fail to protect the thousands of chemical plants that could serve as "pre-positioned toxic weapons of mass destruction" if hit with explosives by terrorists.

America is not safe when we fail to prevent the rise of future terrorists by supporting the voices of moderation in the Arab and Muslim world through economic, educational, and cultural partnerships.

America is not safe when we fail to keep our focus on Usama bin Ladin and al Qaeda—the enemy responsible for the attacks of 9/11.

We can provide the resources necessary to improve our military counterterrorism capabilities, invest in smart, effective homeland security measures, and win the hearts and minds of people in the Arab and Muslim worlds—we can win the war against our terrorist enemies. But—it will require the right choices and the right priorities.

We all know that it is not a matter of "if" but "when" al Qaeda will strike again.

Can we say that we have made America safe when we increase our investment in protecting the security of the American people by no more than what we spend in one week in Iraq? It's all about choices, and there can be no doubt that the American people will hold us accountable for the choices we make.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I recognized earlier the Committee staff. But after thinking about it, there is one staffer that I really need to make special mention of, and that is Mr. Doug Gregory who is very important to everything that I do here. He is very loyal, he is very smart, he is very faithful, he is very industrious; and I depend on him for an awful lot. He is very special, and he has been a very important member of my staff for 36 years, and this is Douglas Gregory of my district in St. Petersburg, and a professional member of the appropriations staff.

□ 1400

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. SWEENEY)

who is a very valuable member of our subcommittee.

Mr. SWEENEY. Mr. Speaker, I thank the chairman for yielding me time.

I realize we all are on our way out of town, and it is important we get moving, so I will be very brief and I will attempt not to be too provocative. But I urge the membership to strongly support this piece of legislation for a couple of very important reasons.

One, as the gentleman from Kentucky (Mr. ROGERS) pointed out, FEMA money is running out and, as well, if we think about that in terms of what we need to do to make sure that we continue the momentum towards developing a safer, more secure homeland security, this bill needs to get done before we break for the election.

I recognize that there are a lot of tough choices here. I recognize that there are a lot of disagreements over where exactly we ought to be prioritizing the expenditures here, but I view this as an evolving, accommodating balance.

I want to salute the chairman of the subcommittee for his great work here. We have had our disagreements, but the chairman has always been there, and he has moved this bill substantially towards a system that I think can evolve into a system that allows the Federal Government to respond to the threats where they most exist.

We can bemoan what is left to be done, but this bill actually goes out and begins to take and continues to take substantial strides towards getting us to the place we need to be. We need to recognize that either structurally or technically or, frankly, politically in this town we may not be ready to do all the things we need to do, but this bill moves us way along the line. I want to salute the gentleman from Florida (Mr. YOUNG) for that, as well the ranking member on the subcommittee.

We do not agree on the first responders money as well, but this bill does important things. And as one who comes from New York, a place that was attacked, this bill needs to get passed so that New York can continue to do the great work it does to protect this Nation and that city.

Mr. SABO. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the House Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I would simply make two points. I recognize that this bill is some \$800 million above the amount that was requested originally by the President, and for that, I congratulate the subcommittee; but if anyone in this House thinks that this is an adequate response to the threat that faces us, they are smoking something that is not legal.

The fact is that we have immense homeland security needs that are not being met. And the fact is also that despite his public protestations to the contrary, the President for 3 years in a

row has strenuously resisted adequate funding for homeland security. Starting with the first meeting that I had with him in the White House after 9/11 when, before the gentleman from Florida (Mr. YOUNG) or I could even get a word out of our mouths explaining to him what some of the additions were that we thought needed to be provided, before we could even get a word out of our mouths, the President said, I just want you to know that if you appropriate one dollar more than I have asked for I will veto the bill.

So much for an open mind.

I really believe that with respect to adequate funding levels for homeland security that the President's conduct itself is a security risk, because we have immense needs that are not being met. This Congress on a bipartisan basis has consistently tried to meet those needs, and we have been consistently reined in by a White House which, as the gentleman from Texas (Mr. EDWARDS) indicated, by a White House that thinks it is much more important to provide four times as much money to people who make a million bucks by way of tax cuts than to provide larger increases for homeland security funding.

Now, reasonable people can disagree, but those are my views, and I hope that we are not proven to be right by future events.

I just want to make one other point. I referred earlier to an important matter which was not included in this bill despite the fact that the Senate conferees voted by majority vote to include it and despite the fact that we had a majority of House conferees who favored that same provision.

I do not mind losing. I lose every day. There is nothing wrong with losing, and I can certainly accept that provided that the process that is used to determine the outcome is fair. But when it is not fair, as it was not in this case, when the process is not fair, then it leaves one to want to oppose the basic bill that is before us.

I am not going to do that because these matters are too important; but I do want to suggest that sometime, somewhere, it would be nice if committee judgments were allowed to stand rather than having the House leadership insist that they be overturned because they were not consistent with the dictates of that House leadership.

I thank the gentleman for yielding me time, and I reluctantly urge support for this bill. Again, I recognize the committee has tried to meet its responsibilities, but we are being hemmed in by a President who prefers to put money in the pockets of millionaires before putting adequate resources into the budgets that would provide greater port security, airport security and all the rest.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. LATHAM), a very hard-working member of our subcommittee.

Mr. LATHAM. Mr. Speaker, I thank the chairman for yielding me time. I will be very, very brief.

I would only like to congratulate our great chairman, the gentleman from Kentucky (Mr. ROGERS), and our ranking member, the gentleman from Minnesota (Mr. SABO) on a very difficult bill that is one that we cannot fail on. We have to be successful as far as our homeland security.

I would also like to acknowledge the great work of the staff that has done a very good job and worked very, very hard on this bill.

I rise in support of this conference agreement and urge my colleagues to do the same. I want to commend Chairman ROGERS, Mr. SABO and the subcommittee staff for their work in putting this homeland security bill together.

The process of structuring this appropriations bill to address the operational needs of the 22 agencies and departments under the Homeland Security Department has, once again, been a difficult one. I suspect it will be difficult again next year, in part, because we are funding a mission that has many dimensions, and for which there are few absolutes.

As I have watched and participated in this process, I have come to the conclusion that our approach to funding homeland security has been measured and judicious. We have not thrown good money after bad, but rather made difficult choices.

There are some in this House who want to put more money in this bureau or that agency. Some of those Members are well-intentioned, while others simply want to create a political issue by forcing Members to make a choice between spending more money on the one hand, or appearing to be less than responsible on homeland security issues on the other. This is a false choice. In the future, we would do ourselves a favor by avoiding the temptation to politicize the funding of this important function.

I hope that as we go forward in the FY-06 cycle, we will recognize that there is much room for honest debate on the subject of homeland security funding. However, none of our constituents is served well by gaming this funding debate, and certainly the mission of protecting the homeland is not served well by this approach.

As we go forward in the area of homeland security, we will continue to make progress in sorting out priorities. We will continue to benefit from the ideas and knowledge of State and local officials from our districts around the country, and from the innovations of DHS officials. That collective wisdom will serve us well.

The process we went through this year for homeland security represented an improvement over last year. Going forward, we will improve over this year. I think because, once again, we carried out our duty to appropriate these funds in a measured way, we will improve on the FY-06 process.

Again, I want to commend the chairman and the ranking minority member, Mr. SABO, and urge the Members to support this conference report.

Mr. SABO. Mr. Speaker, I yield back the balance of my time.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I cannot close this debate without thanking some people. My colleague on the other side of the aisle has been marvelous to work with. He is demanding about the facts, but he is agreeable in working with us on the bill. I want to thank the gentleman from Minnesota (Mr. SABO) especially for his great work on this subcommittee, as he does in other parts of the Congress.

Mr. Speaker, the Speaker of this House was very, very instrumental as late as the early hours of this morning in trying to remove snags that might prevent this bill from being placed on the floor, and I have to publicly compliment the Speaker and thank him for taking the personal interest that he did in helping us to move the passage of the bill to the floor. I can say the same for the majority leader.

We had a tough snag that the other body had placed in the way of this bill's coming to the floor, and as late as 2 o'clock this morning, the Speaker of the House and your majority leader, the gentleman from Texas (Mr. DELAY) were up there working in their offices on the telephones to make this day possible. I have to publicly compliment them on doing a great job to help us.

Mr. Speaker, finally, let me say thanks to this great staff. We would not be here without them. They do the hard work. They are up all night doing the tedious work. My chief of staff, Michelle Mrdeza, has just been terrific in making this day possible and making the subcommittee work. As did Stephanie Gupta and Jeff Ashford and Tom McLemore and Terry Tyborowski and Kelly Wade, and Brian Dunlop and Ben Nicholson. These last two, Brian from the Secret Service, a fellow with us, and Ben Nicholson, a fellow from the Coast Guard, have been with us all this year and they will be rotating off this assignment now. I want to publicly thank them especially for their service with us on this subcommittee.

I want to thank my chief of staff, Will Smith, and Beverly Pheto of the minority staff, who has been especially helpful. We would not be here without them, Mr. Speaker, and I think we should publicly thank them for the great work they do.

In closing, Mr. Speaker, I want to thank the Members for being understanding of the difficulties in putting this bill together. We are trying to fund some 53,000 units of local public safety, as well as all the other myriad of things that go into funding this 22-agency new department in its second year. I want to thank the Members for being understanding and supportive and helpful in making that possible.

Mr. GREEN of Wisconsin. Mr. Speaker, I rise today to express my great disappointment that members have chosen not to include a two-year extension of the Milk Income Loss Contract Program in the Department of Homeland Security appropriations bill the House passed today.

At the same time, however, I want to inject a bit of hope into the discussion, and also cor-

rect some misstatements that have been made—on the floor and elsewhere—about this issue.

We still have time to extend the MILC Program. I, of course, would support doing it today—but we will again have the opportunity to do so in coming months. And it is my hope that other members of this body will see how crucial this program is to farmers and for maintaining our Nation's great dairy tradition—and pass this very important extension.

Some members have stood on this floor and, for blatantly partisan political purposes, blamed the failure to extend the MILC Program on the president. But these critics have two key problems.

First, they have a credibility problem. Some of the loudest critics actually voted against the legislation creating the MILC Program in the first place and have even authored their own legislation that would effectively end the MILC Program. And now they're angry that the program is not being extended? Their feigned anger strains credulity.

Second, they have a truth problem. It is this president who signed MILC Program into law. And it is this president who stood in Wisconsin and pledged his staunch support for the MILC Program. The president is not member of this body and did not make the decision not to include the MILC extension in this bill. Any effort to convince people otherwise should be interpreted for exactly what it is—a cynical partisan ploy designed to affect the election in the key swing state of Wisconsin.

Ms. MCCARTHY of Missouri. Mr. Speaker, I commend members and staff of the Appropriations Committee for their hard work on the FY05 Department of Homeland Security Appropriations Act. Securing the resources we need for this country's long term war on terrorism is a formidable task, but one we must accomplish in a bipartisan manner. I support the appropriations bill before us today, yet I am concerned by the levels of funding for first responders, interoperability and port security. These are programs upon which the American people depend to protect our communities.

As the Ranking Member of the Intelligence and Counterterrorism Subcommittee of the Select Committee on Homeland Security, I support the funding needed by the Department of Homeland Security (DHS) to provide accurate and timely intelligence assessments. Unfortunately, this bill cuts funds for the first responder programs.

First Responders must have the resources they need to do their jobs. I represent the Kansas City, Missouri area, and my firefighters, police and emergency workers tell me that they have trouble communicating with each other because of incompatible equipment. This problem affects first responders throughout the country and is unacceptable.

Missouri has the seventh largest highway system in the nation and the second and third largest railroad terminals in the nation. Port and transportation security is crucial to our Nation's economy. Six million cargo containers enter U.S. ports every year, but only about 5 percent of these containers are ever screened. This appropriations bill fails to adequately fund port security.

Appropriations Committee Ranking Member DAVID OBEY attempted to counter these shortfalls with an amendment to H.R. 4567 that would have created a \$3 billion contingent emergency fund for homeland security. Even

though this emergency funding would be contingent upon the President requesting it, the amendment was rejected by Republicans on the House Rules Committee. We owe it to the American people to make sure that our nation is secure.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in support of the Homeland Security Appropriations conference report.

I would like to begin by commending Homeland Security Subcommittee Chairman HAL ROGERS and Appropriations Committee Chairman BILL YOUNG for their efforts to address our Nation's security needs with the unrealistic budget limits that were forced upon them.

I also thank Chairmen ROGERS and YOUNG for including in the Homeland Security conference report several items I requested to address issues of concern I raised during subcommittee hearings with representatives of the Department of Homeland Security. Included in this final conference report, for example, are the following items:

Security Training—Congress has done much to address the security of our aviation system since the events of September 2001. However, I was concerned that Congress had not adequately addressed the issue of security training for flight attendants, potentially the last line of defense in the aircraft cabin. The bill directs the FAA to issue regulations for basic security training for flight attendants.

Port Security Grants—Another of my concerns was that resources currently dedicated to port security are too often diverted to private shippers at the ports while the port authority received minimal if any funds. This bill states the committee's belief that port security grants, for the 55 ports of national significance, should be based on findings contained within port vulnerability assessments. This means that limited resources for port grants will be used where they are needed most.

Security Assessments—In addition, I was concerned that critical security assessments had not been completed. This bill establishes a deadline for the completion of security assessments for the top 1700 critical infrastructure elements and key assets identified by the Information Analysis and Infrastructure Protection Directorate. This deadline will help ensure security assessments on such items as monuments, landmarks, power plants, highways, and food and water sources will be completed by the Department.

Independent Districts—Many of the districts that operate bridges and highways are independent authorities, and as such, their eligibility to apply for certain homeland security grants had been in question. The bill clarifies the eligibility of independent districts, such as bridge authorities, to compete for homeland security grants.

Immigration Officers—The bill also includes language I drafted to prevent the Department of Homeland Security from moving forward with the unnecessary and potentially dangerous privatization of key immigration officers at the Bureau of Citizenship and Immigration Services. These officers are responsible for handling classified information used to prevent fraud and the exploitation of our immigration laws. I am pleased that this inherently governmental work will continue to remain the responsibility of trained and experienced federal employees directly accountable to the Department and not to the bottom line of a private company. And I take the opportunity to thank

the ranking member, DAVID OBEY, and ranking member MARTIN SABO of the Homeland Security Subcommittee for their efforts to keep this language in the bill.

In addition, the bill addresses two issues of importance to urban communities such as my own.

First, funding for the Urban Area Security Initiative (UASI) grant program to protect high threat urban areas was more than doubled for a total of \$1.3 billion. These additional resources are critical to our Nation's large urban areas which face a higher terrorist threat than other parts of the country.

Second, state and local emergency managers will benefit significantly from an increase of \$56 million for Emergency Management Performance Grants. In California, emergency managers use these grants to develop plans to help prepare our residents for disasters such as earthquakes, fires, floods, or terrorist attacks. Although Congress has called this grant program "the backbone of the Nation's emergency management system" it has been drastically underfunded for years, and this funding increase is certainly a step in the right direction.

However, Mr. Speaker, despite the fact that this Homeland Security Appropriations conference report resolves several of the issues I raised in hearings and increases funding levels in certain accounts, I remain seriously concerned that this bill as a whole underfunds important homeland security initiatives and programs.

I am disturbed that the measure retains the current formula for state-wide grants that continues to underfund the homeland security needs of my home state, California. Over the past several years, the Department of Homeland Security has distributed 60 percent of these formula grants on a per capita basis that does not consider critical infrastructure, vulnerabilities, or the actual risk of terrorist attacks. For example, although California is the most populous state with the most areas deemed at high risk of terrorist attack, it actually receives far less funding on a per capita basis than any other state. In a time of heightened national security and limited local resources, we need to ensure that federal resources are targeted where they will be most productive in fighting the war on terror.

I am also concerned by the deep budget cuts this bill makes to the Bureau of Citizenship and Immigration Services. This bureau is charged with processing work authorization and citizenship applications for immigrants in our country. This bill includes only \$160 million to reduce the backlog of these unprocessed documents, a decrease of nearly \$75 million from fiscal year 2004. These funding cuts simply do not make sense given that during the last 3 years, the Bureau of Citizenship and Immigration Services the last 3 years, the Bureau of Citizenship and Immigration Services has fallen far short of meeting its six month goal for processing citizenship applications. In fact, the backlog of these applications has grown from three million to more than six million nationally. These backlogs send the wrong message to our nation's immigrants who are eager to become full participants in our society, but must wait years before their citizenship applications can be reviewed and processed. I am hopeful that next year the President's budget will request enough funds to realistically address the Bureau's huge case backlog.

And lastly, it is disappointing that the bill reduces to 75 percent the federal contribution given to airports to install state-of-the-art in-line baggage screening equipment. Previously, certain airports had signed letter of intent (LOI) agreements committing the federal government to pay 90 percent of these costs. Reducing the federal contribution creates an additional burden for our communities and their airports. I regret that Congress will not honor our original commitment to pay 90 percent of the costs.

Unfortunately, fully addressing these and other critical national security concerns requires resources that Republican congressional leaders simply do not provide in this bill.

Nevertheless, Mr. Speaker, I will support this conference report to provide the resources, although limited, to help make our country safer.

Mr. HOYER. Mr. Speaker, this conference report provides critical funding for our Nation's first responders, for the defense of our borders and our ports, and enhances our transportation and infrastructure security.

While I believe we continue to have critical, unmet homeland security needs, and have supported repeated democratic efforts to increase the funding in this bill, Chairman ROGERS and Mr. SABO have done an admirable job with their allocation, and I support this agreement.

I am particularly pleased with the \$65 million for the Staffing for Adequate Fire and Emergency Response Firefighters—or SAFER—Program, and I was proud to have worked with CURT WELDON to pass an amendment this summer to provide initial SAFER funding.

This conference agreement's \$65 million in new hiring grants will help bring fire departments to adequate staffing levels and improve the safety of our firefighters and the communities they serve.

The agreement also contains \$650 million for the Fire Grant Program, and while we do not maintain the \$750 million provided the last 2 years, this is a \$150 million increase over the presidents request—an increase that is vital to our firefighters, too many of whom risk their lives on a daily basis to protect our homes and our families without the modern equipment and advanced training they deserve.

Thanks to the equipment, vehicles and improved training provided by fire grants, more than 15,000 departments across America are now better trained and equipped to respond to fires, automobile accidents, natural disasters, or acts of terrorism.

We have an obligation to provide our firefighters with the necessary resources to improve their safety as they risk their lives in our defense every day, and funding for the SAFER and Fire Grant Programs helps us make good on that obligation.

Mr. KIND. Mr. Speaker, I rise in favor of this important bill, but with great disappointment in President Bush's failure to take affirmative action to support the two-year extension of the Milk Income Loss Compensation (MILC) program to help Wisconsin's dairy farmers survive when milk prices plummet.

Two days ago, President Bush came to Wisconsin to proclaim his support for extending the MILC program for our hardworking family dairy farmers. Today, that provision was stripped by the Republican leadership in Congress from the last bill the House will consider until after the November election.

The Milk Income Loss Contract Program, was established by the 2002 Farm bill, and is the first national dairy program to transcend the usual regional tension that have arisen over past safety net proposals. The MILC provides a basic level of direct support to all dairy operations, regardless of the end use of the farmers' milk, by providing assistance only on the first 2.4 million pounds of production annually roughly equivalent to production of a 130 cow operation.

As a result, nearly 86 percent of all dairy farms in the country, and nearly 90 percent in the Upper Midwest, are fully eligible for assistance under this limit. This counter-cyclical program has provided Wisconsin's struggling dairy farmers with \$413 million in crucial assistance since its inception. Unfortunately, this national safety net for dairy farmers will expire in 2005 if we do not act quickly to extend it.

Mr. Speaker, it is disappointing to have the President say one thing while campaigning in Wisconsin and then do absolutely nothing to get the job done. All it would have required was a one-minute phone call with House Speaker HASTERT asking him to extend this program for an additional 2 years and it would have been signed into law.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR AN ADJOURNMENT OF THE TWO HOUSES

Mr. DELAY. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 518) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 518

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Saturday, October 9, 2004, or Sunday, October 10, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, November 16, 2004, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Saturday, October 9, 2004, through Friday, October 15, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, November 15, 2004, or noon on Tuesday, November 16, 2004, as may be specified in the motion to recess or adjourn, or until such other time on either day as may be so specified, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after con-

sultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the adjournment resolution will be followed by 5-minute votes on the conference report to accompany H.R. 4200, by the yeas and nays; the conference report to accompany H.R. 4837, by the yeas and nays; and the conference report to accompany H.R. 4567, by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 204, nays 169, not voting 60, as follows:

[Roll No. 527]

YEAS—204

- | | | |
|---------------|-----------------|-------------|
| Abercrombie | Diaz-Balart, L. | Kolbe |
| Aderholt | Diaz-Balart, M. | Latham |
| Akin | Doolittle | LaTourette |
| Alexander | Dreier | Leach |
| Bachus | Ehlers | Lewis (CA) |
| Baker | Emerson | Lewis (KY) |
| Barrett (SC) | English | Linder |
| Bartlett (MD) | Everett | LoBiondo |
| Barton (TX) | Feeney | Lucas (OK) |
| Bass | Ferguson | Manzullo |
| Beauprez | Flake | McCotter |
| Biggart | Forbes | McCrery |
| Bilirakis | Possella | McHugh |
| Bishop (UT) | Franks (AZ) | McInnis |
| Blackburn | Frelinghuysen | McKeon |
| Blunt | Garrett (NJ) | Miller (FL) |
| Boehner | Gerlach | Miller (MI) |
| Bonilla | Gibbons | Mollohan |
| Bonner | Gilchrest | Moran (KS) |
| Bono | Gillmor | Murphy |
| Boozman | Gingrey | Murtha |
| Bradley (NH) | Goode | Musgrave |
| Brown (SC) | Goodlatte | Myrick |
| Brown-Waite, | Granger | Nethercutt |
| Ginny | Graves | Neugebauer |
| Burgess | Gutknecht | Northrup |
| Burr | Hall | Nunes |
| Burr | Harris | Nussle |
| Buyer | Hart | Osborne |
| Calvert | Hastert | Ose |
| Camp | Hastings (WA) | Otter |
| Cannon | Hayes | Pastor |
| Cantor | Hayworth | Pearce |
| Capito | Hefley | Pence |
| Carter | Hensarling | Petri |
| Castle | Herge | Pickering |
| Chabot | Hoekstra | Pitts |
| Chocola | Hostettler | Platts |
| Coble | Houghton | Pombo |
| Cole | Hulshof | Porter |
| Collins | Hunter | Portman |
| Conyers | Hyde | Pryce (OH) |
| Cox | Jenkins | Putnam |
| Crane | Johnson (CT) | Radanovich |
| Crenshaw | Johnson, Sam | Ramstad |
| Cubin | Keller | Regula |
| Culberson | Kelly | Rehberg |
| Cunningham | Kennedy (MN) | Renzi |
| Davis, Jo Ann | King (IA) | Reynolds |
| Davis, Tom | Kingston | Rogers (AL) |
| Deal (GA) | Kirk | Rogers (KY) |
| DeLay | Kline | Rogers (MI) |
| DeMint | Knollenberg | Rohrabacher |

- | | | |
|---------------|-------------|-------------|
| Royce | Smith (NJ) | Walden (OR) |
| Ryan (WI) | Smith (TX) | Walsh |
| Ryun (KS) | Souder | Wamp |
| Saxton | Stearns | Waxman |
| Schrock | Sullivan | Weldon (FL) |
| Sensenbrenner | Sweeney | Weldon (PA) |
| Sessions | Tancredo | Weller |
| Shadegg | Taylor (NC) | Whitfield |
| Shaw | Terry | Wicker |
| Shays | Thomas | Wilson (NM) |
| Sherwood | Thornberry | Wilson (SC) |
| Shimkus | Tiahrt | Wolf |
| Shuster | Toomey | Young (AK) |
| Simmons | Turner (OH) | Young (FL) |
| Simpson | Upton | |
| Smith (MI) | Vitter | |

NAYS—169

- | | | |
|----------------|----------------|------------------|
| Ackerman | Green (WI) | Owens |
| Allen | Grijalva | Pallone |
| Andrews | Gutierrez | Pascarell |
| Baca | Harman | Payne |
| Baird | Hastings (FL) | Pelosi |
| Baldwin | Herseth | Peterson (MN) |
| Becerra | Hill | Pomeroy |
| Bell | Hinchee | Price (NC) |
| Berkley | Holden | Rahall |
| Berman | Holt | Rangel |
| Berry | Honda | Reyes |
| Bishop (GA) | Hoolley (OR) | Rodriguez |
| Bishop (NY) | Hoyer | Ross |
| Blumenauer | Inslee | Rothman |
| Boswell | Israel | Royal-Allard |
| Boucher | Jackson (IL) | Ruppersberger |
| Boyd | Jackson-Lee | Rush |
| Brady (PA) | (TX) | Ryan (OH) |
| Brown, Corrine | Jefferson | Sabo |
| Butterfield | John | Sanchez, Linda |
| Capps | Johnson, E. B. | T. |
| Capuano | Kanjorski | Sanchez, Loretta |
| Cardin | Kennedy (RI) | Sanders |
| Cardoza | Kildee | Sandlin |
| Carson (IN) | Kind | Schakowsky |
| Carson (OK) | Kucinich | Schiff |
| Case | Lampson | Scott (GA) |
| Chandler | Langevin | Scott (VA) |
| Clyburn | Lantos | Serrano |
| Cooper | Larson (CT) | Sherman |
| Costello | Lee | Skelton |
| Cramer | Levin | Smith (WA) |
| Crowley | Lewis (GA) | Snyder |
| Cummings | Lofgren | Solis |
| Davis (AL) | Lowey | Spratt |
| Davis (CA) | Lucas (KY) | Stark |
| Davis (FL) | Lynch | Stenholm |
| Davis (IL) | Maloney | Strickland |
| Davis (TN) | Marshall | Tanner |
| DeFazio | Matheson | Tauscher |
| DeGette | McCarthy (MO) | Taylor (MS) |
| Delahunt | McCarthy (NY) | Thompson (CA) |
| DeLauro | McCollum | Thompson (MS) |
| Deutsch | McDermott | Tierney |
| Dicks | McGovern | Turner (TX) |
| Dingell | McIntyre | Udall (CO) |
| Dooley (CA) | McNulty | Udall (NM) |
| Edwards | Menendez | Van Hollen |
| Emanuel | Michaud | Velázquez |
| Engel | Millender- | Watson |
| Etheridge | McDonald | Watt |
| Evans | Miller (NC) | Weiner |
| Farr | Moore | Wexler |
| Ford | Nadler | Woolsey |
| Frank (MA) | Napolitano | Wu |
| Frost | Neal (MA) | Wynn |
| Gonzalez | Obey | |
| Gordon | Olver | |

NOT VOTING—60

- | | | |
|-------------|--------------|----------------|
| Ballenger | Hoeffel | Mica |
| Boehlert | Isakson | Miller, Gary |
| Brady (TX) | Issa | Miller, George |
| Brown (OH) | Istook | Moran (VA) |
| Burton (IN) | Johnson (IL) | Ney |
| Clay | Jones (NC) | Norwood |
| Doggett | Jones (OH) | Oberstar |
| Doyle | Kaptur | Ortiz |
| Duncan | Kilpatrick | Oxley |
| Dunn | King (NY) | Paul |
| Eshoo | Kleczka | Peterson (PA) |
| Fattah | LaHood | Quinn |
| Filner | Larsen (WA) | Ros-Lehtinen |
| Foley | Lipinski | Slaughter |
| Gallegly | Majette | Stupak |
| Gephardt | Markey | Tauzin |
| Green (TX) | Matsui | Tiberi |
| Greenwood | Meehan | Towns |
| Hinojosa | Meek (FL) | Vislousky |
| Hobson | Meeks (NY) | Waters |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (Mr. HASTINGS of Washington) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1436

Messrs. FROST, MATHESON, and HONDA changed their vote from “yea” to “nay.”

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. JOHNSON of Illinois. Mr. Speaker, on rollcall No. 527 I was unavoidably detained. Had I been present, I would have voted “yea.”

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 527, I was in my Congressional District on official business. Had I been present, I would have voted “nay.”

CONFERENCE REPORT ON H.R. 4200, RONALD W. REAGAN NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The unfinished business is the question of agreeing to the conference report on the bill, H.R. 4200, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the conference report.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 359, nays 14, not voting 59, as follows:

[Roll No. 528]

YEAS—359

Abercrombie	Brady (PA)	Cubin
Ackerman	Brady (TX)	Culberson
Aderholt	Brown (SC)	Cummings
Akin	Brown, Corrine	Cunningham
Alexander	Brown-Waite,	Davis (AL)
Allen	Ginny	Davis (CA)
Andrews	Burgess	Davis (FL)
Baca	Burns	Davis (IL)
Bachus	Burr	Davis (TN)
Baird	Butterfield	Davis, Jo Ann
Baker	Buyer	Davis, Tom
Baldwin	Calvert	Deal (GA)
Barrett (SC)	Camp	DeFazio
Bartlett (MD)	Cannon	DeGette
Barton (TX)	Cantor	Delahunt
Bass	Capito	DeLauro
Beauprez	Capps	DeLay
Becerra	Capuano	DeMint
Bell	Cardin	Deutsch
Berkley	Cardoza	Diaz-Balart, L.
Berman	Carson (IN)	Diaz-Balart, M.
Berry	Carson (OK)	Dicks
Biggart	Carter	Dingell
Bilirakis	Case	Dooley (CA)
Bishop (GA)	Castle	Doolittle
Bishop (NY)	Chabot	Dreier
Bishop (UT)	Chandler	Edwards
Blackburn	Chocola	Ehlers
Blumenauer	Clyburn	Emanuel
Blunt	Coble	Emerson
Boehner	Cole	Engel
Bonilla	Collins	English
Bonner	Cooper	Etheridge
Bono	Costello	Evans
Boozman	Cox	Everett
Boswell	Cramer	Farr
Boucher	Crane	Feeney
Boyd	Crenshaw	Ferguson
Bradley (NH)	Crowley	Flake

Forbes	Lofgren	Roybal-Allard	Jones (NC)	Meek (FL)	Peterson (PA)
Fossella	Lowe	Royce	Jones (OH)	Meeks (NY)	Quinn
Frank (MA)	Lucas (KY)	Ruppersberger	Kaptur	Mica	Ros-Lehtinen
Franks (AZ)	Lucas (OK)	Rush	Kilpatrick	Miller, Gary	Slaughter
Frelinghuysen	Lynch	Ryan (OH)	King (NY)	Miller, George	Stupak
Frost	Maloney	Ryan (WI)	Kleccka	Ney	Tauzin
Garrett (NJ)	Manzullo	Ryun (KS)	LaHood	Norwood	Tiahrt
Gerlach	Marshall	Sabo	Larsen (WA)	Nussle	Tiberi
Gibbons	Matheson	Sánchez, Linda	Lipinski	Oberstar	Towns
Gilchrist	McCarthy (MO)	T.	Majette	Ortiz	Visclosky
Gillmor	McCarthy (NY)	Sanchez, Loretta	Matsui	Oxley	Waters
Gingrey	McCollum	Sanders	Meehan	Paul	
Gonzalez	McCotter	Sandlin			
Goode	McCrery	Saxton			
Goodlatte	McGovern	Schiff			
Gordon	McHugh	Schrock			
Granger	McInnis	Scott (GA)			
Graves	McIntyre	Scott (VA)			
Green (WI)	McKeon	Sensenbrenner			
Grijalva	McNulty	Sessions			
Gutierrez	Menendez	Shadegg			
Gutknecht	Michaud	Shaw			
Hall	Millender-	Shays			
Harman	McDonald	Sherman			
Harris	Miller (FL)	Sherwood			
Hart	Miller (MI)	Shimkus			
Hastings (FL)	Miller (NC)	Shuster			
Hastings (WA)	Mollohan	Simmons			
Hayes	Moore	Simpson			
Hayworth	Moran (KS)	Skelton			
Hefley	Moran (VA)	Smith (MI)			
Hensarling	Murphy	Smith (NJ)			
Hergert	Murtha	Smith (TX)			
Herseth	Musgrave	Smith (WA)			
Hill	Myrick	Snyder			
Hinchee	Nadler	Solis			
Hoekstra	Napolitano	Souder			
Holden	Neal (MA)	Spratt			
Holt	Nethercutt	Stearns			
Hooley (OR)	Neugebauer	Stenholm			
Hostettler	Northup	Strickland			
Houghton	Nunes	Sullivan			
Hoyer	Obey	Sweeney			
Hulshof	Oliver	Tancredo			
Hunter	Osborne	Tanner			
Hyde	Ose	Tauscher			
Inslee	Otter	Taylor (MS)			
Israel	Owens	Taylor (NC)			
Jackson-Lee	Pallone	Terry			
(TX)	Pascrell	Thomas			
Jefferson	Pastor	Thompson (CA)			
Jenkins	Pearce	Thompson (MS)			
John	Pelosi	Thornberry			
Johnson (CT)	Pence	Tierney			
Johnson (IL)	Peterson (MN)	Toomey			
Johnson, E. B.	Petri	Turner (OH)			
Johnson, Sam	Pickering	Turner (TX)			
Kanjorski	Pitts	Udall (CO)			
Keller	Platts	Udall (NM)			
Kelly	Pombo	Upton			
Kennedy (MN)	Pomeroy	Van Hollen			
Kennedy (RI)	Porter	Vitter			
Kildee	Portman	Waldeen (OR)			
Kind	Price (NC)	Walsh			
King (IA)	Pryce (OH)	Wamp			
Kingston	Putnam	Watson			
Kirk	Radanovich	Watt			
Kline	Rahall	Waxman			
Knollenberg	Ramstad	Weiner			
Kolbe	Rangel	Weldon (FL)			
Lampson	Regula	Weldon (PA)			
Langevin	Rehberg	Weller			
Lantos	Renzi	Wexler			
Larson (CT)	Reyes	Whitfield			
Latham	Reynolds	Wicker			
LaTourette	Rodriguez	Wilson (NM)			
Leach	Rogers (AL)	Wilson (SC)			
Levin	Rogers (KY)	Wolf			
Lewis (CA)	Rogers (MI)	Wu			
Lewis (KY)	Rohrabacher	Wynn			
Linder	Ross	Young (AK)			
LoBiondo	Rothman	Young (FL)			

NAYS—14

Conyers	Lewis (GA)	Serrano
Honda	Markey	Stark
Jackson (IL)	McDermott	Velázquez
Kucinich	Payne	Woolsey
Lee	Schakowsky	

NOT VOTING—59

Ballenger	Dunn	Green (TX)
Boehlert	Eshoo	Greenwood
Brown (OH)	Fattah	Hinojosa
Burton (IN)	Filner	Hobson
Clay	Foley	Hoeffel
Doggett	Ford	Isakson
Doyle	Gallegly	Issa
Duncan	Gephardt	Istook

Jones (NC)	Meek (FL)	Peterson (PA)
Jones (OH)	Meeks (NY)	Quinn
Kaptur	Mica	Ros-Lehtinen
Kilpatrick	Miller, Gary	Slaughter
King (NY)	Miller, George	Stupak
Kleccka	Ney	Tauzin
LaHood	Norwood	Tiahrt
Larsen (WA)	Nussle	Tiberi
Lipinski	Oberstar	Towns
Majette	Ortiz	Visclosky
Matsui	Oxley	Waters
Meehan	Paul	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1443

Mr. PAYNE changed his vote from “yea” to “nay.”

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. TIAHRT. Mr. Speaker, on rollcall No. 528 I was unavoidably delayed. Had I been present, I would have voted “yea.”

Mr. FILNER. Mr. Speaker, on rollcall No. 528, I was in my congressional district on official business. Had I been present, I would have voted “yea.”

Mr. FOLEY. Mr. Speaker, due to a family commitment I missed rollcall No. 528. Had I been present, I would have voted “yea.”

CONFERENCE ON H.R. 4837, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. The pending business is the question of agreeing to the conference report on the bill, H.R. 4837.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 374, nays 0, not voting 58, as follows:

[Roll No. 529]

YEAS—374

Abercrombie	Bishop (NY)	Calvert
Ackerman	Bishop (UT)	Camp
Aderholt	Blackburn	Cannon
Akin	Blumenauer	Cantor
Alexander	Blunt	Capito
Allen	Boehner	Capps
Andrews	Bonilla	Capuano
Baca	Bonner	Cardin
Bachus	Bono	Cardoza
Baird	Boozman	Carson (IN)
Baker	Boswell	Carson (OK)
Baldwin	Boucher	Carter
Barrett (SC)	Boyd	Case
Bartlett (MD)	Bradley (NH)	Castle
Barton (TX)	Brady (PA)	Chabot
Bass	Brady (TX)	Chandler
Beauprez	Brown (SC)	Chocola
Becerra	Brown, Corrine	Clyburn
Bell	Brown-Waite,	Coble
Berkley	Ginny	Cole
Berman	Burgess	Collins
Berry	Burns	Conyers
Biggart	Burr	Cooper
Bilirakis	Butterfield	Costello
Bishop (GA)	Buyer	Cox

Cramer	Johnson (IL)	Putnam	Wolf	Wu	Young (AK)	Carter	Houghton	Peterson (MN)
Crane	Johnson, E. B.	Radanovich	Woolsey	Wynn	Young (FL)	Case	Hoyer	Petri
Crenshaw	Johnson, Sam	Rahall				Castle	Hulshof	Pickering
Crowley	Kanjorski	Ramstad				Chabot	Hunter	Pitts
Cubin	Keller	Rangel	Ballenger	Isakson	Miller, George	Chandler	Hyde	Platts
Culberson	Kelly	Regula	Boehlert	Issa	Ney	Choccola	Insole	Pombo
Cummings	Kennedy (MN)	Rehberg	Brown (OH)	Istook	Norwood	Clyburn	Israel	Pomeroy
Cunningham	Kennedy (RI)	Renzi	Burton (IN)	Johnson (CT)	Nussle	Coble	Jackson (IL)	Porter
Davis (AL)	Kildee	Reyes	Clay	Jones (NC)	Ortíz	Cole	Jackson-Lee	Portman
Davis (CA)	Kind	Reynolds	Doggett	Jones (OH)	Ortiz	Collins	(TX)	Price (NC)
Davis (FL)	King (IA)	Rodríguez	Doyle	Kaptur	Oxley	Conyers	Jefferson	Pryce (OH)
Davis (IL)	Kingston	Rogers (AL)	Duncan	Kilpatrick	Paul	Cooper	Jenkins	Putnam
Davis (TN)	Kirk	Rogers (KY)	Dunn	King (NY)	Peterson (PA)	Costello	John	Radanovich
Davis, Jo Ann	Kline	Rogers (MI)	Eshoo	Klecza	Quinn	Cox	Johnson (IL)	Rahall
Davis, Tom	Knollenberg	Rohrabacher	Fattah	LaHood	Ros-Lehtinen	Cramer	Johnson, E. B.	Ramstad
Deal (GA)	Kolbe	Ross	Filner	Larsen (WA)	Slaughter	Crane	Johnson, Sam	Rangel
DeFazio	Kucinich	Rothman	Foley	Lipinski	Stupak	Crenshaw	Kanjorski	Regula
DeGette	Lampson	Roybal-Allard	Gallegly	Majette	Tauzin	Crowley	Keller	Rehberg
Delahunt	Langevin	Royce	Gephardt	Matsui	Tiberi	Cubin	Kelly	Renzi
DeLauro	Lantos	Ruppersberger	Greenwood	Meehan	Towns	Culberson	Kennedy (MN)	Reyes
DeLay	Larson (CT)	Rush	Hinojosa	Meek (FL)	Viscosky	Cummings	Kennedy (RI)	Reynolds
DeMint	Latham	Ryan (OH)	Hobson	Meeks (NY)	Waters	Cunningham	Kildee	Rodríguez
Deutsch	LaTourette	Ryan (WI)	Hoeffel	Mica		Davis (AL)	Kind	Rogers (AL)
Diaz-Balart, L.	Leach	Ryan (KS)		Miller, Gary		Davis (CA)	Kingston	Rogers (KY)
Diaz-Balart, M.	Lee	Sabo				Davis (FL)	Kirk	Rogers (MI)
Dicks	Levin	Sánchez, Linda				Davis (IL)	Kline	Rohrabacher
Dingell	Lewis (CA)	T.				Davis (TN)	Knollenberg	Ross
Dooley (CA)	Lewis (GA)	Sanchez, Loretta				Davis, Jo Ann	Kolbe	Rothman
Doolittle	Lewis (KY)	Sanders				Davis, Tom	Kucinich	Roybal-Allard
Dreier	Linder	Sandlin				Deal (GA)	Lampson	Royce
Edwards	LoBiondo	Saxton				DeFazio	Langevin	Ruppersberger
Ehlers	Lofgren	Schakowsky				DeGette	Lantos	Rush
Emanuel	Lowey	Schiff				Delahunt	Larson (CT)	Ryan (OH)
Emerson	Lucas (KY)	Schrock				DeLauro	Latham	Ryan (WI)
Engel	Lucas (OK)	Scott (GA)				DeLay	LaTourette	Ryan (KS)
English	Lynch	Scott (VA)				DeMint	Leach	Sabo
Etheridge	Maloney	Sensenbrenner				Deutsch	Lee	Sánchez, Linda
Evans	Manzullo	Serrano				Diaz-Balart, L.	Levin	T.
Everett	Markey	Sessions				Diaz-Balart, M.	Lewis (CA)	Sanchez, Loretta
Farr	Marshall	Shadegg				Dicks	Lewis (GA)	Sanders
Feeney	Matheson	Shaw				Dingell	Lewis (KY)	Sandlin
Ferguson	McCarthy (MO)	Shays				Dooley (CA)	Linder	Schakowsky
Flake	McCarthy (NY)	Sherman				Doolittle	LoBiondo	Schiff
Forbes	McCollum	Sherwood				Dreier	Lofgren	Schrock
Ford	McCotter	Shimkus				Edwards	Lowey	Scott (GA)
Fossella	McCrery	Shuster				Ehlers	Lucas (KY)	Scott (VA)
Frank (MA)	McDermott	Simmons				Emanuel	Lucas (OK)	Scott (VA)
Franks (AZ)	McGovern	Simpson				Emerson	Lynch	Sensenbrenner
Frelinghuysen	McHugh	Skelton				Engel	Maloney	Serrano
Frost	McInnis	Smith (MI)				English	Manzullo	Sessions
Garrett (NJ)	McIntyre	Smith (NJ)				Etheridge	Markey	Shadegg
Gerlach	McKeon	Smith (TX)				Evans	Marshall	Shaw
Gibbons	McNulty	Smith (WA)				Farr	Matheson	Shays
Gilchrest	Menendez	Snyder				Feeney	McCarthy (MO)	Sherman
Gillmor	Michaud	Solis				Ferguson	McCarthy (NY)	Sherwood
Gingrey	Millender-	Souder				Flake	McCollum	Shimkus
Gonzalez	McDonald	Spratt				Forbes	McCotter	Shuster
Goode	Miller (FL)	Stark				Ford	McCrery	Simmons
Goodlatte	Miller (MI)	Stearns				Fossella	McDermott	Simpson
Gordon	Miller (NC)	Stenholm				Frank (MA)	McGovern	Skelton
Granger	Mollohan	Strickland				Franks (AZ)	McHugh	Smith (MI)
Graves	Moore	Sullivan				Frelinghuysen	McInnis	Smith (NJ)
Green (WI)	Moran (KS)	Sweeney				Frost	McIntyre	Smith (TX)
Grijalva	Moran (VA)	Tancredo				Garrett (NJ)	McKeon	Smith (WA)
Gutierrez	Murphy	Tanner				Gerlach	McNulty	Snyder
Gutknecht	Murtha	Tauscher				Gibbons	Menendez	Solis
Hall	Musgrave	Taylor (MS)				Gilchrest	Michaud	Souder
Harman	Myrick	Taylor (NC)				Gillmor	Millender-	Spratt
Harris	Nadler	Terry				Gingrey	McDonald	Stark
Hart	Napolitano	Thomas				Gonzalez	Miller (FL)	Stearns
Hastings (FL)	Neal (MA)	Thompson (CA)				Goode	Miller (MI)	Stenholm
Hastings (WA)	Nethercutt	Thompson (MS)				Goodlatte	Miller (NC)	Strickland
Hayes	Neugebauer	Thornberry				Gordon	Mollohan	Sullivan
Hayworth	Northup	Tiahrt				Granger	Moore	Sweeney
Hefley	Nunes	Tierney				Graves	Moran (KS)	Tancredo
Hensarling	Obey	Toomey				Green (WI)	Moran (VA)	Tanner
Herger	Olver	Turner (OH)				Grijalva	Murphy	Tauscher
Herseth	Osborne	Turner (TX)				Gutierrez	Musgrave	Taylor (MS)
Hill	Ose	Udall (CO)				Gutknecht	Myrick	Terry
Hinchey	Otter	Udall (NM)				Hall	Nadler	Thomas
Hoekstra	Owens	Upton				Harman	Napolitano	Thompson (CA)
Holden	Pallone	Van Hollen				Harris	Neal (MA)	Thompson (MS)
Holt	Pascrell	Velázquez				Hart	Nethercutt	Thornberry
Honda	Pastor	Vitter				Hastings (FL)	Neugebauer	Tiahrt
Hooley (OR)	Payne	Walden (OR)				Hastings (WA)	Northup	Tierney
Hostettler	Pearce	Walsh				Hayes	Nunes	Toomey
Houghton	Pelosi	Wamp				Hayworth	Obey	Turner (OH)
Hoyer	Pence	Watson				Hefley	Olver	Turner (TX)
Hulshof	Peterson (MN)	Watt				Hensarling	Osborne	Udall (CO)
Hunter	Petri	Waxman				Herger	Ose	Udall (NM)
Hyde	Pickering	Weiner				Herseth	Otter	Upton
Insole	Pitts	Weldon (FL)				Hill	Owens	Van Hollen
Israel	Platts	Weldon (PA)				Hinchey	Pallone	Velázquez
Jackson (IL)	Pombo	Weller				Hoekstra	Pascrell	Vitter
Jackson-Lee	Pomeroy	Wexler				Holden	Pastor	Walden (OR)
(TX)	Porter	Whitfield				Holt	Payne	Wamp
Jefferson	Portman	Wicker				Honda	Pearce	Watson
Jenkins	Price (NC)	Wilson (NM)				Hooley (OR)	Pelosi	Watt
John	Pryce (OH)	Wilson (SC)				Hostettler	Pence	Waxman

NOT VOTING—58

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (Mr. HASTINGS of Washington) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1451

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 529, I was in my congressional district on official business. Had I been present, I would have voted "yea."

Mr. FOLEY. Mr. Speaker, due to a family commitment I missed rollcall No. 529. Had I been present, I would have voted "yea."

CONFERENCE REPORT ON H.R. 4567,
DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT,
2005

The SPEAKER pro tempore. The pending business is the question of agreeing to the conference report on the bill, H.R. 4567.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 363, nays 0, not voting 64, as follows:

[Roll No. 530]

YEAS—368

Abercrombie	Berry	Brown (SC)
Ackerman	Biggart	Brown, Corrine
Aderholt	Bilirakis	Brown-Waite,
Akin	Bishop (GA)	Ginny
Alexander	Bishop (NY)	Burgess
Allen	Bishop (UT)	Burns
Andrews	Blackburn	Burr
Baca	Blumenauer	Butterfield
Baird	Blunt	Buyer
Baker	Boehner	Calvert
Baldwin	Bonilla	Camp
Barrett (SC)	Bonner	Cannon
Bartlett (MD)	Bono	Cantor
Barton (TX)	Boozman	Capito
Bass	Boswell	Capps
Beauprez	Boucher	Capuano
Becerra	Boyd	Cardin
Bell	Bradley (NH)	Cardoza
Berkley	Brady (PA)	Carson (IN)
Berman	Brady (TX)	Carson (OK)

Weiner	Whitfield	Woolsey
Weldon (FL)	Wicker	Wu
Weldon (PA)	Wilson (NM)	Wynn
Weller	Wilson (SC)	Young (AK)
Wexler	Wolf	Young (FL)

NOT VOTING—64

Bachus	Isakson	Murtha
Ballenger	Issa	Ney
Boehler	Istook	Norwood
Brown (OH)	Johnson (CT)	Nussle
Burton (IN)	Jones (NC)	Oberstar
Clay	Jones (OH)	Ortiz
Doggett	Kaptur	Oxley
Doyle	Kilpatrick	Paul
Duncan	King (IA)	Peterson (PA)
Dunn	King (NY)	Quinn
Eshoo	Kleczka	Ros-Lehtinen
Everett	LaHood	Slaughter
Fattah	Larsen (WA)	Stupak
Filner	Lipinski	Tauzin
Foley	Majette	Taylor (NC)
Gallegly	Matsui	Tiberi
Gephardt	Meehan	Towns
Green (TX)	Meek (FL)	Visclosky
Greenwood	Meeks (NY)	Walsh
Hinojosa	Mica	Waters
Hobson	Miller, Gary	
Hoeffel	Miller, George	

□ 1459

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 530, I was in my Congressional District on official business. Had I been present, I would have voted "yea."

Mr. FOLEY. Mr. Speaker, due to a family commitment, I missed rollcall No. 530. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. MATSUI. Mr. Speaker, I was absent on Saturday, October 9, 2004 and missed the rollcall votes ordered, due to illness. Had I been present, I would have voted as noted: rollcall Vote No. 527: "nay"; rollcall Vote No. 528: "yea"; rollcall Vote No 529: "yea"; rollcall Vote No. 530: "yea."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2672

Mr. CRANE. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2672.

The SPEAKER pro tempore (Mr. PEARCE). Is there objection to the request of the gentleman from Illinois?

There was no objection.

CORRECTING ENROLLMENT OF H.R. 5107, JUSTICE FOR ALL ACT OF 2004

Mr. DELAY. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 519) correcting the enrollment of H.R. 5107, and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 519

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of H.R. 5107 (the Justice for All Act of 2004), the Clerk of the House is hereby authorized and directed—

(1) in section 312(a), to insert "and title II" after "this title" each place that term appears;

(2) in each of paragraphs (2) and (3) of section 312(b), to insert "and title II" after "this title" each place that term appears;

(3) in section 312(b)(9), to strike "202" and insert "311";

(4) in section 3600(a)(10)(A)(ii), as added by the amendment made by section 411(a), to insert "the" after "that";

(5) in section 3600(a)(10)(B)(iii), as added by the amendment made by section 411(a), to insert "the" after "that"; and

(6) in section 421(e)(1)(B), to strike "representation" and insert "cases, except for individuals currently employed as prosecutors".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CONDITIONAL ADJOURNMENT TO WEDNESDAY, OCTOBER 13, 2004

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Wednesday, October 13, 2004, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 518, in which case the House shall stand adjourned pursuant to that concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, NOVEMBER 17, 2004

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, November 17, 2004.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

APPOINTMENT OF HON. FRANK R. WOLF OR HON. TOM DAVIS OF VIRGINIA TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH NOVEMBER 16, 2004

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

THE SPEAKER'S ROOMS,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 9, 2004.

I hereby appoint the Honorable FRANK R. WOLF or, if he is not available to perform this duty, the Honorable TOM DAVIS to act as Speaker pro tempore to sign enrolled bills and joint resolutions through November 16, 2004.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

CONGRATULATING HOUSTON ASTROS ON WINNING BERTH IN NATIONAL LEAGUE PLAYOFFS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, there are some times on the floor that we cannot help but celebrate our hometown heroes. Let me simply, among the many heroes that we have and certainly those fighting for us around the world, be able to acknowledge our great team in Houston, the Houston Astros, the 2004 National League wild card winners.

We are delighted that in early September the Astros won 12 straight games to pull even in the race for the National League wild card. Yet somehow they still had another gear left in them and they became baseball's hottest team down the stretch. We congratulate Drayton McLane and all of his stars. We are glad that our friend Roger came on home.

The Astros won their final seven games of the regular season and nine of their last 10 to overcome Chicago and San Francisco in the race for the wild card.

□ 1515

From August 14 to the end of the regular season, the Astros had a Major League best 36-10 record. The Astros currently have an amazing 18-game home winning streak, the longest such streak in baseball in the last 10 years. While this streak is extraordinary, it is not hard to see why the Astros do well at home. This year, the Astros had a franchise record for attendance with over 3 million fans coming to watch baseball in the beautiful Minute Maid Park in my own 18th congressional district. Clearly, the great fans of Houston are excited. Go Astros today, Saturday, and tomorrow. And we are looking forward to the World Series, maybe not in Houston but certainly our Astros playing the game. We are happy. Congratulations to the Houston Astros.

I rise today to honor my hometown baseball team, the Houston Astros, the 2004 National League Wild Card winners. Since 1975 the Astros have been a part of the heart and soul of the Houston community. There have been many great players in the history of the Astros. Hall of fame players like the early greats Nelly Fox and Eddie Mathews who made baseball our national pastime. Players like the great Joe Morgan who finished as one of the best second basemen of all time. Of course we all know about the legendary Nolan Ryan, baseball's all time strikeout king. Among these Astros greats is my good friend Enos Cabell who played third base over eight seasons with the Astros. At six foot five inches tall they aptly called him "Big E" and today he is

a successful businessman in the city of Houston. With all this great history for the Astros franchise it would be hard to take the team to a new level, but this current squad of players has done it.

When this current team entered Spring Training there were great hopes that this Astros team would be amongst the best in our history. With the addition of hometown star pitchers Andy Petite and Roger Clemens there was no reason to believe that the Astros couldn't compete for a championship. This team never gave up; they never looked at the standings and thought their hopes and that of their fans were futile. No, instead this team took one game at a time and slowly built up momentum. First there was a four-game winning streak to get the Astros back to a .500 record. Then in early September, the Astros won 12 straight games to pull even in the race for the National League Wild Card. Yet, somehow they still had another gear left in them and they became baseball's hottest team down the stretch. The Astros won the final seven games of the regular season and nine of their last 10 to overcome Chicago and San Francisco in the race for the Wild Card. From Aug. 14 to the end of the regular season, the Astros had a major league-best 36–10 record. The Astros currently have an amazing 18-game home winning streak, the longest such streak in baseball in the last 10 years. While this streak is extraordinary, it's not hard to see why the Astros do so well at home. This year the Astros set a franchise record for attendance with over 3 million fans coming to watch baseball in beautiful Minute Maid Park. Clearly, the great fans of Houston are the tenth man on the field, the ones who have cheered our Astros on to victory.

I am so proud of this year's team because of how they overcame adversity this year. Despite the high expectations and the early season troubles this team never got down on itself, like true Texans they lifted themselves up off the dirt and played to their potential. Much of the credit for this year's success should go to Astros owner Drayton McLane who assembled this current team and has been such a great franchise owner in Houston for many years. Also, the work of Astros Manager Phil Garner to resurrect this team will go down in baseball legend. He came in to a very difficult situation, one in which most others are content to mediocrity, but instead he decided to lead. His calming influence and superior baseball knowledge gave the players the confidence to go out on the field and succeed day in and day out.

For the last decade the heart and soul of the Astros franchise has been Jeff Bagwell and Craig Biggio and this year is no different. Both players have been perennial All-Stars and have won numerous awards over their long careers, but their leadership in the clubhouse is what makes them such great Astros, there is no doubt that one day both of their uniforms will be retired in Minute Maid Park. I also want to recognize the great Roger Clemens, who undoubtedly will go down as one of the greatest pitchers of all time. He has been many things over his illustrious career, he started out as Boston Red Sock, then a Toronto Blue Jay, and then as a New York Yankee, but no matter what uniform he was wearing his heart was always in Houston. This year he postponed his retirement to help his hometown Astros try to win a World Series,

with an astounding 18–4 record this year he has clearly helped pitch the Astros into the playoffs. This Astros season, especially their comeback from the bottom of the division has been a total team effort.

This inspiring team is now in the National League Division Series against the Atlanta Braves. They have already managed to take one of two games from the Braves in this best of five series and gain the home field advantage. With all due respect to my colleagues from Atlanta, I have to say that I am confident the Astros can finish off the Braves at home in Houston this weekend. Because the one advantage this team has that fewer others can claim is that if their backs are against the wall in these playoffs you know this team will never quit. It is that inspiring spirit that has many of us Houstonians dreaming of a World Series Championship.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEARCE). The Chair will recognize Members for Special Order speeches without prejudice to further legislative business.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. TURNER) is recognized for 5 minutes.

(Mr. TURNER of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

SMART SECURITY AND THE "BACKDOOR DRAFT"

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

woman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I am sad to say that the military draft is alive and well in the United States of America. But, this time, it is the Bush administration's shameful behind-the-scenes version: a "backdoor draft," specifically targeting soldiers who have already served and poor young men and women from rural areas who enlisted because the military helped them pay for a college education they would not have been able to get otherwise.

Since the war in Iraq began, the Bush administration has done everything in its power to cajole and deceive soldiers into serving longer than they want or longer than they agreed to.

Depending on members of the Army Reserve and National Guard, who almost always serve the country only here at home in the United States, to serve in Iraq was just the tip of the iceberg. This administration has also started the shameful policy of issuing "stop loss" orders, which allowed the military to break its contractual obligations to a service member in order to keep that soldier in the military for longer than he or she has agreed. They have resorted to the shameful policy of recruiting the "ready reserve," a group of retired soldiers, who, after completing their years of service, agreed to serve their country should a national emergency arise.

I have got news for the President. Our invasion of a country that never threatened us, did not have weapons of mass destruction or even a weapons of mass destruction program, and did not have links to al Qaeda, does not qualify as a national emergency.

These shameful Bush administration policies all add up to a "backdoor draft," a means for the administration to dishonestly and dishonorably force soldiers who have already served their country to be serving now or to force soldiers to serve 6 or even 12 months longer than they agreed to. In fact, many soldiers have been manipulated into extending their contracts with the Army. They have been warned that if they do not reenlist on time, their brigade could be shipped to Iraq or Afghanistan.

Mr. Speaker, at the same time that President Bush and his fellow Republicans have pursued an all-too-real "backdoor draft," just this week, the House Republican leadership placed on the schedule under the suspension calendar a controversial bill to reimplement the draft. The suspension calendar, of course, and we all know this, is reserved for noncontroversial legislation. The reimplementing of the draft is hardly noncontroversial, and surely, it should be subject to hearings and expert testimony.

The administration must assess the military's recruitment and retention rates, the military's manpower needs, and the extent to which our troops are overextended in the field. The American people deserve better than this.

Our troops who will still be in Iraq after we leave here today should not be left with the message that Congress did not have the time to discuss in detail what must be done to help them in the field.

There has to be a better way, Mr. Speaker. A better way than voting one way and acting another, especially when American lives are at stake. We need new policies that will make America stronger at home and more respected around the world. That is why I have introduced H. Con. Res. 392, a SMART Security Platform for the 21st Century. SMART stands for Sensible Multilateral American Response to Terrorism. We would not be in Iraq if we had pursued a SMART Security strategy in the first place.

SMART Security treats war as an absolute last resort. It fights terrorism with stronger intelligence and multilateral partnerships, and it controls the spread of weapons of mass destruction with aggressive diplomacy, strong regional security arrangements, and vigorous inspection regimes. SMART Security means respecting our Nation's servicemen and women by respecting their service contracts and then providing them with the care and the benefits they deserve once they have returned home. It does not mean tricking our brave soldiers into serving for longer than they expected or agreed to. SMART Security is tough, pragmatic, and safe, and it is the right choice to keep America truly secure.

JUDICIAL ACTIVISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, there have been many external threats to this Republic across the years. Recently, we have been highly focused on the war on terrorism and diminishing global nuclear threats. We have always been able to face such external threats successfully because our country has had a strong internal foundation.

But, today, it is critically important to sound a past-due warning about the internal threat to this republic. We are going to awaken to the fact that our own courts, in spite of their sacred duty and charge to defend the United States Constitution, have now become the greatest threat to its survival. The rule of law itself and the underpinnings that hold this Nation together are now at stake.

This undermining of our Constitution did not develop overnight. One hundred and eighty-four years ago, Thomas Jefferson wrote: "The object of my great fear is the federal judiciary. That body, like gravity, ever acting, with noiseless foot, and unalarming advance, gaining ground step by step, and holding what it gains, is engulfing insidiously the special governments into the jaws of that which feeds them."

Only 3½ decades after Thomas Jefferson wrote these ominous words, United States Supreme Court ruled in its Dred Scott decision that "all blacks, slaves as well as free, were not and could never become citizens of the United States." The Supreme Court said that blacks "had no rights which the white man was bound to respect; and that the negro might justly and lawfully be reduced to slavery for his benefit."

Mr. Speaker, we can all see the sickness and evil in that twisted reasoning today. It is a sickness and an evil that precipitated the worst loss of American life in any war in the history of this Nation, 600,000 dead soldiers: husbands, fathers, sons, and brothers.

In the face of these historical realities, it is astonishing today that we do not seem to collectively recognize the dangers represented by an unrestrained judiciary, especially since many of the great conflicts in our society's recent history have been precipitated by arrogant court decisions imposed by an unjust court and imposing an unjust mandate on the entire Nation.

Not so long ago, our courts mandated racial segregation in our public schools. That was the so-called "separate but equal doctrine." And people died on the streets reversing that obscene ruling.

American courts have now declared that protecting viable unborn children from the hideous act of partial birth abortion is "unconstitutional." The courts are now beginning to attack the very foundation and makeup of our country and any civil society, that being marriage and the family itself.

They have said it is "unconstitutional" to protect a 9-year-old girl from Internet pornography or for her to pray a certain prayer in school or for her to voluntarily say her Pledge of Allegiance to the flag of the United States using the words "under God."

Mr. Speaker, are these the causes that our American heroes lying out in Arlington National Cemetery died for? And I am just wondering when those who still have breath say will enough is enough.

As we seek to protect America from the external threats that we face like terrorism, we would do well to remember that it is not the water on the outside of the ship that sinks it. It is the water on the inside. And, Mr. Speaker, I submit that there is water on the inside of this ship.

When courts forcefully interject false and unconstitutional notions that go against justice, natural law and common sense, without allowing the issue to go through the legislative process of debate and consensus, it abrogates the miracle of America and abridges the freedom of the people to govern themselves.

Daniel Webster's admonition to all of us is so very appropriate. He said, "Hold on, my friends, to the Constitution and to the Republic for which it stands, for miracles do not cluster and

what has happened once in 6,000 years may never happen again. So hold on to the Constitution, for if the American Constitution should fall, there will be anarchy throughout the world."

Mr. Speaker, the commitment to true justice in the heart of this Congress and in the heart of the one who occupies the Oval Office are now the only two remaining barriers which prevent judicial oligarchy and the subsequent fall of the American Constitution.

May those of us in this Congress find the courage to assume our constitutional power to prevent the judicial destruction of the United States Constitution.

And, Mr. Speaker, may God give the people of this Nation the insight and soundness of mind to maintain the presidency of the United States in the hands of George W. Bush, who will protect America and the world from such an irrelevant revocable tragedy. God bless America.

ORDER OF BUSINESS

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ELECTIONS IN AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Mr. JACKSON-LEE of Texas. Mr. Speaker, I join with the gentleman from Ohio (Mr. NEY), my co-chair, to salute the people of Afghanistan for this historic time in their Nation's destiny.

□ 1515

I am the cochair with the gentleman from Ohio (Mr. NEY) of the U.S.-Afghan Caucus. Again I would like to congratulate the government and the people of Afghanistan, who are in the midst of a historical turning point. Leading up to the elections going on today, there has been great progress made in the registration process.

Of an estimated 10 million eligible voters, over 9 million voters, over 40 percent of whom are women, have registered for the country's first presidential election. Saturday, today, this process is ongoing. I applaud the high percentage of registered voters and the diversity of the 24 candidates for presidency. It shows that democracy is in fact working, and these candidates symbolize for the Afghan people the pluralism and open electoral process.

I hope the warlords understand that it is through the ballot box and not the bullet process that we will find democracy and peace in Afghanistan.

I am pleased with President Karzai's choice for his two running mates, Mr.

Karim Khalili and Mr. Ahmad Zia Massoud. Mr. Massoud is the brother of the late Ahmed Shah Massoud, the renowned commander of the Northern Alliance, an organization that includes members of the Tajik ethnic group and other communities. Both of the nominees are individuals of high standing and integrity and are committed to the process of reform and the disarmament of private militias.

Afghanistan will not survive as long as the private militia run rampant without control, threatening and terrorizing those farmers and others who are seeking peace, economic prosperity, education and democracy.

I commend President Karzai's brave stand against the warlords and his committed leadership in liberating Afghanistan from private militias and the rule of the gun. These warlords and militia threaten to destabilize constitutional governance, impede economic development, and facilitate narcotrafficking. Their disarmament must continue to be a major priority of the new Afghan administration.

Mr. Speaker, we have a challenge and a job to do as well. We must provide the funding, but also the resources, the compromise, the collaborative peace-keeping troops. We must be able to work together.

President Karzai and the people of Afghanistan have come a long way since the fall of the Taliban. They deserve praise and continued support from the United States and NATO.

Let us hopefully find an opportunity for collaborative work for peace in Iraq. But we should never forget Afghanistan and the brave soldiers who have stood on behalf of the United States and many coalition fighters to ensure democracy in Afghanistan; never forget the people and their challenge, their journey, their fight as well.

I hope with this election there will be increased human rights for the people of Afghanistan and the women will be further empowered as well. I hope that the march toward education for all children will continue. Good luck to Afghanistan and its people in the journey toward full democracy.

Mr. Speaker, as co-chair of the U.S.-Afghan Caucus, I would like to congratulate the government and the people of Afghanistan are in the midst of a historical turning point. Leading up to the elections this Saturday, October 9th, there has been great progress made in the registration process. Of an estimated 10 million eligible voters, over 9 million voters—more than 40 percent of whom are women—have registered for the country's first Presidential election. I applaud the high percentage of registered voters and the diversity of the 24 candidates for the Presidency, symbolizing the commitment of the Afghan people to pluralism and an open electoral process.

I am pleased with President Hamid Karzai's choice for his two running mates, Mr. Karim Khalili and Mr. Ahmad Zia Massoud. Mr. Massoud is the brother of the late Ahmed Shah Massoud, the renowned commander of the Northern Alliance, an organization that includes members of the Tajik ethnic group and

other communities. Both of the nominees are individuals of high standing and integrity, and are committed to the process of reform and the disarmament of private militias.

I commend President Karzai's brave stand against the warlords, and his committed leadership in liberating Afghanistan from private militias and the rule of the gun. These warlords and militias threaten to destabilize constitutional governance, impede economic development, and facilitate narco-trafficking. Their disarmament must continue to be a major priority of the new Afghan Administration.

President Karzai and the people of Afghanistan have come a long way since the fall of the Taliban. They deserve praise and continued support from the United States and NATO to ensure that there is adequate security for the upcoming elections to be free, fair, and broadly inclusive.

I hope with this election there will be increased human rights for the people of Afghanistan and the women will be further empowered, as well, the education for all children will continue.

Good luck in the journey toward full democracy.

The SPEAKER pro tempore (Mr. PEARCE). Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

(Mr. MCDERMOTT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

(Mr. BLUMENAUER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

REMEMBERING THOSE DEFENDING AMERICA'S FREEDOM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Arizona (Mr. HAYWORTH) is recognized for 60 minutes as the designee of the majority leader.

Mr. HAYWORTH. Mr. Speaker, as we prepare to head back to our respective districts and likewise as we prepare to engage in the exercise that typifies

this constitutional Republic, where our government operates only through the consent of the governed, I believe it incumbent upon Members of this House and, indeed, Mr. Speaker every citizen of these United States, to pause and remember, and, yes, in this case to hear from one of those young Americans defending our freedom in Iraq.

Recently on the pages of the Arizona Republic there appeared a letter from Captain Scott Moore. Captain Moore, with the United States Army, lives in Sholo, Arizona. His civilian job is that of a high school history teacher in White River on one of our tribal reservations in rural Arizona. How appropriate it is that Captain Moore, through his letter, teaches all of us about the nature of the men and women serving this country and reminds us of the special gift it is to be an American.

This letter was written February 1. It was composed in a military plane headed for Kuwait. Captain Moore writes:

"If you were with me, you could tell this plane I am on is heading to a combat zone. All the passengers are dressed in desert camouflage uniforms and carrying weapons. I have an M-16 and a 9 millimeter Beretta, which will be in my possession until I go home in about a year from now.

"As I sit on this plane taking us to war, I cannot help but think about who is with me. No African Americans are going to war, no Asian Americans are going to war, no Mexican Americans are going to war, no Native Americans are going to war, no Hispanic Americans are going to war, no Arab Americans are going to war, no Anglo Americans are going to war. Only Americans who happen to have different ethnic backgrounds are going to war with me.

"I assume Americans from different religions, such as Catholics, Protestants, Jews, Muslims, et cetera, are going to war together on this plane. We don't really know who practices what religion, and don't really care. Only Americans are going to war.

"Americans from all over the United States are going to war together on this plane. They are from different States, from urban cities to rural towns. Once we left the United States, this didn't matter anymore. We were from only one place, and that was the United States of America.

"Americans from all walks of life are going to war together on this plane: doctors, custodians, teachers, police officers, store owners, engineers, the unemployed, college students, post office employees, restaurant workers, retail sales workers, veterinarians and countless other people with different civilian jobs are going to war together. These citizen soldiers left their civilian jobs and are now all American soldiers fulfilling their commitment to the Army Reserves and the United States.

"Americans going to war on this plane are grandparents, parents, daughters, sons, single parents, granddaughters, grandsons, nephews, nieces,

cousins, boyfriends, girlfriends, wives, husbands and fiancées. Americans going to war on this plane are ages 18 to 59. Americans going to war on this plane are rich and poor. We have soldiers who were unemployed before getting activated for military service. We also have soldiers who were making six-digit salaries and just took quite a pay cut going to war on this plane.

"Americans on this plane joined the Army Reserves for different reasons. All are volunteers. Some joined primarily for college funds. Far many more joined out of a sense of duty and loyalty to their country.

"Many people in this unit were not originally in the unit when it initially got alerted. Only when they knew the unit was going to Iraq did they join. Some joined to be with friends in the unit, some to do their duty, some out of guilt of not being in Iraq with friends already there. Some joined for very specific reasons. One joined the day after September 11, 2001. Another was excited to hear news reports that al Qaeda is showing up in Iraq. He has special plans for those people.

"The very best of America is on this plane heading to war. I feel humble and not good enough to be with them."

So writes Captain Scott Moore, serving now with the United States Army in Iraq.

Mr. Speaker, Captain Moore need not feel unworthy. Indeed, the reader of this letter cannot help but be humbled by the quality of those in our all-volunteer force willing to step forward. And whether it is in Afghanistan or Iraq or elsewhere around the world or here within the boundaries and borders of the United States of America, we have been blessed by this all-volunteer force.

Indeed, Mr. Speaker, it was I who felt incredibly humbled in the spring of this year visiting with our troops in Iraq and Kuwait. Indeed, just about 6 weeks to 2 months after this letter was initially written by Captain Moore, I had occasion to travel with a congressional delegation led by the gentleman from Michigan (Mr. KNOLLENBERG), who just managed the conference report for Military Construction. The ranking member, the gentleman from Texas (Mr. EDWARDS), joined us, along with others.

Our travels took us first to Baghdad and then north to Mosul, and then to the growing nerve and supply center known as Balad, where the Iraqi Olympic team during Saddam's reign of terror trained, and, indeed, members of that team had terror and torture perpetrated on them by the now departed sons of Saddam, Odai and Qusai.

So many instances in that trip resonate in this letter. I can recall climbing aboard a Blackhawk helicopter flying over Mosul, flying over a large hydroelectric dam utilized for power to the northern portion of Iraq and viewing the infrastructure there, but climbing into the helicopter and having the help of one young soldier. And when I

pled lack of familiarity with the harnessing and the procedures, the young soldier said, "That's okay, sir. That is what we are here for."

"That is what we're here for."

President Bush at our National Cathedral on our Day of National Remembrance for those Americans and others who perished on the date we now know in that historical shorthand as 9/11, President Bush said, "This war was started by others, but it will end at a time and a place of our choosing."

Perhaps our Commander in Chief did not realize exactly how prophetic those words have become, because in a free society we celebrate the fact that different Americans can have different points of view. We rejoice in that divergence of opinion.

But it is worth noting the consequences of following certain policies that have been advocated as people make their choices as to who should serve in public office. I am disturbed that the Democratic nominee for the Presidency has yet to express a consistent, clear, concise response to carrying out the mission in Iraq and elsewhere in the ongoing war on terror.

□ 1530

Indeed, there have been so many different responses.

Mr. Speaker, I cannot help but believe that the electorate is somewhat confused. We heard the Democratic nominee a few days ago say he was committed to staying the course in Iraq, yet even as he called it the wrong war at the wrong place and the wrong time.

Mr. Speaker, it is more accurate to describe the military action in Afghanistan and in Iraq not as a singular or specific war, but as battle campaigns in an ongoing war against Islamo fascism and the terror that has been utilized by Islamo fascists and unleashed on liberty-loving peoples throughout this world.

Accordingly, I celebrate in a bipartisan fashion with my friend, the gentlewoman from Texas (Ms. JACKSON-LEE); we do not agree on much, but as I heard her comments celebrating what transpired today in Afghanistan when the citizens of that Nation went to the polls and expressed their preference for leaders and for government and for governance. When we realize that now, in Afghanistan and in Iraq, young children are going to schools, including little girls, many for the first time, having the opportunity to learn reading, writing, arithmetic, and oh, yes, for the first time to learn without a message of hatred for others in the world or an endorsement of the twisted cult and political morphing and hijacking of a faith best described as Islamo fascism.

Instead of an endorsement of Islamo fascism, little boys and little girls now in Afghanistan and in Iraq are going to schools opened by the same soldiers who we have seen perform their duties so valiantly and work actually to re-

build two societies even as insurgent conflicts continue.

We are reminded that not only were elections held today in Afghanistan where close to 10 million Afghans, according to the latest reports I saw, 10 million Afghans were willing to come forward and vote, despite remnants of the Taliban and other terrorist groups who would try to abridge, who would try to terrorize, who would try to tear down the elections process. Yet, the Afghans lined up to vote.

Mr. Speaker, I am reminded that just a few short days ago, if memory serves, just 2 weeks ago, the Prime Minister of Iraq, Prime Minister Allawi stood here at the podium behind me and addressed a joint session of this Congress and spoke of the challenges confronting his homeland, but pledged to this Congress and to the people of the United States that the sacrifice in blood and treasure of the American people will not be in vain, that there will be a free Iraq, and that there will be elections in January of next year.

Consider the source making this bold, clean assertion. Perhaps my colleagues do not know the story of the Iraqi Prime Minister. Perhaps you are unfamiliar with the fact that now, at least 2 decades, perhaps close to a quarter of a century ago, Saddam's secret police tracked then-private-citizen, or perhaps more accurately, political-refugee Allawi to London, and Saddam's agents of death, wielding axes, went in to kill him. He fought off that attack in the most literal sense. Prime Minister Allawi is a survivor.

So often, because of just the sheer volume of information and news that come across anchor desks and through the Internet to your home and through so many sources, sometimes we fail to pause to understand the unique nature of those who stand with us.

Mr. Speaker, we should make no mistake, for we also need to understand the evil nature of those who fight against us. We have heard of the Jordanian al Zarkawi wreaking havoc within the boundaries of Iraq, beheading in barbarous, indescribably cruel and evil fashion American citizens and others. But the irony seems to be this: As horrible as this monster is, in an intercepted communication which first appeared in the American press, in *The New York Times*, of all publications, in an intercepted communication to other allies in terror, Zarkawi outlined what is exactly at stake. He outlined to other evil agents of terror, if Iraq is able to elect a free government, if boys and girls are able to go to school and learn without the prejudice of Islamo fascism and without the heel of the jackboot upon their throat, and without the continued threat of mass graves, that freedom in Iraq would be a crushing, mortal blow to the forces of terror and Islamo fascism around the world.

Now, Mr. Speaker, if one of our sworn enemies understands what is at stake, I would ask the American people to

likewise understand that dynamic. Here is the irony: Our sworn enemy, in communications not intended for our ears, in intercepted correspondence, clearly and succinctly put the stakes of our action and the possible consequences for his evil movement out for us to understand. It was not his intent, but that is the result.

Mr. Speaker, while we all rejoice in the fact that we are free to agree to disagree, while people of goodwill can disagree, while indeed we will make manifest those different opinions through different choices at the ballot box on the first Tuesday following the first Monday in November, Mr. Speaker, I would simply ask the American people, whether Republican or Democrat or Independent or Libertarian or vegetarian, whatever your political label, whatever your partisan stripe, as Americans who were brutally and viciously attacked on 9/11, as Americans who now in this post-9/11 world understand that there are those who will harm the most innocent among us, as Americans who just read of reports emanating from Iraq where our forces had uncovered intelligence, where Islamo Fascists and forces of terror had the layout and the architectural plans and the schedules of certain schools in the United States, bringing to mind the horror of what transpired in Russia and what in that culture and society was a day of great joy, the first day of school in that society, that turned to such evil carnage.

We are confronted by people who are not out to win debating points, who are not out to win friends among us, but indeed, Mr. Speaker, if there is a new phrase I could coin, I would say that those forces of evil are actively engaged in plotting and planning Americide, where our only crime is to be Americans in their eyes, and the malignant, malingering, accompanying aspect of this wretchedly despicable and evil behavior is the fact that these same Islamo Fascists care not if they kill fellow Muslims, care not if they kill noncombatants and women and children, indeed, care not if their carnage continues unabated, such is their twisted, malignant outlook.

The choice remains for us here at the dawn of the 21st century. The choice is a stark one, and it is very simple. Either we take the fight to the terrorists where they live, where they grow up, where their homes are located; or we sit back, we hope for the best through nuance and timidity and the alluring siren song of complacency, if we do not bother them, they will not bother us. If we follow that doctrine, I fear for my country and for its survival.

No. It is simple. The reason we are in Iraq, the reason we are in Afghanistan, the reason we must be prepared to fight Islamo fascism around the world is because it is far better to take on the terrorists on the streets of Tikrit, Iraq, than on the streets of Tucson, Arizona. It is far better to deal with the terror movements and the insurgency

on the streets of Baghdad than on the streets of Baltimore. It is far better to confront these agents of evil in Sadr City than in Syracuse, New York.

The key to our national security and defense is not found in a fantastic fantasy of hope that these agents of evil will ever listen to reason. It is instead found in the solemn promise and commitment to this Nation, a commitment embodied so valiantly in our all-volunteer force, a commitment embodied in the letter of Captain Scott Moore of Sholo, Arizona, a high school history teacher in White River, on one of our Native American reservations who is, himself, along with his colleagues in arms, making history, building a free Iraq. Moving forward, he eventually strikes a blow for peace by picking up the implements of war.

□ 1545

Mr. Speaker, our President again made the statements so clearly and compellingly, in the days following 9/11: "This conflict was started by others but it will end at a time and place of our choosing."

No one wants war. General MacArthur, our supreme allied commander in the Pacific theater in World War II said, "The soldier least of all wants war for it is the soldier who literally has the most to lose."

His counterpart in the European theater, the supreme allied commander, General Dwight David Eisenhower, who remarked that when he came ashore a few days following D-Day on Omaha Beach, it was impossible to take a step without treading upon dead and decaying human flesh. Eisenhower, even in victory, seared by that experience described war as a cross of iron upon which hangs all humanity. But as horrible as war is, the constant threat of terror, the scourge of those who in barbaric fashion would murder the innocent, cannot be left unchecked nor unanswered.

We must renew our commitment at this time, in this place, and through our expressions of conferring power. Again, as I mentioned earlier, the unique aspect of governance in our constitutional Republic is that this government only operates, only derives its power from the consent of the governed. And as the people make their decisions, Mr. Speaker, I would appeal to all Americans regardless of partisan label, political stripe or philosophy to see this thing through. It will take many different forms. It will take many different approaches. It may, in fact, Mr. Speaker, take us many years.

I mentioned earlier the observations of our great wartime military leaders, Generals Eisenhower and MacArthur. I am also reminded of our British cousin with whom we formed the grand alliance during World War II, Prime Minister Churchill, who in the other body addressed the American people in 1941 or in early 1942, the date escapes me, but who essentially said, as allies we are in for a time of great tribulation and sacrifice.

There is no way to sugar-coat or put aside the sacrifices of war. There is no way to explain away the sacrifice of the lives of men and women. There is no way to articulate the thanks we owe to so many brave wounded with whom I have had the privilege to meet at Walter Reed Medical Center and at other locations.

But we dare not in this new century fail to understand that the horror of war cannot obscure the even greater horror of inaction, the even greater horror of appeasement, the even greater horror of capitulation through inaction, the even greater horror of a lack of resolve. For in the final analysis, Mr. Speaker, the most basic responsibility of government is to protect the citizens of this Nation, as our founders said it, to provide for the common defense. And we best provide that defense and that national security with offense, with offensive operations, with taking the fight to those who would hope to bring the fight to our shores.

Mr. Speaker, I mentioned earlier my visit to the war theater on the anniversary of the outbreak of the conflict. I saw many Arizonans there. I was greeted in Baghdad by a former Arizonan, General Steve Sergeant, former commander at Luke Air Force Base in the west valley at Balad. I saw my old friend Cornell Ronny Cox who I first got to know when he was a high school football coach for an opposing team in my youth, who at the time I saw him in Balad earned the informal title the "Mayor of Balad," dealing with civil administration and so many other things.

I have met many other Arizonans along the way, but in Mosul I saw another young Arizonan who typified what is best with America. This young man calls the Navajo Reservation in northwest Arizona his home. This young man happens to be the grandson of former Arizona State Senator Jack Jackson. And it was interesting as I sat in the mess hall with Munoz of Tempe and Pignato of Tucson, they said to me, Whatever you do, Congressman, do not leave until you meet Adahy. Sergeant Adahy, the young Navajo was working in the garage, but he was not performing the standard maintenance of vehicles that we often associate with the grease pits in the garage. No. Adahy was there building what was eponymously named the Adahy Special.

You have heard about the challenges that our forces faced as they tried to deal with their different vehicles and initially a lack of armor; and this Congress provided supplemental funds not only for personal body armor but also for retrofitting armor on vehicles. Indeed, one of the companies supplying that armor likewise is located in Arizona. But our friend, Adahy, was not waiting, was not waiting for that armor to come up the supply line.

He was doing what so many Americans have done before. He was displaying good old fashioned Yankee ingenuity, finding scrap iron, taking the

welding torch, working in his own way to build what they call Adahy Specials, putting armor on the vehicles to protect his fellow soldiers.

What Sergeant Adahy was doing that day we have seen so often in our all volunteer force. The unique thing about our men and women in uniform, whether they hail from the Navajo Nation in northwest Arizona or from the plains of Kansas or from the streets of New York City, our fighting forces are composed of seemingly ordinary men and women who are capable of extraordinary things. And we give thanks for their service. To those who have sacrificed, we will remember that sacrifice, and we dare not fail to see this through. Because as we learned on that beautiful fall day just 3 years ago, there are those perfectly happy to kill Americans just because we are Americans.

So let us remember the sacrifices of those who serve. Let us remember the words of Captain Moore of Arizona. Let us remember the actions of Sergeant Adahy and so many others who are taking the fight to the insurgents and the agents of terror over there so that we do not confront them here.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 3858. An act to amend the Public Health Service Act to increase the supply of pancreatic islet cells for research, and to provide for better coordination of Federal efforts and information on islet cell transplantation.

H.R. 4555. An act to amend the Public Health Service Act to revise and extend provisions relating to mammography quality standards.

H.R. 5185. An act to temporarily extend the programs under the Higher Education Act of 1965.

H.R. 5186. An act to reduce certain special allowance payments and provide additional teacher loan forgiveness on Federal student loans.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 2486. An act to amend title 38, United States Code, to improve and extend housing, education, and other benefits under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

S. 2965. An act to amend the Livestock Mandatory Price Reporting Act of 1999 to modify the termination date for mandatory price reporting.

The message also announced that pursuant to Public Law 93-415, as amended by Public Law 102-586 the Chair, on behalf of the Majority Leader, after consultation with the Democratic Leader, appoints the following individuals to serve as members of the Coordinating Council on Juvenile Justice and Delinquency Prevention:

The Honorable Steven H. Jones of Tennessee;

Mr. Bill Gibbons of Tennessee; and
Dr. Larry K. Brendtro of South Dakota.

The message also announced that in accordance with section 1928a-1928d of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senators as members of the Senate Delegation to the North Atlantic Treaty Organization Parliamentary Assembly during the Second Session of the One Hundred Eighth Congress.

Senator PATRICK LEAHY of Vermont; and

Senator DIANE FEINSTEIN of California.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GREEN of Texas (at the request of Ms. PELOSI) for today on account of important business in the district.

Ms. MAJETTE (at the request of Ms. PELOSI) for October 4, 5, 7, 8 and today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. TURNER of Texas, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

(The following Members (at the request of Mr. FRANKS of Arizona) to revise and extend their remarks and include extraneous material:)

Mr. FRANKS of Arizona, for 5 minutes, today.

ADJOURNMENT

Mr. HAYWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. PEARCE). Accordingly, pursuant to the previous order of the House of today, the House stands adjourned until 2 p.m. on Wednesday, October 13, 2004, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 518, in which case the House shall stand adjourned pursuant to that concurrent resolution.

Thereupon (at 3 o'clock and 59 minutes p.m.), pursuant to the previous

order of the House of today, the House adjourned until 2 p.m. on Wednesday, October 13, 2004, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 518, in which case the House shall stand adjourned pursuant to that concurrent resolution.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10539. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule — Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Limiting the Volume of Small Red Seedless Grapefruit [Docket No. FV04-905-3 IFR] received August 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10540. A letter from the Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule — Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems [CC Docket No. 94-102]; Non-Initialized Phones [RM-8143] received October 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10541. A letter from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations [MB Docket No. 03-185] received October 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10542. A letter from the Legal Advisor/Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule — Promoting Efficient Use of Spectrum Through Elimination of Barriers to the Development of Secondary Markets [WT Docket No. 00-230] received October 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10543. A letter from the Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule — The 4.9 GHz Band Transferred from Federal Government Use [WT Docket No. 00-32] received October 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10544. A letter from the Attorney Advisor, WTB, Federal Communications Commission, transmitting the Commission's final rule — Improving Public Safety Communications in the 800 MHz Band [Dkt. 02-55] Consolidating the 800 and 900 Mhz Industrial/Land Transportation and Business Pool Channels; Amdt of Pt 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including 3rd Generation Wireless Systems [Dkt. 00-258] Petition for Rule Making of the Wireless Information Networks Forum Concerning the Unlicensed Personal Communications Service [RM-10024] Petition for Rule Making of UT Starcom, Inc., Concerning the Unlicensed Personal Communications Service [Dkt. to the Committee on Energy and Commerce.

10545. A letter from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Redesignation of the 17.7-19.7 GHz Frequency Band, Blanket Licensing of Satellite Earth Stations in the 17.7-20.2 GHz and 27.5-30.0 GHz Frequency Bands, and the Allocation of Additional Spectrum in the 17.3-17.8 GHz and 24.75-25.25 GHz Frequency Bands for Broadcast Satellite-Service Use [IB Docket No.98-172; RM-9005; RM-9118] received October 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10546. A letter from the Legal Advisor to Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Glendive, Montana) [MB Docket No. 04-188] received October 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10547. A letter from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Policy for Licensing Domestic Satellite Earth Stations in the Bush Communities of Alaska (IB Docket No. 02-30; RM No. 7246) received October 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10548. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Athens and Doraville, Georgia) [MB Docket No. 03-190] received October 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10549. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Caliente, Bunkerville, Laughlin, Longdale, Nevada; Mohave, Arizona; St. George, Utah) [MB Docket No. 01-135] received October 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10550. A letter from the Under Secretary for Management, Department of Homeland Security, transmitting the Department's Annual Report on the Implementation of the Federal Financial Assistance Management Improvement Act of 1999, pursuant to Public Law 106-107, section 5 (113 Stat. 1488); to the Committee on Government Reform.

10551. A letter from the Chairman, Federal Housing Finance Board, transmitting pursuant to the requirements of Sections 3 and 4 of the Government Performance and Results Act of 1993 and Part 6 of Circular A-11 of the United States Office of Management and Budget, the Board's strategic plan for FY 2003 through 2008, amended and updated through August 31, 2004; an annual performance plan for FY 2004; and an annual performance budget for FY 2005; to the Committee on Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROGERS of Kentucky: Committee of Conference. Conference report on H.R. 4567. A bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other

purposes (Rept. 108-774). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. KELLY:

H.R. 5353. A bill to establish limitations on the utilization and disposal of the Franklin Delano Roosevelt campus of the Department of Veterans Affairs Hudson Valley Health Care System at Montrose, New York, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. HOOLEY of Oregon (for herself, Mr. HOLDEN, Mr. CAPUANO, Mr. SANDLIN, Mr. SCOTT of Georgia, Ms. CARSON of Indiana, Mr. PAYNE, Mr. RUPPERSBERGER, Mr. DEFAZIO, Mr. HOLT, Mr. KILDEE, Mr. STARK, Mr. STUPAK, Ms. ESHOO, Mr. GRIJALVA, Mr. BISHOP of Georgia, Mrs. CAPPS, Mr. BERRY, Mr. BELL, Mr. LUCAS of Kentucky, Ms. KILPATRICK, Mr. CARDOZA, Mr. ROSS, Mr. SCOTT of Virginia, Ms. LINDA T. SANCHEZ of California, Mr. BISHOP of New York, Mr. McNULTY, Mr. WU, Mr. DAVIS of Tennessee, Mr. HONDA, Mr. LARSEN of Washington, Mr. SMITH of Washington, Ms. DEGETTE, Mr. PASTOR, Mr. KIND, Mr. FRANK of Massachusetts, Ms. JACKSON-LEE of Texas, Mr. MCGOVERN, Mr. KENNEDY of Rhode Island, Mr. STENHOLM, Mr. SERRANO, and Mr. BLUMENAUER):

H.R. 5354. A bill to enhance the benefits and protections for members of the reserve components of the Armed Forces who are called or ordered to extended active duty, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Energy and Commerce, Education and the Workforce, Ways and Means, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOSWELL (for himself and Mr. OSBORNE):

H.R. 5355. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage small business health plans; to the Committee on Ways and Means.

By Mr. LANGEVIN (for himself, Mr. McDERMOTT, Mr. PETERSON of Minnesota, Mr. GRIJALVA, and Mr. KENNEDY of Rhode Island):

H.R. 5356. A bill to amend title 38, United States Code, to authorize the placement in a national cemetery of memorial markers for the purpose of commemorating servicemembers or other persons whose remains are interred in an American Battle Monuments Commission cemetery; to the Committee on Veterans' Affairs.

By Mr. RYAN of Ohio:

H.R. 5357. A bill to direct the Secretary of Education to establish a music education pilot program to make grants to a university to fund a music education center for young people; to the Committee on Education and the Workforce.

By Mr. SOUDER (for himself, Mr. BAIRD, Mr. EHLERS, Mr. GRIJALVA, Mr. GORDON, Mr. CASE, Mr. RODRIGUEZ, Mr. McINNIS, Mr. BOEHLERT, Mr. VAN HOLLEN, Mrs. CAPITO, Mr. HOFFFEL, Ms. MCCOLLUM, Mr. SNYDER, Mr. UDALL of Colorado, Mr. KILDEE, Mr. MARKEY, Ms. ROSELEHTINEN, Mr. NEAL of Massachusetts, Ms. BORDALLO, and Mr. MICHAUD):

H.R. 5358. A bill to eliminate the annual operating deficit and maintenance backlog in the national parks, and for other purposes; to the Committee on Resources, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VITTER:

H.R. 5359. A bill to amend the Tariff Act of 1930 to allow for improved administration of new shipper administrative reviews; to the Committee on Ways and Means.

By Mr. DELAY:

H. Con. Res. 518. Concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Mr. SENSENBRENNER:

H. Con. Res. 519. Concurrent resolution correcting the enrollment of H.R. 5107; considered and agreed to.

By Mr. DAVIS of Illinois:

H. Con. Res. 520. Concurrent resolution supporting the efforts and activities of individuals, organizations, and other entities to honor the lives of enslaved Africans in the United States and to make reparations to their descendants for slavery and its lingering effects; to the Committee on Government Reform.

By Mr. DAVIS of Illinois (for himself and Ms. SCHAKOWSKY):

H. Res. 852. A resolution expressing the support of the House of Representatives for programs and activities to prevent perpetrators of fraud from victimizing senior citizens; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 528: Mr. SESSIONS.
 H.R. 785: Mr. VAN HOLLEN and Mr. WEXLER.
 H.R. 1083: Ms. HOOLEY of Oregon.
 H.R. 1751: Mr. BOSWELL.
 H.R. 2394: Mr. WYNN.
 H.R. 3767: Mrs. DAVIS of California.
 H.R. 4367: Ms. BERKLEY, Mr. CRAMER, Mr. UDALL of Colorado, and Mr. TANNER.
 H.R. 4585: Ms. EDDIE BERNICE JOHNSON of Texas.
 H.R. 4910: Ms. WATERS.
 H.R. 5055: Mr. BURGESS, Mr. DAVIS of Florida, Mr. ENGLISH, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. HOYER, Ms. LINDA T. SANCHEZ of California, Mr. SERRANO, Mr. GINGREY, Mr. BLUMENAUER, Mr. ISAKSON, Mr. ALEXANDER, Mr. BACA, Mr. WALSH, Mr. WOLF, Mr. BELL, Ms. HART, Mrs. CAPITO, Mr. SKELTON, Ms. LEE, Mr. BURNS, Mr. SOUDER, and Mr. WALDEN of Oregon.
 H.R. 5091: Mrs. BLACKBURN and Mr. MEEKS of New York.
 H.R. 5203: Mr. GERLACH and Mr. PLATTS.
 H.R. 5291: Mr. CARDIN and Mr. ETHERIDGE.
 H.R. 5345: Mr. WALDEN of Oregon.
 H.R. 5347: Mr. WALDEN of Oregon.
 H.J. Res 109: Mr. KUCINICH and Mr. NADLER.
 H. Res. 851: Ms. KILPATRICK.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2672: Mr. CRANE.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petitions were filed:

Petition 14, October 5, 2004, by Mr. EDWARDS on House Resolution 788 has been signed by the following Members: Chet Edwards, Timothy H. Bishop, Stephen F. Lynch, Michael E. Capuano, Rahm Emanuel, Dale E. Kildee, Raúl M. Grijalva, Peter A. DeFazio, Hilda L. Solis, Sanford D. Bishop, Jr., Diane E. Watson, Bob Etheridge, Lois Capps, Ted Strickland, Artur Davis, Carolyn McCarthy, Carolyn B. Maloney, Barbara Lee, Janice D. Schakowsky, Charles A. Gonzalez, Peter Deutsch, Solomon P. Ortiz, Joe Baca, José E. Serrano, Nita M. Lowey, Nydia M. Velázquez, Ciro D. Rodriguez, Bobby L. Rush, James E. Clyburn, Lynn C. Woolsey, Lucille Roybal-Allard, Jerrold Nadler, Sheila Jackson-Lee, Stephanie Herseth, John W. Olver, Gene Green, Patrick J. Kennedy, Michael R. McNulty, Kendrick B. Meek, Zoe Lofgren, Bill Pascrell, Jr., Brian Baird, Tammy Baldwin, Jim McDermott, Susan A. Davis, Lincoln Davis, Eddie Bernice Johnson, James P. Moran, Major R. Owens, Nick J. Rahall II, Betty McCollum, Jim Marshall, Luis V. Gutierrez, Leonard L. Boswell, Michael H. Michaud, Chris Bell, Adam B. Schiff, Ken Lucas, Ron Kind, John B. Larson, Martin T. Meehan, Barney Frank, Brad Miller, Earl Blumenauer, Maurice D. Hinchey, Sherrod Brown, Bart Gordon, Joseph Crowley, Michael M. Honda, Jane Harman, David Scott, Benjamin L. Cardin, Sander M. Levin, Baron P. Hill, Grace F. Napolitano, Bart Stupak, Darlene Hooley, Charles B. Rangel, Lloyd Doggett, Elijah E. Cummings, William D. Delahunt, Bennie G. Thompson, Danny K. Davis, Thomas H. Allen, Ellen O. Tauscher, Alcee L. Hastings, Karen McCarthy, C. A. Dutch Ruppersberger, James R. Langevin, Gary L. Ackerman, William J. Jefferson, Anna G. Eshoo, Robert T. Matsui, Eliot L. Engel, James P. McGovern, Denise L. Majette, David R. Obey, Ike Skelton, Michael F. Doyle, Marion Berry, Jesse L. Jackson, Jr., Albert Russell Wynn, Bob Filner, Jim Cooper, Martin Frost, Robert C. Scott, Steven R. Rothman, Donald M. Payne, Nick Lampson, Sam Farr, Marcy Kaptur, Mike McIntyre, Fortney Pete Stark, Julia Carson, John M. Spratt, Jr., Carolyn C. Kilpatrick, Tom Lantos, Steve Israel, Tom Udall, Harold E. Ford, Jr., Dennis J. Kucinich, Vic Snyder, Bernard Sanders, Frank Pallone, Jr., Jim Davis, David E. Price, Mike Ross, Charles W. Stenholm, Brad Sherman, Rush D. Holt, Nancy Pelosi, Maxine Waters, Chris Van Hollen, James L. Oberstar, Edward J. Markey, Diana DeGette, Anthony D. Weiner, Rosa L. DeLauro, Corrine Brown, Allen Boyd, David Wu, Ben Chandler, Ed Case, Gregory W. Meeks, Silvestre Reyes, Stephanie Tubbs Jones, John Lewis, G. K. Butterfield, Neil Abercrombie, Dennis Moore, Melvin L. Watt, Steny H. Hoyer, John Conyers, Jr., Max Sandlin, Collin C. Peterson, Mark Udall, John D. Dingell, Adam Smith, Rick Larsen, Dennis A. Cardoza, and Howard L. Berman.

Petition 15, October 5, 2004, by Mr. BISHOP of New York on House Resolution 790 has been signed by the following Members: Timothy H. Bishop, Stephen F. Lynch, Michael E. Capuano, Rahm Emanuel, Dale E. Kildee, Raúl M. Grijalva, Peter A. DeFazio, Hilda L. Solis, Sanford D. Bishop, Jr., Diane E. Watson, Bob Etheridge, Lois Capps, Ted Strickland, Artur Davis, Carolyn McCarthy, Carolyn B. Maloney, Barbara Lee, Janice D. Schakowsky, Charles A. Gonzalez, Peter Deutsch, Solomon P. Ortiz, Joe Baca, Jose E. Serrano, Nita M. Lowey, Nydia M. Velázquez, Ciro D. Rodriguez, James E. Clyburn, Lynn C. Woolsey, Jerrold Nadler, Sheila Jackson-Lee, Stephanie Herseth, John W. Olver, Gene Green, Patrick J. Kennedy, Michael R. McNulty, Kendrick B. Meek, Zoe Lofgren, Bill Pascrell, Jr., Brian Baird, Tammy Baldwin, Linda T. Sánchez, Jim

McDermott, Susan A. Davis, Lincoln Davis, Eddie Bernice Johnson, James P. Moran, Major R. Owens, Nick J. Rahall II, Luis V. Gutierrez, Leonard L. Boswell, Michael H. Michaud, Chris Bell, Adam B. Schiff, Ken Lucas, Ron Kind, John B. Larson, Martin T. Meehan, Barney Frank, Brad Miller, Earl Blumenauer, Maurice D. Hinchey, Sherrod Brown, Joseph Crowley, Bart Gordon, Michael M. Honda, Jane Harman, David Scott, Grace F. Napolitano, Bart Stupak, Darlene Hooley, Charles B. Rangel, Lloyd Doggett, Elijah E. Cummings, William D. Delahunt, Bennie G. Thompson, Danny K. Davis, Thomas H. Allen, Karen McCarthy, C. A. Dutch Ruppersberger, James R. Langevin, Gary L. Ackerman, William J. Jefferson, Anna G. Eshoo, Lane Evans, Robert T. Matsui, Eliot L. Engel, James P. McGovern, Denise L. Majette, David R. Obey, Michael F. Doyle, Marion Berry, Jesse L. Jackson, Jr., Albert Russell Wynn, Bob Filner, Jim Cooper, Martin Frost, Robert C. Scott, Steven R. Rothman, Donald M. Payne, Nick Lampson, Sam Parr, Marcy Kaptur, Mike McIntyre, Fortney Pete Stark, Julia Carson, John M. Spratt, Jr., Carolyn C. Kilpatrick, Tom Lantos, Steve Israel, Tom Udall, Harold E. Ford, Jr., Dennis J. Kucinich, Vic Snyder, Bernard Sanders, Frank Pallone, Jr., David E. Price, Mike Ross, Charles W. Stenholm, Brad Sherman, Rush D. Holt, Nancy Pelosi, Maxine Waters, Chris Van Hollen, Jim Marshall, James L. Oberstar, Lucille Roybal-Allard, Edward J. Markey, Diana DeGette, Rosa L. DeLauro, Betty McCollum, Corrine Brown, David Wu, Bobby L. Rush, Ed Case, Gregory W. Meeks, Stephanie Tubbs Jones, John Lewis, G. K. Butterfield, Neil Abercrombie, Dennis Moore, Melvin L. Watt, Steny H. Hoyer, John Conyers, Jr., Max Sandlin, Ben Chandler, Mark Udall, John D. Dingell, Rick Larsen, and Dennis A. Cardoza.

Petition 16, October 6, 2004, by Mr. MILLER of North Carolina on House Resolution 800 has been signed by the following Members: Brad Miller, Thomas H. Allen, Nydia M. Velázquez, Maxine Waters, Joseph Crowley, Charles A. Gonzalez, Loretta Sanchez, Lynn C. Woolsey, Dale E. Kildee, Robert A. Brady, Tim Holden, Carolyn McCarthy, Linda T. Sanchez, Raúl M. Grijalva, Ellen O. Tauscher, Zoe Lofgren, David Scott, Joe Baca, Lois Capps, Gregory W. Meeks, Karen McCarthy, Bob Etheridge, C. A. Dutch Ruppersberger, James R. Langevin, Gary L. Ackerman, William J. Jefferson, John B. Larson, Hilda L. Solis, Anna G. Eshoo, Nita M. Lowey, Lane Evans, Robert T. Matsui, Eliot L. Engel, Sanford D. Bishop, Jr., James P. McGovern, Denise L. Majette, Michael F. Doyle, Ciro D. Rodriguez, Ruben Hinojosa, Marion Berry, Jesse L. Jackson, Jr., Albert Russell Wynn, Diane E. Watson, Leonard L. Boswell, Bob Filner, Barbara Lee, Jim Cooper, Martin Frost, Chris Bell, Robert C. Scott, Steven R. Rothman, Donald M. Payne, Sheila Jackson-Lee, Bill Pascrell, Jr., Grace F. Napolitano, Nick Lampson, Sam Farr, Marcy Kaptur, Mike McIntyre, Fortney Pete Stark, Julia Carson, John M. Spratt, Jr., Carolyn C. Kilpatrick, Tom Lantos, Susan A. Davis, Steve Israel, Tom Udall, Harold E. Ford, Jr., Dennis J. Kucinich, Vic Snyder, Stephanie Herseth, Bernard Sanders, Frank Pallone, Jr., Timothy H. Bishop, Michael M. Honda, Stephen F. Lynch, David E. Price, Tammy Baldwin, Danny K. Davis, Mike Ross, Carolyn B. Maloney, Charles W. Stenholm, John W. Olver, Rush D. Holt, Nancy Pelosi, Charles B. Rangel, Chris Van Hollen, Artur Davis, Janice D. Schakowsky, Lucille Roybal-Allard, James P. Moran, Diana DeGette, Michael R. McNulty, Rosa L. DeLauro, Brad Sherman, Eddie Bernice Johnson, Tim Ryan, Patrick J. Kennedy, Corrine Brown, Peter A. DeFazio, Darlene Hooley, David Wu, Bobby L. Rush, Bart Stu-

pak, Ed Case, William D. Delahunt, Gene Green, Stephanie Tubbs Jones, John Lewis, Michael H. Michaud, Bennie G. Thompson, James E. Clyburn, Luis V. Gutierrez, Sherrod Brown, G. K. Butterfield, Neil Abercrombie, Dennis Moore, Melvin L. Watt, Steny H. Hoyer, John Conyers, Jr., Max Sandlin, Nick J. Rahall II, Ben Chandler, Collin C. Peterson, Mark Udall, John D. Dingell, Sander M. Levin, Rick Larsen, and Dennis A. Cardoza.

DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 1 by Mr. FROST on S. 121: Alcee L. Hastings, Steven R. Rothman, and William J. Jefferson.

Petition 9 by Mr. FROST on House Resolution 696: Steven R. Rothman.

Petition 11 by Ms. LEE on House Resolution 748: Allen Boyd, George Miller, Lincoln Davis, Bennie G. Thompson, Peter Deutsch, Solomon P. Ortiz, Lucille Roybal-Allard, Brian Baird, Sanford D. Bishop, Jr., Bart Gordon, Benjamin L. Cardin, Sander M. Levin, Tim Holden, Calvin M. Dooley, Marion Berry, William J. Jefferson, Sam Farr, Fortney Pete Stark, Jay Inslee, Nita M. Lowey, Anthony D. Weiner, Rodney Alexander, Neil Abercrombie, Collin C. Peterson, Earl Pomeroy, and Harold E. Ford, Jr.

Petition 12 by Mr. MEEHAN on House Resolution 769: Anna G. Eshoo, Loretta Sanchez, George Miller, Henry A. Waxman, James R. Langevin, Peter Deutsch, Bobby L. Rush, Lucille Roybal-Allard, Jerrold Nadler, Sheila Jackson-Lee, John W. Olver, Ed Case, Brad Sherman, Barney Frank, Michael M. Honda, James P. McGovern, Alcee L. Hastings, Robert C. Scott, William J. Jefferson, Sam Farr, Fortney Pete Stark, Julia Carson, Carolyn C. Kilpatrick, Steve Israel, Dennis J. Kucinich, Nancy Pelosi, Maxine Waters, Nita M. Lowey, Grace F. Napolitano, Artur Davis, Janice D. Schakowsky, Edward J. Markey, Diana DeGette, Anthony D. Weiner, William D. Delahunt, Stephanie Tubbs Jones, Eliot L. Engel, G. K. Butterfield, Melvin L. Watt, Donald M. Payne, Steny H. Hoyer, Tammy Baldwin, Elijah E. Cummings, Patrick J. Kennedy, Earl Blumenauer, Howard L. Berman, and Danny K. Davis.

Petition 13 by Mr. EDWARDS on House Resolution 773: Anna G. Eshoo, Loretta Sanchez, George Miller, G. K. Butterfield, Sander M. Levin, Tammy Baldwin, James R. Langevin, Jim Turner, Shelley Berkley, Lincoln Davis, Calvin M. Dooley, John W. Olver, Peter Deutsch, Solomon P. Ortiz, Bobby L. Rush, Jerrold Nadler, Sheila Jackson-Lee, Stephanie Herseth, Brian Baird, Jim McDermott, Brad Sherman, John F. Tierney, Michael H. Michaud, Brad Miller, Earl Blumenauer, Danny K. Davis, Maurice D. Hinchey, Michael M. Honda, Jane Harman, Lloyd Doggett, Elijah E. Cummings, Alcee L. Hastings, Gary L. Ackerman, Sanford D. Bishop, Jr., Ciro D. Rodriguez, Stephen F. Lynch, Bob Etheridge, Robert C. Scott, William J. Jefferson, Sam Farr, Marcy Kaptur, Mike McIntyre, Fortney Pete Stark, Carolyn C. Kilpatrick, Steve Israel, Tom Udall, Harold E. Ford, Jr., Dennis J. Kucinich, Vic Snyder, Bernard Sanders, Timothy H. Bishop, Jim Davis, Ken Lucas, Jim Cooper, Ron Kind, Mike Ross, Carolyn B. Maloney, Gregory W. Meeks, Steny H. Hoyer, Linda T. Sánchez, Nancy Pelosi, Maxine Waters, John M. Spratt, Jr., Jim Marshall, Nita M. Lowey, Grace F. Napolitano, Janice D. Schakowsky, Dennis A. Cardoza, Nick Lampson, Lucille Roybal-Allard, Lynn C. Woolsey, Edward J.

Markey, C. A. Dutch Ruppersberger, James P. Moran, Diana DeGette, Anthony D. Weiner, Rosa L. DeLauro, Henry A. Waxman, James E. Clyburn, Tim Ryan, Chris Bell, Rahm Emanuel, Betty McCollum, Patrick J. Kennedy, David R. Obey, Corrine Brown, Darlene Hooley, David Wu, Bill Pascrell, Jr., Ben Chandler, Rick Larsen, Jay Inslee, William D. Delahunt, Silvestre Reyes, Gene Green, Stephanie Tubbs Jones, Mike Thompson, Major R. Owens, Bennie G. Thompson, Neil Abercrombie, Dennis Moore, Robert Wexler, Joseph M. Hoeffel, Artur Davis, Baron P. Hill; Lane Evans, Barbara Lee, David Scott, Melvin L. Watt, Donald M. Payne, John Conyers, Jr., Max Sandlin, Zoe Lofgren, Mark Udall, John D. Dingell, Bart Gordon, Harold E. Ford, Jr., and Howard L. Berman.