

security of the United States, and for other purposes; as follows:

On page 150, line 24, strike “(tidal and thermal)” and insert “(wave, tidal, current, and thermal)”.

On page 156, line 4, strike “(tidal and thermal)” and insert “(wave, tidal, current, and thermal)”.

SA 1396. Mr. DOMENICI proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes, as follows:

On page 90, line 24, strike “2003 through 2011” and insert “2004 through 2012”.

SA 1397. Mr. DOMENICI (for himself and Ms. MURKOWSKI) proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

On page 40, beginning with line 13, strike all through line 20 and insert:

“(4) For purposes of this subsection, calculations of payments shall be made using qualified Outer Continental Shelf revenues received during the previous fiscal year.

SA 1398. Mr. DOMENICI proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

On page 40, strike line 5 and all that follows through line 12, and insert: “shall not disburse such an amount until the final resolution of any appeal regarding the disapproval of a plan submitted under this section or so long as the Secretary determines that such State is making a good faith effort to develop and submit, or update, a Coastal Impact Assistance Plan.”.

SA 1399. Mr. DOMENICI proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

On page 286, strike line 10 and all that follows through page 287, line 21, and insert:

“SEC. 814. HYDROGEN DEMONSTRATION PROGRAMS IN NATIONAL PARKS.

“(a) STUDY.—Not later than 1 year after the date of enactment of this section, the Secretary of the Interior and the Secretary of Energy shall jointly study and report to Congress on—

“(1) the energy needs and uses in units of the National Park System; and

“(2) the potential for fuel cell and other hydrogen-based technologies to meet such energy needs in—

“(A) stationary applications, including power generation, combined heat and power for buildings and campsites, and standby and backup power systems; and

“(B) transportation-related applications, including support vehicles, passenger vehicles and heavy-duty trucks and buses.

“(b) PILOT PROJECTS.—Based on the results of the study, the Secretary of the Interior shall fund not fewer than 3 pilot projects in units of the National Park System for demonstration of fuel cells or other hydrogen-based technologies in those applications where the greatest potential for such use has been identified. Such pilot projects shall be geographically distributed throughout the United States.

“(c) AUTHORIZATION OF APPROPRIATIONS.—For purposes of this section, there are authorized to be appropriated to the Secretary

of the Interior \$1,000,000 for fiscal year 2004, and \$15,000,000 for fiscal year 2005, to remain available until expended.”.

SA 1400. Mr. DOMENICI proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

On page 305, line 23, strike the word “basic”.

SA 1401. Mr. BINGAMAN (for Ms. LANDRIEU) proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

On page 37, line 23, “year. Where” and insert “year, except that where”.

SA 1402. Mr. FEINGOLD (for himself and Mr. BROWNBAC) submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 465, between lines 10 and 11, insert the following:

SEC. 1175. AFFILIATE TRANSACTIONS.

Section 204 of the Federal Power Act (16 U.S.C. 824c) is amended by adding at the end the following:

“(i) TRANSACTIONS WITH AFFILIATES AND ASSOCIATED COMPANIES.—

“(1) DEFINITIONS.—In this subsection, the terms ‘affiliate’, ‘associate company’, and ‘public utility’ have the meanings given the terms in section 1151 of the Energy Policy Act of 2003.

“(2) REGULATIONS.—

“(A) IN GENERAL.—The Commission shall promulgate regulations that shall apply in the case of a transaction between a public utility and an affiliate or associate company of the public utility.

“(B) CONTENTS.—At a minimum, the regulations under subparagraph (A) shall require, with respect to a transaction between a public utility and an affiliate or associate company of the public utility, that—

“(i) the affiliate or associate company shall be an independent, separate, and distinct entity from the public utility;

“(ii) the affiliate or associate company shall maintain separate books, accounts, memoranda, and other records and shall prepare separate financial statements;

“(iii)(I) the public utility shall conduct the transaction in a manner that is consistent with transactions among nonaffiliated and nonassociated companies; and

“(II) shall not use its status as a monopoly franchise to confer on the affiliate or associate company any unfair competitive advantage;

“(iv) the public utility shall not declare or pay any dividend on any security of the public utility in contravention of such rules as the Commission considers appropriate to protect the financial integrity of the public utility;

“(v) the public utility shall have at least 1 independent director on its board of directors;

“(vi) the affiliate or associate company shall not acquire any loan, loan guarantee, or other indebtedness, and shall not structure its governance, in a manner that would permit creditors to have recourse against the assets of the public utility; and

“(vii) the public utility shall not—

“(I) commingle any assets or liabilities of the public utility with any assets or liabilities of the affiliate or associate company; or

“(II) pledge or encumber any assets of the public utility on behalf of the affiliate or associate company;

“(viii)(I) the public utility shall not cross-subsidize or shift costs from the affiliate or associate company to the public utility; and

“(II) the public utility shall disclose and fully value, at the market value or other value specified by the Commission, any assets or services by the public utility that, directly or indirectly, are transferred to, or otherwise provided for the benefit of, the affiliate or associate company, in a manner that is consistent with transfers among nonaffiliated and nonassociated companies; and

“(ix) electricity and natural gas consumers and investors shall be protected against the financial risks of public utility diversification and transactions with and among affiliates and associate companies.

“(3) NO PREEMPTION.—This subsection does not preclude or deny the right of any State or political subdivision of a State to adopt and enforce standards for the corporate and financial separation of public utilities that are more stringent than those provided under the regulations under paragraph (2).

“(4) PROHIBITION.—It shall be unlawful for a public utility to enter into or take any step in the performance of any transaction with any affiliate or associate company in violation of the regulations under paragraph (2).”.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON CRIME, CORRECTIONS AND VICTIMS' RIGHTS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Crime, Corrections and Victims' Rights be authorized to meet to conduct a hearing on “Alien Smuggling/Human Trafficking: Sending Meaningful Messages of Deterrence,” on Friday, July 25, 2003, at 10 a.m., in SD226.

Panel 1: John Malcomb, Esq., Assistant Attorney General, Criminal Division, Department of Justice, Washington, DC; Mr. Charles Demore, Interim Assistant Director of Investigations, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Washington, DC; and Mr. Robert L. Harris, Deputy Chief, U.S. Border Patrol, Department of Homeland Security, Bureau of Customs and Border Protection, Washington, DC.

Panel 2: the Honorable Robert Charleton, United States Attorney, District of Arizona, Phoenix, AZ; the Honorable Jane Boyle, United States Attorney, Northern District of Texas, Dallas, TX; and Sharon Cohn, Esq., Senior Counsel, International Justice Mission, Washington, DC.

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

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004

On Thursday, July 24, 2003, the Senate passed H.R. 2555, as follows:

Resolved, That the bill from the House of Representatives (H.R. 2555) entitled “An Act making appropriations for the Department

of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.”, do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Homeland Security for the fiscal year ending September 30, 2004, and for other purposes, namely:

DEPARTMENT OF HOMELAND SECURITY
TITLE I—DEPARTMENTAL OPERATIONS,
MANAGEMENT, AND OVERSIGHT
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, \$83,653,000.

OFFICE OF THE UNDER SECRETARY FOR
MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management and Administration, as authorized by sections 701-704 of the Homeland Security Act of 2002 (6 U.S.C. 341-344), \$167,521,000: Provided, That of the total amount provided, \$30,000,000 shall remain available until expended solely for the alteration and improvement of facilities and for relocation costs necessary for the interim housing of the Department's headquarters' operations and organizations collocated therewith.

DEPARTMENT-WIDE TECHNOLOGY INVESTMENTS

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, \$185,000,000, to remain available until expended.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$58,118,000; 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—SERVICES

CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, including international services, as transferred by and authorized by the Homeland Security Act of 2002 (6 U.S.C. 271, 272), \$229,377,000.

TITLE III—SECURITY, ENFORCEMENT, AND
INVESTIGATIONS

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, Title IV, of the Homeland Security Act of 2002 (6 U.S.C. 201-203), \$8,842,000.

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), \$380,000,000, to remain available until expended: Provided, That none of the funds appropriated in this Act for the United States Visitor and Immigrant Status Indicator Technology project may be obligated until the Department of Homeland Security submits a

plan for expenditure that has been approved by the Committees on Appropriations of the Senate and the House of Representatives.

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for 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; contracting with individuals for personal services abroad; including not to exceed \$1,000,000 to meet unforeseen emergencies of a confidential nature, to be expended under the direction of, and to be accounted for solely under the certificate of, the Under Secretary for Border and Transportation Security; as authorized by any Act enforced by the Bureau of Customs and Border Protection, \$4,366,000,000, of which not to exceed \$96,000,000 shall remain available until September 30, 2005, for inspection technology; 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 \$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 none of the funds appropriated shall be available to compensate any employee for overtime in an annual amount in excess of \$30,000, except that the Under Secretary for Border and Transportation Security may exceed that amount as necessary for national security purposes and in cases of immigration emergencies: Provided further, That of the total amount provided for activities to enforce laws against forced child labor in fiscal year 2004, not to exceed \$4,000,000 shall remain available until expended.

In addition, for administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103-182, and notwithstanding section 1511 (e)(1) of Public Law 107-296, \$3,000,000 to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with the appropriation for “Salaries and Expenses” under this heading.

AUTOMATION MODERNIZATION

For expenses for Customs and Border Protection automated systems, \$441,122,000, to remain available until expended, of which not less than \$318,690,000 shall be for the development of the Automated Commercial Environment: Provided, That none of the funds appropriated in this Act for the Automated Commercial Environment may be obligated until the Department of Homeland Security submits a plan for expenditure that has been approved by 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, \$90,363,000, to remain available until expended.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for enforcement of immigration and customs laws, detention and removals, investigations; purchase and lease of up to 1,600 (1,450 for replacement only) police-type vehicles; including not to exceed \$1,000,000 to

meet unforeseen emergencies of a confidential nature, to be expended under the direction of, and to be accounted for solely under the certificate of, the Under Secretary for Border and Transportation Security; as authorized by any Act enforced by the Bureau of Immigration and Customs Enforcement, \$2,180,000,000, 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 less than \$40,000,000 shall be available until expended for information technology infrastructure, and of which not to exceed \$5,000,000 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 in addition, \$424,211,000 shall be transferred from the revenues and collections in the General Services Administration, Federal Buildings Fund for the Federal Protective Service: Provided further, That none of the funds appropriated shall be available to compensate any employee for overtime in an annual amount in excess of \$30,000, 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 for activities to enforce laws against forced child labor in fiscal year 2004, not to exceed \$1,000,000 shall remain available until expended: Provided further, That not later than 180 days after the date of enactment of this Act, the General Accounting Office shall transmit to Congress a report on the implementation of the Student and Exchange Visitor Information System (SEVIS), including an assessment of the technical problems faced by institutions of higher education using the system, the need for the detailed information collected, and an analysis of corrective action being taken by the Department to resolve problems in SEVIS.

AIR AND MARINE INTERDICTION, OPERATIONS,
MAINTENANCE AND PROCUREMENT

For necessary expenses for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, 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 Bureau of Immigration and Customs Enforcement; and at the discretion of the Director of the Bureau of Immigration and Customs Enforcement, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, \$257,291,000, to remain available until expended.

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, \$26,775,000, 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 (49 U.S.C. 40101 note), \$4,523,900,000, to remain available until September 30, 2005, of which \$3,185,000,000 shall be available for screening activities and of which \$1,338,900,000 shall be available for airport support and enforcement presence: Provided, That security service fees authorized under section 44940 of title 49, United

States Code, shall be credited to this appropriation as offsetting collections and used for providing civil aviation security services authorized by that section: Provided further, That the sum under this heading appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2004 in order to result in a final fiscal year appropriation from the general fund estimated at not more than \$2,453,900,000: Provided further, That any security service fees collected in excess of the amount appropriated under this heading shall be treated as offsetting collections in fiscal year 2005: Provided further, That of the total amount provided under this heading, \$309,000,000 shall be available for physical modification of commercial service airports for the purpose of installing checked baggage explosive detection systems, as authorized by section 367 of title III of Division I of the Consolidated Appropriations Resolution, 2003 (49 U.S.C. 47110 note); and \$150,500,000 shall be available for procurement of checked baggage explosive detection systems, including explosive trace detection systems, as authorized by section 4490 of title 49, United States Code.

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 (49 U.S.C. 40101 note), \$295,000,000, to remain available until September 30, 2005: Provided, That of the total amount provided under this heading, \$150,000,000 shall be available for port security grants, which shall be distributed under the same terms and conditions as provided for under Public Law 107-117; and \$30,000,000 shall be available to execute grants, contracts, and interagency agreements for the purpose of deploying Operation Safe Commerce.

INTELLIGENCE

For necessary expenses for intelligence activities pursuant to the Aviation and Transportation Security Act (49 U.S.C. 40101 note), \$13,600,000, to remain available until September 30, 2004.

RESEARCH AND DEVELOPMENT

For necessary expenses for research and development related to transportation security, \$130,200,000, to remain available until expended: Provided, That of the total amount provided under this heading, \$45,000,000 shall be available for the research and development of explosive detection devices.

ADMINISTRATION

For necessary administrative expenses of the Transportation Security Administration to carry out the Aviation and Transportation Security Act (49 U.S.C. 40101 note), \$433,200,000, to remain available until September 30, 2004.

UNITED STATES COAST GUARD

OPERATING EXPENSES

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses for the operation and maintenance of the Coast Guard not otherwise provided for; purchase of not to exceed five 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, \$4,719,000,000, of which \$340,000,000 shall be available for defense-related activities; and of which \$25,000,000 shall be derived from the Oil Spill Liability Trust Fund: 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 of the total amount provided under this heading, funding to operate and maintain the Coast Guard Research and Development Center shall continue at the fiscal year 2003 level: Provided further, That the Commandant of the Coast Guard shall conduct a study, the cost of which is not to exceed

\$350,000, to be submitted to the Committees on Appropriations of the Senate and the House of Representatives, on the research and development priorities of the Coast Guard and a design for a new research and development organizational structure within the Coast Guard that ensures that the Coast Guard has access to the most advanced technology necessary to perform its missions effectively: Provided further, That the Commandant may seek an independent entity to conduct such a study: 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 2004 under section 1116(a) of such title.

In addition, of the funds appropriated under this heading in chapter 6 of title I of Public Law 108-111 (117 Stat. 583), \$71,000,000 are hereby rescinded.

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 all necessary expenses of the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services, \$95,000,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, \$1,035,000,000, of which \$23,500,000 shall be derived from the Oil Spill Liability Trust Fund; of which \$66,500,000 shall be available to acquire, repair, renovate, or improve vessels, small boats, and related equipment, to remain available until expended; of which \$178,500,000 shall be available for other equipment, including \$3,500,000 for defense message system implementation and \$1,000,000 for oil spill prevention efforts under the Ports and Waterways Safety Systems (PAWSS) program, to remain available until expended; of which \$70,000,000 shall be available for personnel compensation and benefits and related costs; of which \$702,000,000 shall be available for the Integrated Deepwater Systems program, to remain available until expended; and of which \$18,000,000 shall be available for alteration or removal of obstructive bridges, to remain available until expended: 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 only for Rescue 21 and shall remain available until expended: Provided further, That funds for bridge alteration projects conducted pursuant to the Act of June 21, 1940 (33 U.S.C. 511 et seq.) shall be available for such projects only to the extent that the steel, iron, and manufactured products used in such projects are produced in the United States, unless contrary to law or international agreement, or unless the Commandant of the Coast Guard determines such action to be inconsistent with the public interest or the cost unreasonable.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career sta-

tus bonuses under the National Defense Authorization Act, and for payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$1,020,000,000.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 730 vehicles for police-type use, of which 610 shall be for replacement only, and hire of passenger motor vehicles; purchase of American-made sidecar compatible 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; for 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 require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; for 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; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed \$100,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; \$1,114,737,000, of which \$1,633,000 shall be available for forensic and related support of investigations of missing and exploited children; and of which \$5,000,000 shall be available as 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, 2005: Provided further, That in fiscal year 2004 and thereafter, the James J. Rowley Training Center is authorized to provide short-term medical services for students undergoing training at the Center.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses of construction, repair, alteration, and improvement of facilities, \$3,579,000, to remain available until expended.

TITLE IV—ASSESSMENTS, PREPAREDNESS, AND RECOVERY

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Secretary of Homeland Security, \$20,000,000, to remain available until expended, to reimburse any Department of Homeland Security organization for the costs of providing support to counter, investigate, or prosecute unexpected threats or acts of terrorism, including payment of rewards in connection with these activities: Provided, That any funds provided under this heading shall be available only after the Secretary notifies the Committees on Appropriations of the Senate and the House of Representatives in accordance with section 605 of this Act.

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; for expenses for student athletic and related activities; the conducting of and participating in firearms matches and presentation of awards; for public awareness and

enhancing community support of law enforcement training; room and board for student interns; and services as authorized by section 3109 of title 5, United States Code, \$172,736,000, of which up to \$44,413,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2005: Provided, That in fiscal year 2004 and thereafter, the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes: Provided further, That in fiscal year 2004 and thereafter, the Center is authorized to accept detailees from other Federal agencies, on a non-reimbursable basis, to staff the accreditation function: Provided further, That notwithstanding any other provision of law, in fiscal year 2004 and thereafter, students attending training at any Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: Provided further, That in fiscal year 2004 and thereafter, funds appropriated in this account shall be available, at the discretion of the Director, for the following: training United States Postal Service law enforcement personnel and Postal police officers; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation, except that reimbursement may be waived by the Secretary for law enforcement training activities in foreign countries undertaken under section 801 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-32); training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; and travel expenses of non-Federal personnel to attend course development meetings and training sponsored by the Center: Provided further, That in fiscal year 2004 and thereafter, 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: Provided further, That in fiscal year 2004 and thereafter, the Center is authorized to provide short-term medical services for students undergoing training at the Center.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS,
AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, \$28,708,000, to remain available until expended.

OFFICE FOR DOMESTIC PREPAREDNESS

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, \$2,888,000,000, which shall be allocated as follows:

(1) \$1,750,000,000 for grants pursuant to section 1014 of the USA PATRIOT Act of 2001 (42 U.S.C. 3711), of which \$500,000,000 shall be available for State and local law enforcement terrorism prevention grants: Provided, That no funds shall be made available to any State prior to the submission of an updated state plan to the Office for Domestic Preparedness: Provided further, That the application for grants shall be made available to States within 15 days after enactment of this Act; and that States shall submit applications within 30 days after the grant announcement; and that the Office for Domestic Preparedness shall act on each application within 15 days after receipt: Provided further, That each State shall obligate not less than 80 percent of the total amount of the grant to local governments within 45 days after the grant award;

(2) \$30,000,000 for technical assistance;

(3) \$750,000,000 for discretionary grants for use in high-threat urban areas, as determined by the Secretary of Homeland Security: Provided, That no less than 80 percent of any grant to a State shall be made available by the State to local governments within 45 days after the receipt of the funds: Provided further, That section 1014(c)(3) of the USA PATRIOT Act of 2001 (42 U.S.C. 3711) shall not apply to these grants; and

(4) \$358,000,000 for national programs: Provided, That none of the funds appropriated under this heading shall be used for the construction or renovation of facilities: Provided further, That funds appropriated for State and local law enforcement terrorism prevention grants under paragraph (1) and discretionary grants under paragraph (3) of this heading shall be available for operational costs, to include personnel overtime and overtime associated with Office for Domestic Preparedness certified training as needed: Provided further, That the Secretary of Homeland Security shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of the funds provided under paragraphs (1) and (3) of this heading: Provided further, That not later than January 1, 2004, the Office of Domestic Preparedness shall submit to the Committees on Appropriations of the Senate and House of Representatives a report detailing efforts to assess and disseminate best practices to emergency responders which, at a minimum, shall discuss (1) efforts to coordinate and share information with State and local officials and emergency preparedness organizations; and (2) steps the Department proposes to improve the coordination and sharing of such information, if any.

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), \$750,000,000, to remain available until September 30, 2005: Provided, That up to 5 percent of this amount shall be available for program administration.

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), \$3,615,000.

EMERGENCY PREPAREDNESS AND RESPONSE

OPERATING EXPENSES

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses of the Emergency Preparedness and Response Directorate, \$826,801,000, to remain available until expended, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.), the Flood Disaster Protection Act of 1973 (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 Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 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. 903 note), and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.): Provided, That of the amount provided under this heading: \$163,000,000 shall be for activities relating to Preparedness, Mitigation, Response and Recovery; \$434,000,000 shall be for Public Health Programs, including the Disaster Medical Assistance Teams and the Strategic National Stockpile; \$165,214,000 shall be for Administrative and Regional Operations; and \$64,587,000 shall be for Urban Search and Rescue Teams.

In addition, of the funds appropriated under this heading by Public Law 108-11 (117 Stat. 583), \$3,000,000 are hereby rescinded.

RADIOLOGICAL EMERGENCY PREPAREDNESS
PROGRAM

The aggregate charges assessed during fiscal year 2004, as authorized by the Energy and Water Development Appropriations Act, 2001 (Public Law 106-377; 114 Stat. 114A-46), 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. 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. Fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2004, and remain available until expended.

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$1,956,000,000, notwithstanding the matter under the heading "Disaster Relief" under the heading "Federal Emergency Management Agency" of chapter II of title I of Public Law 102-229 (42 U.S.C. 5203), to remain available until expended; of which not to exceed \$22,000,000 shall be transferred to and merged with the appropriation for "Office of the Inspector General" for audits and investigations: Provided, That the Under Secretary for Emergency Preparedness and Response may provide advanced funding to authorize nonprofit entities performing duties under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) who respond to a disaster declared by the President if the nonprofit entity petitions the Under Secretary for such advanced funding and demonstrates that they would be unable to respond to the disaster absent such funding.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM
ACCOUNT

For direct loans, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162): Provided, That gross obligations for the principal amount of direct loans not to 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). In addition, for administrative expenses to carry out the direct loan program, \$557,000.

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.), \$150,000,000, 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 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(g)): Provided further, That, notwithstanding section 203(f) of that Act (42 U.S.C. 5133(f)), grant awards 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.

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. 4011 et seq.) and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), not to exceed \$32,663,000 for salaries and expenses associated with flood mitigation and flood insurance operations; and not to exceed \$77,809,000 for flood hazard mitigation, to remain available until September 30, 2005, 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, 2005, and which amounts 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 2004, no funds in excess of: (1) \$55,000,000 for operating expenses; (2) \$565,897,000 for agents' commissions and taxes; and (3) \$40,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund.

NATIONAL FLOOD MITIGATION FUND
(INCLUDING TRANSFER OF FUNDS)

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, 2005, 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.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973 (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 the Reorganization Plan No. 3 of 1978 (5 U.S.C. 903 note), \$165,000,000.

EMERGENCY FOOD AND SHELTER

To carry out an emergency food and shelter program pursuant to title III of Public Law 100-77 (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.

CERRO GRANDE FIRE CLAIMS

For payment of claims under the Cerro Grande Fire Assistance Act (Public Law 106-246; 114 Stat. 583), \$38,062,000, to remain available until expended: Provided, That up to 5 percent of this amount may be made available for administrative costs.

OFFICE OF THE UNDER SECRETARY FOR INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

For necessary expenses of the Office of the Under Secretary for Information Analysis and Infrastructure Protection as authorized by section 201 of the Homeland Security Act of 2002 (6 U.S.C. 121), \$10,460,000; of which \$5,442,000 shall be for operations of the Department of Homeland Security Command Center: Provided, That no later than 120 days after enactment of this Act the Under Secretary of Infrastructure Analysis and Infrastructure Protection shall submit a report to the Committees on Appropriations of the Senate and House of Representatives on the vulnerability of the 250 largest sports and entertainment facilities (based on seating capacity).

INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION, OPERATING EXPENSES

For necessary expenses for information analysis and infrastructure protection as authorized by section 201 of the Homeland Security Act of 2002 (6 U.S.C. 121), \$823,700,000, to remain available until September 30, 2005.

TITLE V—RESEARCH AND DEVELOPMENT
OFFICE OF THE UNDER SECRETARY FOR SCIENCE
AND TECHNOLOGY

For necessary expenses of the Office of the Under Secretary for Science and Technology as authorized by section 302 of the Homeland Security Act of 2002 (6 U.S.C. 182), \$5,400,000.

SCIENCE AND TECHNOLOGY, RESEARCH,
DEVELOPMENT, ACQUISITION AND OPERATIONS

For necessary expenses for science and technology research, development, acquisition, and operations, as authorized by sections 302, 307, and 308 of the Homeland Security Act of 2002 (6 U.S.C. 182, 187, 188), \$866,000,000, to remain available until expended; of which \$55,000,000 is for university-based centers for homeland security as authorized by section 308(b)(2) of the Homeland Security Act of 2002 (6 U.S.C. 188(b)(2)); and of which \$70,000,000 is provided for the centralized Federal technology clearinghouse as authorized by section 313 of the Homeland Security Act of 2002 (6 U.S.C. 193): Provided, That of the total amount appropriated, \$20,000,000 shall be available for the construction of the National Biodefense Analysis and Countermeasures Center: Provided further, That the Under Secretary for Science and Technology shall work with the Coast Guard Research and Development Center regarding research priorities for the Coast Guard: Provided further, 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.

TITLE VI—GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 601. 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. 602. The Federal Emergency Management Agency "Working Capital Fund" shall be available to the Department of Homeland Security, as authorized by sections 503 and 1517 of the Homeland Security Act of 2002 (6 U.S.C. 313 and 557), for expenses and equipment necessary for maintenance and operations of such administrative services as the Secretary determines may be performed more advantageously as central services: Provided, That such fund shall hereafter be known as the "Department of Homeland Security Working Capital Fund".

SEC. 603. The Federal Emergency Management Agency "Bequests and Gifts" account shall be available to the Department of Homeland Security, as authorized by sections 503 and 1517 of the Homeland Security Act of 2002 (6 U.S.C. 313 and 557), for the Secretary of Homeland Security to accept, hold, administer and utilize gifts and bequests, including property, to facilitate the work of the Department of Homeland Security: Provided, That such fund shall hereafter be known as "Department of Homeland Security, Gifts and Donations": Provided further, That any gift or bequest is to be used in accordance with the terms of that gift or bequest to the greatest extent practicable.

SEC. 604. No employee of the Department of Homeland Security may be detailed or assigned from an agency, bureau, or office funded by this Act to any other agency, bureau, or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment unless expressly so provided herein.

SEC. 605. (a) None of the funds provided by this Act, or 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 2004, 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 which: (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 Congress; or (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose, 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, or 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 2004, 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 existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, projects or activities, as approved by 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 to the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriation, except otherwise specifically provided, shall be increased by more than 10 percent by any 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.

SEC. 606. Of the funds appropriated by this Act or otherwise made available, not to exceed \$100,000 may be used for official reception and representation expenses when specifically approved by the Secretary.

SEC. 607. 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 2004 until the date of enactment of an Act authorizing intelligence activities for fiscal year 2004.

SEC. 608. The Federal Law Enforcement Training Center is directed to establish an accrediting body that will include representatives from the Federal law enforcement community, as well as non-Federal accreditation experts involved in law enforcement training. The purpose of this body will be to establish standards for measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

SEC. 609. For fiscal year 2004 and thereafter, none of the funds made available by this Act may be used for the production of customs declarations that do not inquire whether the passenger had been in the proximity of livestock.

SEC. 610. For fiscal year 2004 and thereafter, none of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a determination, regulation, or policy that would prohibit

the enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 611. For fiscal year 2004 and thereafter, none of the funds made available by this Act may be used to allow—

(1) the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured child labor, as determined under section 307 of the Tariff Act of 1930 (19 U.S.C. 1307); or

(2) the release into the United States of any good, ware, article, or merchandise on which there is in effect a detention order under such section 307 on the basis that the good, ware, article, or merchandise may have been mined, produced, or manufactured by forced or indentured child labor.

SEC. 612. Unless otherwise provided, funds may be used for purchase of insurance for official motor vehicles operated in foreign countries, and for the hire and purchase of motor vehicles as authorized by section 1343 of title 31, United States Code: Provided, That purchase for police-type use of passenger vehicles may be made without regard to the general purchase price limitation for the current fiscal year.

SEC. 613. Unless otherwise provided, funds may be used for uniforms without regard to the general purchase price limitation for the current fiscal year.

SEC. 614. None of the funds made available by this Act shall be used to pay the salaries and expenses of personnel to 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 negotiations between the agency and airport sponsors to achieve agreement on "below-market" rates for these items or to grant assurances that require airport sponsors to provide land without cost to the Transportation Security Administration for necessary security checkpoints.

SEC. 615. (a) None of the funds provided by this or previous appropriations Acts may be obligated for testing (other than simulations), deployment, or implementation of the Computer Assisted Passenger Prescreening System (CAPPS II) that the Transportation Security Administration (TSA) plans to utilize to screen aviation passengers, until the General Accounting 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 and either delayed or prohibited from boarding their scheduled flights by the TSA may appeal such decision and correct erroneous information contained in CAPPS II;

(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 and has demonstrated that CAPPS II 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 is 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 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; and

(8) there are no specific privacy concerns with the technological architecture of the system.

(b) The General Accounting Office shall submit the report required under paragraph (a) of this section no later than 60 days after the Secretary of Homeland Security has published in the Federal Register the Department's privacy notice for CAPPS II or no later than 60 days after enactment of this Act, whichever is later.

SEC. 616. Not later than March 1, 2004, the Secretary of Homeland Security shall submit to Congress a report that—

(1) details the progress made in developing countermeasures for commercial aircraft against shoulder-fired missile systems, including cost and time schedules for developing and deploying such countermeasures; and

(2) in classified form and in conjunction with airports in category X and category one, an assessment of the vulnerability of such airports from the threat of shoulder-fired missile systems and the interim measures being taken to address the threat.

SEC. 617. Not later than March 1, 2004, the Secretary of Homeland Security shall issue a classified report to Congress on the security costs incurred by State and local government law enforcement personnel in each State in complying with requests and requirements of the United States Secret Service to provide protective services and transportation for foreign and domestic officials.

SEC. 618. None of the funds appropriated or otherwise made available by this Act may be obligated or expended for the procurement of any articles, materials, or supplies in contravention of the Buy American Act (41 U.S.C. 10a et seq.).

SEC. 619. Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report in unclassified form to Congress on the Homeland Security Advisory System, which shall include—

(1) an assessment of how the system is fulfilling its missions to—

(A) provide a national framework for Federal, State, and local governments, private industry and the public to gauge threat levels;

(B) establish the integration of factors for assessment of threat conditions;

(C) unify the system of public announcements, allowing government officials and citizens to communicate the nature and degree of terrorist threats; and

(D) provide a tool for combating terrorism by deterring terrorist activity, notifying law enforcement and State and local government officials of threats, informing the public about government preparations, and providing such officials and the public with information necessary to respond to the threat;

(2) the average daily cost of elevating the Homeland Security Advisory System by 1 threat level;

(3) an evaluation by the Inspector General of the Department of Homeland Security of the responses to each of the suggested protective measures to be taken at each threat level; and

(4) a review of efforts taken by the Department of Homeland Security to refine the Homeland Security Advisory System, and the progress of tailoring the system so that threat alerts are issued on a regional basis rather than nationally.

SEC. 620. (a) Congress finds that—

(1) emergency responders are the first line of defense in protecting our Nation against terrorist attacks;

(2) the Department of Homeland Security uses population as a factor when allocating grant funding to States and local governments for emergency responders;

(3) population plays an important role in both formula and discretionary grants, which are administered by the Department of Homeland Security;

(4) the number of people in a city or State often differs from estimates by the Census Bureau;

(5) large groups of tourists regularly visit many American cities and States, but are not included in the resident population of these cities and States; and

(6) the monetary needs of emergency responders are directly related to the amount of people they are responsible to protect.

(b) It is the sense of the Senate that the Secretary of Homeland Security should take into account tourist population as a factor when determining resource needs and potential vulnerabilities for the purpose of allocating funds for discretionary and formula grants.

SEC. 621. Not later than 30 days after the date of enactment of this Act, the Under Secretary for Emergency Preparedness and Response shall—

(1) review the damage survey reports and project worksheets relating to the damages and costs incurred by the University of North Dakota as a result of the April 1997 flooding in North Dakota, which is classified by Emergency Preparedness and Response as DR-1174-ND; and

(2) submit a report on the efforts of the Directorate of Emergency Preparedness and Response to resolve any outstanding claims by the University of North Dakota relating to the reports described in paragraph (1) to the Committees on Appropriations of the Senate and House of Representatives.

SEC. 622. Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of State and the Attorney General, shall report to the Committees on Appropriations of the Senate and the House of Representatives on the feasibility of providing access to State and local law enforcement agencies to the database of the Department of State on potential terrorists known as the "Tipoff" database, including the process by which classified information shall be secured from unauthorized disclosure.

SEC. 623. Not later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security, in collaboration with the Director of the Office of Management and Budget, shall submit a report to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, and the Select Committee on Homeland Security of the House of Representatives on the status of the Department's efforts to—

(1) complete an inventory of the Department's entire information technology infrastructure;

(2) devise and deploy a secure comprehensive enterprise architecture that—

(A) promotes interoperability of homeland security information systems, including communications systems, for agencies within and outside the Department;

(B) avoids unnecessary duplication; and

(C) aids rapid and appropriate information exchange, retrieval, and collaboration at all levels of government;

(3) consolidate multiple overlapping and inconsistent terrorist watch lists, reconcile different policies and procedures governing whether and how terrorist watch list data are shared with other agencies and organizations, and resolve fundamental differences in the design of the systems that house the watch lists so as to achieve consistency and expeditious access to accurate, complete, and current information;

(4) ensure that the Department's enterprise architecture and the information systems leveraged, developed, managed, and acquired under such enterprise architecture are capable of rapid deployment, limit data access only to authorized users in a highly secure environment, and are capable of continuous system upgrades to benefit from advances in technology while preserving the integrity of stored data; and

(5) align common information technology investments within the Department and between

the Department and other Federal, State, and local agencies responsible for homeland security to minimize inconsistent and duplicate acquisitions and expenditures.

SEC. 624. No funds in this Act shall be available for any contract entered into after the date of enactment of this Act by the Department of Homeland Security with—

(1) an inverted domestic corporation (as defined in section 835 of the Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C. 395)),

(2) any corporation which completed a plan (or series of transactions) described in such section before, on, or after the date of enactment of the Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C. 395), or

(3) any subsidiary of a corporation described in paragraph (1) or (2).

SEC. 625. It is the sense of the Senate that the Department of Homeland Security's Undersecretary for Science and Technology should take all appropriate steps to ensure the active participation of historically black colleges and universities, tribal colleges, Hispanic-serving institutions, and Alaskan Native serving institutions in Department sponsored university research.

SEC. 626. (a) Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a plan for enhancements of the operations of the Information Analysis and Infrastructure Protection Directorate in order to—

(1) meet the personnel requirements of the Directorate;

(2) improve communications between the Directorate and the intelligence community; and

(3) improve coordination between the Directorate and State and local counterterrorism and law enforcement officials.

(b) In addition to the matters specified in subsection (a), the plan shall include a description of the current assets and capabilities of the Information Analysis and Infrastructure Protection Directorate, a strategy for the Directorate for the coordination and dissemination of intelligence and other information, and a schedule for the implementation of the plan required under subsection (a).

SEC. 627. Not later than 90 days after the date of enactment of this Act, the Comptroller General shall conduct a review and report to Congress on all of the data-mining programs relating to law enforcement and terrorism currently under development and in use in the Department of Homeland Security.

SEC. 628. When establishing priorities for fire-fighting vehicles in the Firefighter Assistance Grants program, the Secretary shall take into consideration the unique geographical needs of individual fire departments.

SEC. 629. Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall conduct a study and submit a report with recommendations to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate regarding the status of the air traffic control communications voids and gaps in tethered aerostat coverage around the United States, such as those existing in the central Gulf of Mexico.

This Act may be cited as the "Department of Homeland Security Appropriations Act, 2004".

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004

AMENDMENT NO. 1364, AS MODIFIED

Mr. HATCH. Madam President, I ask unanimous consent that notwithstanding passage of H.R. 2555, amendment No. 1364, which was previously agreed to, be modified with the changes that are at the desk.

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

The amendment, as modified, is as follows:

On page 62 of the bill, line 12, after "investigations" insert the following:

"Provided, That the Under Secretary for Emergency Preparedness and Response may provide advanced funding to authorize non-profit entities performing duties under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) who respond to a disaster declared by the President, if the non-profit entity petitions the Under Secretary for such advanced funding and demonstrates that they would be unable to respond to the disaster absent such funding."

EXECUTIVE SESSION

NOMINATION OF PRISCILLA RICHMAN OWEN TO BE U.S. CIRCUIT JUDGE FOR THE FIFTH CIRCUIT

Mr. HATCH. Madam President, I ask unanimous consent that the Senate now proceed to executive session for the consideration of Calendar No. 86.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read the nomination of Priscilla Richman Owen, of Texas, to be U.S. Circuit Judge for the Fifth Circuit.

CLOTURE MOTION

Mr. HATCH. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under Rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 86, the nomination of Priscilla R. Owen of Texas to be United States Circuit Judge for the Fifth Circuit.

Bill Frist, Orrin Hatch, John Cornyn, Michael B. Enzi, Jim Talent, Judd Gregg, Jeff Sessions, Ben Nighthorse Campbell, Craig Thomas, Chuck Grassley, Chuck Hagel, Thad Cochran, Richard Shelby, Wayne Allard, Elizabeth Dole, Conrad Burns, Larry Craig.

Mr. HATCH. Madam President, I ask unanimous consent that the live quorum as provided for under rule XXII be waived.

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

Mr. HATCH. For the information of all Senators, this will be the third cloture motion with respect to this nomination. This cloture vote will occur Tuesday, so we will notify Senators when the exact vote time is locked in.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. HATCH. Madam President, I ask unanimous consent that on Monday, the debate on Calendar No. 296 begin at

5:20 p.m.; provided further that immediately after the vote on that nomination, Executive Calendar No. 304 be confirmed, the motion to reconsider be laid upon the table, the President then be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

Mr. HATCH. Madam President, for the information of all Senators, this will now mean that the first vote during Monday's session will begin at 5:30 p.m.

LEGISLATIVE SESSION

Mr. HATCH. Madam President, I ask unanimous consent that the Senate resume legislative session.

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

THE CALENDAR

Mr. HATCH. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Nos. 229, 230, and 231, en bloc.

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

Mr. HATCH. Madam President, I ask unanimous consent that the resolutions be agreed to, en bloc; that the preambles be agreed to, en bloc; that the motions to reconsider be laid upon the table, en bloc; and that any statements relating to these measures be printed in the RECORD.

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

NATIONAL GOOD NEIGHBOR DAY

The resolution (S. Res. 124) designating September 28, 2003, as "National Good Neighbor Day" was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Whereas while our society has developed highly effective means of speedy communication around the world, it has failed to ensure communication among individuals who live side by side;

Whereas the endurance of human values and consideration for others is of prime importance if civilization is to survive; and

Whereas being a good neighbor to those around us is the first step toward human understanding; Now, therefore, be it

Resolved, That the Senate—

(1) designates September 28, 2003, as "National Good Neighbor Day"; and

(2) requests that the President issue a proclamation calling upon the people of the United States and interested groups and organizations to observe National Good Neighbor Day with appropriate ceremonies and activities.

100TH ANNIVERSARY OF THE FOUNDING OF THE HARLEY-DAVIDSON MOTOR COMPANY

The resolution (S. Res. 167) recognizing the 100th anniversary of the