

1. The Senate should reiterate its support for reimbursing state and local governments for closing the pay gap for first responders who are called to active duty in the National Guard and Reserves by considering expanding the employer tax relief provisions to cover state and local governments; and

2. The President should consider including such a proposal in his Fiscal Year 2006 Budget Submission.

The PRESIDING OFFICER. Under the previous order, the Senator from California, Mrs. BOXER, is to be recognized for 30 minutes.

Mr. REID. Mr. President, I yield the time.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2005—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the conference report to accompany H.R. 4837, which the clerk will report.

The assistant legislative clerk read as follows:

Making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for fiscal year ending September 30, 2005.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Senator from California, Senator FEINSTEIN, and I have 5 minutes to speak on the military construction bill.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, Mr. President, I ask unanimous consent that the Senator from Connecticut be recognized following the disposition of the business the Chair has.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, the Military Construction bill is a very important bill this year. Senator FEINSTEIN, the ranking member, and myself as chairman of the committee wanted to talk about its importance.

This is a bill that focuses on the quality of life for our military personnel and also makes sure they have the family housing and training facilities they need.

In addition to our Military Construction bill, this is the disaster supplemental. This is the bill that was chosen to provide help for hurricane victims in Florida and drought relief for our farmers. Also, the Alaska pipeline that is so important to the economy of our country as well as to the economy of Alaska is in this bill. I am very pleased we were able to produce a bill that encompassed all of these very important items at the close of this very important session.

There is in the military construction conference report \$4.5 billion for active components construction and \$9.45 mil-

lion for Guard and Reserve construction. It is important that we increase the quality of the training facilities for our Guard and Reserve. Senator FEINSTEIN and I made a point of doing that during this conference because we felt the Guard and Reserve is way behind in keeping up with the training facilities they need and for the job we are asking them to do. They certainly deserve it.

We increased funding for military housing and worked with the defense authorization committee to make sure that the privatization cap was lifted—a very important step for the quality of housing for our military personnel.

I am very proud of this bill. I am proud that we are meeting the military construction needs. I am proud we were able to provide for the needs of Florida in their disaster recovery efforts and also the drought that has actually been funded for not only the present drought in certain parts of our country but droughts in the past in Texas and other places where the money has run out.

I am proud of this bill. I thank my ranking member, Senator FEINSTEIN, for her help and valuable assistance in making this happen.

Mrs. FEINSTEIN. Mr. President, I am pleased that the conferees on the fiscal year 2005 Military Construction Appropriations bill have reached agreement, and I would like to say a few words about the bill.

The conference report includes important funding for the reconstruction efforts in States affected by recent hurricanes and assistance for agricultural producers suffering from drought and other natural disasters.

First, let me address the military construction portion of the agreement. While the President's budget request was \$9.55 billion, only 2.5 percent over last year's enacted level, the conference report provides \$10 billion for military construction and family housing programs for fiscal year 2005.

These new facilities are crucial to the well being of our troops, especially at a time when our active and Reserve forces are, along with their families, being asked to make enormous sacrifices for our country.

The conference report also provides \$11.6 billion in disaster assistance, including \$8.8 billion for hurricane-related relief which is designated as emergency spending and \$2.8 billion in assistance for agricultural producers suffering through drought and other natural disasters, which is offset by a cap on spending for the Conservation Security Program.

I think we all recognize the importance of this assistance package, but I am disappointed that the majority insisted on treating emergencies in different part of the Nation unequally.

Drought relief for farmers in the Midwest and across the Nation is no less important than hurricane relief in the Southeast and should not have required an offset from the Conservation Security Program.

Offsetting this funding hobbles the effectiveness of one of the most impor-

tant environmental programs in the Department of Agriculture.

I was also concerned that the package requested by the President leapfrogged Federal Highway Administration assistance for damage done by the hurricanes ahead of the backlog of projects required to repair damage from past disasters.

However, this concern was addressed by an agreement to fully fund the backlogged emergency relief program in the pending omnibus bill.

Chairman HUTCHISON indicated at the conference that Speaker HASTERT and Majority Leader FRIST have committed to fully fund the States that need this assistance, and I appreciate their help on this issue.

There are currently \$752 million in projects that have not been funded, even though they have already qualified for emergency relief.

California alone has over \$240 million in projects that have not been funded. I appreciate Chairman YOUNG's willingness to rectify this situation and look forward to the emergency relief funding program being funded in the omnibus.

The conference agreement also includes Senator STEVENS' provision on the Alaska Natural Gas pipeline.

Senator STEVENS has worked for the past few years to authorize funding for this pipeline, and I am pleased that we could get this done for the senior Senator from Alaska.

The provision authorizes the construction of a pipeline from Prudhoe Bay, AK, to the lower 48, with a dedicated supply of natural gas to California.

The provision provides Federal loan guarantees to whatever entity builds/decides to build the pipeline, as Senator STEVENS requested.

The demand for natural gas in this country is growing exponentially, particularly in my State of California. Natural gas prices have risen dramatically over the past several years, from \$2 per thousand cubic feet in 1998 to over \$7 just this week.

We need more natural gas, and I hope that Senator STEVENS' provision to bring Alaska natural gas down to the lower 48 states and particularly California will help meet that demand.

Mr. President, while I would have preferred to pass the Military Construction bill without the contentious issues surrounding this disaster assistance package, I support this conference report and hope my colleagues will do the same.

Finally, I want to thank Senator HUTCHISON for the manner in which she handled this process. I have long admired her integrity and her leadership in reaching this agreement was outstanding.

Mr. President, this is a good bill. It has had some hiccups along the way. One of them, of course, was the House put in the disaster relief package and had the signatures and would have eventually rolled us in conference.

However, Senator HUTCHISON said that we would have another conference, that she would not do this, and she kept her word. That is a very big thing in this body, that if you give your word, keep your word, and she did. I am very grateful for that.

Because of this conference we were able to receive an amendment from the Senator from South Dakota, Senator JOHNSON, on drought relief. It was defeated, but then we were able to pass the bill without rancor and without a sense that in the dark of night the Democratic side had been done in.

I am very proud to say that I think it is a good bill. I want to give Senator HUTCHISON credit for that. She kept her word. That is a very big item.

I thank Senator HUTCHISON, and I appreciate the time.

Mrs. HUTCHISON. Mr. President, if I could just say thank you. I am very humbled by the remarks of the Senator from California and appreciate very much her recognition. Her leadership also got a commitment and will be in a colloquy regarding the highway funds that will also be attached to this report. The Senator from California and myself and other States took a back seat to the Florida highway needs after the hurricane, but we got assurances from the Speaker, the majority leader of the Senate, and the chairman of the Appropriations Committee on the House side that we would address this issue and get the funds for previous emergencies from the highway fund back into the 39 States that gave them up for Florida to receive help right now.

FEDERAL HIGHWAY ADMINISTRATION
EMERGENCY RELIEF

Mrs. MURRAY. Mr. President, as the ranking member of the Appropriations Subcommittee on Transportation, Treasury, and General Government, I rise to discuss a matter of great importance to my State and 33 other States—namely, the continuing backlog of claims for the Federal Highway Administration's Emergency Relief program.

The Military Construction Appropriations conference report that we are currently debating includes a title containing emergency disaster assistance. Within that title, a total of \$1.202 billion is made available for the Emergency Relief Program. This appropriation carries with it the necessary lan-

guage designating the funding as emergency spending.

While I support the overall funding for the Emergency Relief Program, I strongly object to the bill language governing this appropriation. At present, there are 90 projects from a total of 34 States that have been waiting to receive emergency relief funds for road projects stemming from Presidentially declared disasters. A great many of these projects stem from disasters that took place years ago and those States have been waiting an inordinate length of time for reimbursement. Despite this fact, the language governing the appropriation contained in this conference report effectively places the needs stemming from the four recent hurricanes as well as one hurricane that took place 2 months ago to the head of the list. This language makes the \$1.2 billion in the bill available only for those five hurricanes and then stipulates that, if there is any funding remaining after those needs are met, that remaining funding can be used for the projects on the backlog list.

To my knowledge, we have never allowed certain natural disasters to get preferential treatment over other disasters under this program. And this new precedent will work a hardship on my state and a great many others. My State of Washington is still waiting for reimbursement of some \$19.4 million stemming from six separate disasters dating as far back as the Nisqually earthquake in February 2001. The same can be said for 33 other states that are also owed varying amounts.

Based on my objection and those of several other Senators, I understand that there have been a series of discussions among the appropriate congressional and administration leaders to set forth a plan on how this backlog of emergency relief claims will be addressed in the near future. This plan was discussed during the conference committee deliberations on the military construction bill so I would welcome the comments of the managers of that bill on this matter.

Mrs. HUTCHINSON. I thank my friend from Washington for raising this issue. I share her concern that the existing backlog of emergency relief projects has not been adequately addressed under the disaster assistance title of this bill. Indeed, my State of

Texas is still waiting to receive at least \$17.2 million from no fewer than seven separate disasters including floods, hurricanes and ice storms dating all the way back to the end of calendar year 2000.

During our conversations leading up to the final conference meeting on this bill, the chairman of the House Appropriations Committee, Mr. YOUNG of Florida, assured me that an agreement had been reached on this matter between himself, the Speaker of the House and our majority leader. Under that agreement, sufficient emergency funding will be provided in the final omnibus appropriations bill for this year to ensure that the existing backlog of projects will be fully compensated. I made mention of this agreement during our open conference committee deliberations and I want to assure my friend from Washington that our mutual concern over this matter will be addressed fully in the final omnibus appropriations bill.

Mrs. FEINSTEIN. Mr. President, I too wish to thank the Senator from Washington for raising this critically important issue. Indeed, no State has been more disadvantaged than my own by the decision to target the available emergency relief funding in this bill largely if not exclusively to the recent hurricanes. That decision was not made by the conferees on the military construction portion of the bill. Rather, it was made by the full committee leadership. As such, I am grateful to the subcommittee chairman, Senator HUTCHISON, for working with her own leadership and Chairman YOUNG in gaining their assurance that these outstanding emergency relief claims will be fully funded in this year's omnibus appropriations bill.

Mrs. MURRAY. I thank the managers of the bill for their attention to this matter and I'm pleased that they have received assurances that this problem will be addressed fully in the omnibus appropriations act. For the interest of all Senators, I ask unanimous consent that the most up-to-date backlog list provided to me by the Federal Highway Administration be printed in the RECORD.

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

CURRENT EMERGENCY RELIEF PROGRAM FUND REQUESTS

[Updated 10/4/04 8:00 a.m.]

State	Event	Amount Requested	Subtotal by State
Alaska	AK02-1, Spring 2002 Flood	603,262	
Alaska	AK03-1, October & November 2002 Floods	9,931,409	
Alaska	AK03-2, November 3, 2002 Earthquake	30,296,337	40,831,008
American Samoa	AQ03-1, May 2003 Flooding/Landslides	4,243,500	
American Samoa	AQ04-1, January 4, 2004 Tropical Cyclone Heta	15,725,525	19,969,025
Arizona	AZ01-1, October 2000 Flood	514,800	
Arizona	AZ02-1, Rodeo-Chediski Wild Fire 2002	2,280,200	2,795,000
Arkansas	AR01-1, December 2000 Ice Storm	4,586,937	
Arkansas	AR04-1, April 2004 Flooding	1,585,011	6,171,948
California	CA83-1, 1983 Devil's Slide	150,316,533	
California	CA03-1, December 2002 Storms	45,863,000	
California	CA04-1, October 2003 San Diego Wildfires	44,300,000	240,479,533
Colorado	CO03-1, June 2003 Sinkhole I-70	2,048,928	2,048,928
Connecticut	CT04-1, March 25, 2004 I-95 Truck Fire	9,200,000	9,200,000
Delaware	DE03-1, 2003 Hurricane Isabel & Storm Henri	1,058,000	1,058,000
Guam	GQ02-1, October 13, 2001 Earthquake	264,000	

CURRENT EMERGENCY RELIEF PROGRAM FUND REQUESTS—Continued

[Updated 10/4/04 8:00 a.m.]

State	Event	Amount Requested	Subtotal by State
Guam	GQ02-2, July 2002 Typhoon Chata'an	1,581,500	
Guam	GQ03-1, December 2002 Typhoon Pongsonga	8,442,526	10,288,026
Idaho	ID02-1, April 2002 Flood	287,000	287,000
Illinois	IL02-1, April 2002 Storm	3,001,600	3,001,600
Iowa	IA04-1, May/June 2004 Storms and Flooding	3,000,238	3,000,238
Kansas	KS03-1, June 2003 Flood	868,285	868,285
Louisiana	LA03-1, 2003 Hurricane Lilli	6,029,552	6,029,552
Maryland	MD03-1, September 2003 Hurricane Isabel	4,413,500	4,413,500
Michigan	MI02-1, April 2002 Flood	1,035,000	
Michigan	MI03-1, May 2003 Storms	1,779,736	2,814,736
Minnesota	MN01-1, April 2001 Flood	404,016	
Minnesota	MN02-1, June 2002 Flood	2,148,415	2,552,431
Mississippi	MS03-1, April 2003 Storms	2,381,684	2,381,684
Missouri	MO02-1, April 2002 Flood	1,177,000	1,177,000
Montana	MT04-1, November 18, 2003 US 2 Bridge Damage	3,678,076	3,678,076
Nebraska	NE02-1, July 2002 Flood	2,262,000	
Nebraska	NE03-1, May, 2003 I-80 Overpass Collapse	1,269,000	3,531,000
New Hampshire	NH03-1, August 2003 Storms	2,282,000	2,282,000
New Jersey	NJ99-1, 1999 Hurricane Floyd	1,692,000	
New Jersey	NJ00-1, August 2000 Flood	3,564,000	
New Jersey	NJ01-1, June 22, 2001 I-80 Truck Fire	1,028,000	
New Jersey	NJ02-1, May 30, 2002 Creek Road Br over I-295	335,769	6,619,769
New York	NY01-1, December 2000 Flood	121,000	
New York	NY02-1, April 20, 2002 Earthquake—Clinton Co.	584,016	
New York	NY03-1, April 2003 Ice Storm	5,662,951	
New York	NY03-2, Summer 2003 Storms	2,241,669	
New York	NY03-3, August 2003 Power Outage	846,000	
New York	NY04-1, May/June 2004 Storms and Flooding	1,600,000	11,055,636
N. Mariana Islands	CN02-1, July 2002 Typhoon Chata'an	21,579	
N. Mariana Islands	CN03-1, December 2002 Typhoon Pongsonga	988,157	1,009,736
North Carolina	NC03-1, December, 2002 Winter Storm	15,231,000	
North Carolina	NC03-2, February 2003 Ice Storm	5,077,000	
North Carolina	NC03-3, September 2003 Hurricane Isabel	16,923,000	37,231,000
North Dakota	ND01-1, Spring 2001 Devils Lake	19,157,000	
North Dakota	ND04-1, Spring 2004 Flooding in NE ND	1,980,949	
North Dakota	ND04-2, May 2004 Devils Lake	13,572,000	34,709,949
Ohio	OH04-1, January 3, 2004 Flooding	32,423,648	
Ohio	OH04-2, May/June 2004 Flooding	2,610,000	35,033,648
Oklahoma	OK01-1, Dec/Jan 2001 Ice Storm	2,938,000	
Oklahoma	OK02-1, May 26, 2002 I-40 Bridge Failure	11,665,000	14,603,000
Pennsylvania	PA01-1, June 2001 Flood	447,000	
Pennsylvania	PA03-1, July 2003 Storms	1,616,956	
Pennsylvania	PA03-2, September 2003 Flooding	2,743,600	
Pennsylvania	PA04-1, January 24, 2004 Route 33 Sinkhole	5,839,886	10,647,442
Puerto Rico	PR01-2, November 2001 Flood	516,000	
Puerto Rico	PR03-1, Rains, Runoff, & Flooding, April 2003	2,200,000	
Puerto Rico	PR04-1, November 2003 Rainfall	5,800,000	8,516,000
South Dakota	SD01-1, Spring 2001 Flood	282,000	282,000
Texas	TX01-1, Dec/Jan 2001 Ice Storm	925,000	
Texas	TX01-2, June 2001 Storm Allison	850,000	
Texas	TX01-3, Sept. 15, 2001 Qn. Isabella Br. Failure	3,253,000	
Texas	TX02-1, July 2002 Flood	5,366,000	
Texas	TX03-1, 2003 Hurricane Claudette	898,212	
Texas	TX04-1, April 2004 I-20 Bridge Failure	4,766,192	
Texas	TX04-2, May 2004 Flooding	1,156,871	17,215,275
Vermont	VT03-1, August 2003 Storm	690,500	690,500
Virginia	VA01-1, July 2001 Flood	702,034	
Virginia	VA02-1, March 2002 Flood	3,738,073	
Virginia	VA03-1, September 2003 Hurricane Isabel	29,921,948	
Virginia	VA04-1, August 2004 Tropical Storm Gaston	12,787,000	47,149,055
Virgin Islands	VI04-1, November 2003 Rainfall	1,100,000	1,100,000
Washington	WA01-1, Feb 28, 2001 Nisqually Earthquake	3,989,000	
Washington	WA02-1, Nov/Dec 2001 Flood	725,000	
Washington	WA02-2, January 2002 Storm	549,000	
Washington	WA03-1, February 2003 Storms-Multiple Cos.	1,460,000	
Washington	WA04-1, October 2003 Storms & Flooding	11,508,000	
Washington	WA04-2, November 2003 Storms & Flooding	1,185,000	19,416,000
West Virginia	WV01-2, July 7, 2001 Flood	925,000	
West Virginia	WV02-1, May 2002 Flood	3,216,000	
West Virginia	WV03-1, February 2003 Storms	3,468,152	
West Virginia	WV03-2, June 2003 Storms/Flooding	3,126,695	
West Virginia	WV04-1, November 2003 Rains & Flooding	6,202,805	
West Virginia	WV04-2, May 2004 Flooding	5,063,199	22,001,851
Wyoming	WY02-1, August 2002 Flood	1,097,955	1,097,955
FLH Manag. Agencies	Various events	114,862,000	114,862,000
Subtotal		752,099,386	752,099,386
Various States	2004 Hurricanes (Charley, Frances, Ivan, Jeanne)*	764,000,000	
Total		1,516,099,386	

*Preliminary estimates.

Mr. COCHRAN. Mr. President, I am pleased to recommend approval by the Senate of the fiscal year 2005 Military Construction appropriations conference report, which contains emergency supplemental appropriations needed by States seeking Federal funding from the disaster relief fund administered by the Federal Emergency Management Agency.

On September 8, the President signed into law \$2 billion in supplemental appropriations for FEMA. Since then, the President has made 3 more requests for funding for various departments within the Government. Today we are responding to those requests and includ-

ing \$6.5 billion in emergency funding which will return the balance of the disaster relief fund to a healthy level. This is in addition to the \$2 billion supplemental the Congress provided immediately following the devastation caused by Hurricane Charley. Additional appropriations for FEMA's disaster relief fund cannot wait because the balance of this important program has again been depleted to a dangerously low level following three additional hurricanes and other natural disasters.

This funding will not only be needed by the victims of recent hurricanes in the southeast but will also be used for

the several hundred repair projects and mitigation activities across the country resulting from every other federally declared disaster of the past few years. I have been assured by the Department of Homeland Security that these funds are sufficient to cover the current needs of our Nation's disaster victims and I support this funding.

Mr. BYRD. Mr. President, on Friday night, as Senators headed home after the final vote of the day, the House-Senate conference on the military construction appropriations bill reached its conclusion. With the conferees in agreement, all that remained to be

done on that bill was to file and pass the conference report.

But work on that bill did not stop there. In the dead of night, the leadership intervened in the conference to jam an additional \$11.6 billion funding package onto that bill. The Senators who served on that conference committee didn't know what hit them. This disaster supplemental was never considered, debated, or voted on by the Senate. Senators never had a chance to examine or weigh in on this spending.

Appropriations for disaster relief to address the problems resulting from the four recent hurricanes are undoubtedly required. However, there are extensive backlogs of unfunded needs resulting from earlier disasters that are not addressed at all in this relief package. This bill fails to provide the funds to address the \$752 million backlog for 34 States in the emergency highway program or a \$128 million backlog for 43 States in the USDA debris removal programs. In 43 States, the debris from past floods and other disasters has yet to be cleaned up. So, the next time a flood comes rolling down the valley, the water will have no place to go, making the damage even worse. What kind of a short-sighted policy is that?

Sadly, our President and administration seem to only be able to focus on the immediate crisis. By all means, we should provide the \$11.6 billion of assistance to the victims of the four recent hurricanes. But why has the President shown no interest in helping the communities hit by past disasters in West Virginia, Pennsylvania, Ohio, or California? The Federal Government owes just those four States over \$307 million. I simply do not understand why this so-called compassionate President can treat the victims of disaster in one State differently than victims in other States.

The military construction conference report also includes \$2.9 billion in emergency assistance for farmers experiencing crop losses caused by natural disasters, such as drought conditions, hurricanes and other disasters.

It is a worthwhile effort for the Congress to assist the Nation's farmers in their time of need. However, the same relief package includes an onerous provision which decreases another farm aid program by nearly \$3 billion to pay for the drought disaster aid. In short, this disaster relief package robs Peter to pay Paul. While it increases aid to farmers with one hand, it takes it away with the other.

This is no way to run the United States Senate. I signed the conference report for the military construction aspect alone. That funding went through normal procedures. It was debated and voted on by both Houses, and it was subject to bipartisan negotiations in conference.

I commend the two managers of this bill for their perseverance in following regular order to the great extent that they did. The managers were under great pressure from the Republican

leaders of Congress to cut a backroom deal in the dead of night, simply to allow members of the House to leave town before the Senate.

The managers stuck to their guns and insisted that the conferees meet again in open session to consider the whole package. This is as much as they could do in the face of the majority leadership. The managers of the military construction bill held as firm as they could against the arm-twisting of the Republican leaders. But the deck was stacked, and the leadership never intended to allow the Senate a moment of debate on this spending package. It was just jammed in at the last minute.

In this respect, my refusal to sign the conference report, except for the military construction aspect, reflects my solidarity with the Senator from Iowa, Mr. HARKIN, and his battle to implement the Conservation Security Program, which he authored as part of the 2002 farm bill. It is unfair for this Senator to have to keep fighting for the survival of this program year after year before. Any Senator who is familiar with the difficult decisions a farmer must make to operate a successful business knows that when a farmer decides to commit to the conservation practices required by this important environmental program, that farmer is making a long term commitment. But year after year, the Republican majority tries to shackle this program with new limits. How can a farmer make a long term commitment to conservation when the rules keep changing?

I hope that the Senate will return to its prior way of doing business, when the regular order was followed and the rights of all Senators, including those in the minority, were fully protected. Such practices serve this institution well. It promotes respect among Members and quells unnecessary disputes.

The leadership of the Senate would do well to turn away from the increasingly common gambit of trying to jam legislation down the throats of Senators at the last possible moment. It is most unfortunate that the Republican leaders chose to pursue this tactic on spending that is intended to help countless Americans recover from recent disasters.

It is some small consolation that the Senate has recognized its obligation to the Senator from Iowa, Mr. HARKIN, by agreeing to adopt a concurrent resolution relating to the enrollment on the fiscal year 2005 military construction appropriations bill. This concurrent resolution, if adopted by the House, would have the effect of deleting the onerous offset against the Conservation Security Program that the Senator from Iowa, Mr. HARKIN, and others find so offensive. The concurrent resolution would, in contrast to the FY 2005 military construction appropriations bill, substitute language similar to that employed with regard to the hurricane disaster aid, thus making the drought aid to farmers an emergency without an offset.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I am pleased today that the Senate will accept by voice vote the fiscal year 2005 Military Construction Appropriations Conference Report.

The conference report includes important funding for the reconstruction efforts in States affected by recent hurricanes and assistance for agricultural producers suffering from drought and other natural disasters.

First let me address the military construction portion of the agreement. While the President's budget request was \$9.55 billion, only 2.5 percent over last year's enacted level, the conference report provides \$10 billion for military construction and family housing programs for fiscal year 2005.

These new facilities are crucial to the well being of our troops, especially at a time when our active and reserve forces are, along with their families, being asked to make enormous sacrifices for our country.

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Drought relief for farmers in the Midwest and across the Nation is no less important than hurricane relief in the Southeast and should not have required an offset from the Conservation Security Program.

Offsetting this funding hobbles the effectiveness of one of the most important environmental programs in the Department of Agriculture.

I was also concerned that the package requested by the President leapfrogged Federal Highway Administration assistance for damage done by the hurricanes ahead of the backlog of projects required to repair damage from past disasters.

However, this concern was by an agreement to fully fund the backlogged emergency relief program in the pending omnibus bill.

Chairman HUTCHISON indicated at the conference that Speaker HASTERT and Majority Leader FRIST have committed to fully fund the States that need this assistance, and I appreciate their help on this issue.

There are currently \$752 million in projects that have not been funded, even though they have already qualified for emergency relief.

California alone has over \$240 million in projects that have not been funded. I appreciate Chairman YOUNG's willingness to rectify this situation and look forward to the emergency relief funding program being funded in the omnibus.

The conference agreement also includes Senator STEVENS' provision on the Alaska Natural Gas pipeline.

Senator STEVENS has worked for the past few years to authorize funding for this pipeline, and I am pleased that we could get this done for the senior Senator from Alaska.

The provision authorizes the construction of a pipeline from Prudhoe Bay, AK, to the lower 48, with a dedicated supply of natural gas to California.

The provision provides Federal loan guarantees to whatever entity decides to build the pipeline, as Senator STEVENS requested.

The demand for natural gas in this country is growing exponentially, particularly in my State of California. Natural gas prices have risen dramatically over the past several years, from \$2 per thousand cubic feet in 1998 to over \$7 just this week.

We need more natural gas, and I hope that Senator STEVENS' provision to bring Alaska natural gas down to the lower 48 States and particularly California will help meet that demand.

While I would have preferred to pass the Military Construction conference report without the contentious issues surrounding this disaster assistance package, I support this conference report and I am pleased that my colleagues have agreed to accept it.

Finally, I thank Senator HUTCHISON for the manner in which she handled this process. I have long admired her integrity and her leadership in reaching this agreement was outstanding.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. LEAHY. Mr. President, I would like to focus the attention of the Senate on the recent devastation to many nations in the Caribbean as a result of a half a dozen hurricanes and tropical storms in the autumn of this year, 2004.

More than a thousand people have perished; many are still missing. Thousands of families are homeless and jobless. Non-governmental organizations such as the International Red Cross, the United Nations, and religious organizations, rushed to the scene with relief aid and volunteers to help the survivors. The United States Government has sent U.S. AID teams to assess the damage. Early estimates reveal hundreds of millions of dollars of physical damage to homes and businesses. On the Island of Grenada industries have been completely wiped out. There are riots in the streets of cities in Haiti where stockpiles of nonperishable food and potable water are diminishing fast.

In April, 2001 President Bush instituted the "Third Border Initiative" that anticipated a quick response by our government that would, in his words, "... fund disaster preparedness and mitigation efforts to shield critical commercial and environmental infrastructure from natural disasters, such as hurricanes." This is important because it signals a focus not only on

emergency assistance, but on trying to reduce the amount of damage caused by future hurricanes. In other words, the President was also signaling a welcome focus on rebuilding homes and businesses in a manner that is resistant to potential damage by hurricanes. These types of buildings would also reduce the dreadful death toll of future hurricanes.

We have an opportunity to aid our friends and partners in the Caribbean. The administration has attached a \$50 million request for the Caribbean to a larger package of help for Florida and other States in the South hit by the rolling series of storms this summer and fall. Our colleagues in the U.S. House of Representatives have requested an additional \$50 million, so the total is \$100 million for the Caribbean. Secretary Colin Powell recently visited Grenada and stated that the first aid will come in phases, starting with an emergency shipment of food, medicine, construction materials and other supplies, about a quarter of which will go to Grenada.

It is at this time that we have an opportunity to thoughtfully help the region. As Secretary Powell said, "... that help was needed not simply to repair homes and schools, but also to restore the economic infrastructure of the country." He went on to say that, "experts had begun discussing 'creative suggestions' for how Grenada could diversify its agricultural output. . . ." I agree with Secretary Powell that the time has come to try to better spend our assistance dollars. As is the case with weather disasters, economic disasters also ruin the hopes of families. As long as we are helping in the rebuilding efforts, we should try to make more permanent improvements in infrastructure.

The region needs many "creative suggestions" for its redevelopment. At the University of Vermont, the students and faculty have made many suggestions, from agriculture and food processing to sustainable permanent modular housing solutions utilizing recycled materials. One appropriate solution has been devised by world acclaimed architect Adam Kalkin. It is the Quikbuild Modular System. An example of this unique, sustainable housing solution is on display in the permanent collection of the Shelburne Museum, in Shelburne, Vermont.

This type of dwelling utilizes recycled cargo containers, many of which are being shipped down to the region with a full load; they will remain there empty without the cargo to fill them; and with no place to ship them. Each is an ecological disaster waiting to happen. They also present a great opportunity if we take advantage of using them.

Recycled containers may be converted into durable, sustainable, watertight, hurricane-proof dwellings that can be used as permanent housing as well as field kitchens, medical triage units, schools, dormitories, as well as

structures for commercial businesses and meeting places. Ten percent of the funds we provide should be for these more permanent housing solutions. It is imperative that the community planners consider mid-range and long-term solutions today as they manage the "first response" mission. We have seen in many regions around the globe that well-intentioned temporary and transitional housing ultimately becomes permanent housing. Priorities shift, money runs out and a new disaster knocks the old disaster off the front page. The inherent nature of shanty towns, full of permanent refugees, takes away the dignity and hope of their inhabitants.

I have received pleas from the family members residing in the United States to help their loved ones. I have received a strong request from the Ambassador of the Republic of Trinidad and Tobago, Ambassador Marina Valere, on behalf of the affected nations imploring us to also think about permanent housing solutions, that also respects their unique and fragile ecosystem. This request made clear that some portion of the aid package should be set aside for this purpose. Our friends in the Caribbean need permanent, safe, secure dwellings otherwise this crisis will repeat itself, year after year.

In addition to urgent emergency aid, America should help the survivors in the Caribbean to rebuild their communities with permanent housing solutions as well as rebuild their respective economies.●

• Mr. MCCAIN. Mr. President, with reservations I support passage of the conference report to the fiscal year 2005 Military Construction Appropriations Act. This bill provides \$10 billion in funding for important military construction activities including base housing as well as the construction and maintenance of base infrastructure.

When we passed the Senate version of this legislation, I declared that this appropriations bill was a good example of how the legislative process is expected to work, wherein the work of the authorizers is fully taken into account by the appropriators. The legislation was relatively free of earmarks and riders that were not related to Military Construction. However, during the conference, a legislative rider that has no business in an appropriations bill found its way into the conference report.

I am referring to the section of the conference report that authorizes a \$18 billion loan guarantee program for the construction of an Alaska natural gas pipeline. This authorizing provision is found in neither the House nor the Senate version of this legislation, yet with characteristically little attention, it has found its way into the conference report. Once again, it pays to have powerful members of the Appropriations Committee representing your State or district.

Congress has a legislative process that has two separate tracks for authorization and appropriation. Merging

these tracks and eliminating the essential discourse and deliberation necessary to establish sound public policy is not in the Federal taxpayers interest. Nevertheless, here we are again, faced with the necessity of approving appropriations for military construction with an enormous pork program attached at the last minute. All the more problematic is that this same piece of legislative text was included in the failed energy bill. The Senate rejected this provision then, but we are unable to do it again, as it was snuck into a conference report on a totally unrelated bill. It is a clear violation of the legislative process, specifically Rule 28, and it's simply wrong.

My objections to the Alaska pipeline provision are not only procedural. Many of my colleagues may not be aware that what they are approving here is an economic cushion for three extremely wealthy corporations. Undoubtedly, these three corporations have the financial resources to proceed with this project without taxpayers' dollars, but once again, we will manage to provide generous financial incentives to corporate interests with public funds. These selective subsidies are clearly inequitable and contrary to the interests of the rest of American taxpayers.

The sponsor of this provision may maintain that the American public will benefit from the natural gas supply that may flow through this pipeline years from now. Undoubtedly, if the supply is there, the consumers will be, too. And that is my point. This is an economic venture that will yield significant profits for those companies involved. It is my understanding that as a result of the financial promise of this venture that there are other companies that would very much like to be involved. What this provision does is to codify the terms set by these three corporations to provide an even sweeter opportunity with \$18 billion in federally backed loan guarantees.

These loan guarantees are the thick rich icing on the tax break cake included in the FSC-ETI conference report, which also passed today. Tax breaks totaling \$445 million are provided for pipeline construction and gas processing, again directed to the same corporations, which together have shown after-tax profits of \$95 billion since 2001. I am certain that American taxpayers do not appreciate paying twice for their expensive energy supplies. Once at the pump and for their home heating bills, and then again for tax subsidies to profitable energy subsidies.

Also contained in this legislation is funding for drought assistance. I sympathize with the proponents of this agricultural disaster assistance and I do not question that drought and abrupt changes in climate are having a severe impact on the crops grown in the states covered in this conference report. While I do agree that prolonged drought and other natural disasters are

having devastating effects on many Americans and sectors of our economy, crop assistance does not belong on Military Construction funding legislation.

When the Senate considers legislation to address drought-induced and other climate damages, shouldn't all affected states receive assistance? How are we to say that one group of people or sector of our economy deserves financial assistance over another? According to the Congressional Research Service, Congress provided about \$3 billion in assistance for crop and livestock losses in 2001 and 2002. Coupled with all the other billions in agricultural subsidies, American taxpayers could conclude that Congress has determined, without clear deliberation, that this is the priority need.

There are many States, including Arizona, that are facing terrible drought-induced problems and do not receive assistance in this conference report. Destructive wildfires have spread through the Western United States because of the dry conditions there, causing billions of dollars in property and resource damage. Drought-induced insect infestations have increased wildfire risks to our communities and natural resources. Water levels in reservoirs in our parched states have dropped dramatically, reducing water supplies, causing millions of dollars in losses to the recreation and tourism industries and reducing hydropower generation. In some areas, the lack of precipitation and water supply recharge, has resulted in wells running dry. I can't think of a more disastrous situation than that. However, the people who fall into these categories are not covered by the drought assistance provisions.

I have found this report contains 62 earmarks totaling \$98.7 million. I am also troubled by a provision in the explanatory statement that accompanies this conference report. According to the explanatory statement, "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." This has the composite effect of essentially doubling the number of earmarks in the Military Construction Appropriations Act. As legislators we are often forced to make difficult budgetary decisions. However, in the instance of this conference report, the most difficult decisions were avoided. With looming budget deficits, it is as important as ever to practice fiscal responsibility and avoid the practice of earmarks.

The above statement ensures all \$44.7 million in earmarks added by the Senate as well as the \$38.5 million in earmarks contained in the House version of this legislation. As I stated when we considered that legislation, nearly all of these earmarks are funded under the minor construction account. Normally, this account is intended to be used for

urgent and unforeseen requirements and therefore neither the President's budget nor the authorizing committees identify specific projects to be funded. Once the Services decide to spend the money, the authorizing and appropriations committees must approve or disapprove of the minor construction project to which the Services plan to fund. By earmarking the funds in the minor construction account, the appropriators have usurped the authority of the authorizing committee to approve or reject these projects. I can only hope that next year, when the appropriators stray from this practice.

With the passage of the conference report to the fiscal year 2005 Defense Authorization Act, the legislative branch has once again affirmed its support for the important round of base closure and realignment that will occur next year. With this being an election year and Member's parochial concerns being as strong as ever, I am encouraged to see that my colleagues have resisted the temptation to add pork to bases in their states in what would be a misguided effort to save their bases from base closure. Such efforts would be a waste of taxpayer money, and would not prevent their base from being closed.

I commend the chairman of the Military Construction Subcommittee, Senator HUTCHISON, and the ranking member, Senator FEINSTEIN, for their hard work on this bill and their continued support for our military. Their attention and commitment to only supporting high priority projects for the Navy, Marine Corps, Army, and Air Force is once again exemplary and provide for a sound measure to fund military construction in the coming fiscal year. I only wish they were able to hold to the Senate version of this legislation and were able to keep extraneous non-military construction provisions out of this conference report.●

The PRESIDING OFFICER. Under the previous order, the vote on the motion to invoke cloture is vitiated.

The question is on agreeing to the report to accompany H.R. 4837.

The conference report was agreed to.

CORRECTING THE ENROLLMENT OF H.R. 4837

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to consideration of S. Con. Res. 144, which the clerk will report by title.

The assistant legislative clerk read as follows:

A resolution (S. Con. Res. 144) to correct the enrollment of H.R. 4837.

The PRESIDING OFFICER. Under the previous order, the concurrent resolution is agreed to and the motion to reconsider will be laid upon the table.

The concurrent resolution (S. Con. Res. 144) was agreed to, as follows: