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106TH CONGRESS, 1st Session | HOUSE OF REPRESENTATIVES | REPORT 106–125

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR MILITARY OPERATIONS, REFUGEE RELIEF, AND HUMANITARIAN ASSISTANCE RELATING TO THE CONFLICT IN KOSOVO, AND FOR MILITARY OPERATIONS IN SOUTHWEST ASIA FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1999, AND FOR OTHER PURPOSES

MAY 4, 1999.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. YOUNG of Florida, from the Committee on Appropriations, submitted the following

REPORT

together with

DISSENTING VIEWS

[To accompany H.R. 1664]

The Committee on Appropriations submits the following report in explanation of the accompanying bill making emergency supplemental appropriations for military operations, refugee assistance, and humanitarian assistance relating to the conflict in Kosovo, and for military operations in Southwest Asia for the fiscal year ending September 30, 1999, and for other purposes.

BILL HIGHLIGHTS

The bill accompanying this report provides $12,947,495,000 to respond to the unfunded needs relating to the conflict in Kosovo and Operation Desert Fox as well as other urgent high priority military readiness matters. It provides $70,500,000 for emergency diplomatic operations and security; $566,000,000 for international economic, refugee, and disaster assistance; $9,401,569,000 for military personnel and equipment requirements; $1,838,426,000 for pay and retirement increases; and $1,071,000,000 for emergency military construction requirements.

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CHAPTER 1

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The Committee recommends $17,071,000, to remain available until expended, as an emergency appropriation. This amount provides for the costs of diplomatic efforts related to the Kosovo crisis, including the costs of shutting down embassy operations in Belgrade and enhancing security at posts in the region, as requested.

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

The Committee recommends a total of $50,500,000, to remain available until expended, as an emergency appropriation. Of this amount, $5,000,000 is for the costs of security upgrades for post and housing facilities in the region, as requested.

An additional $45,500,000 is provided above the request, and release of any portion of this funding is contingent upon a Presidential emergency designation. Of this amount, $36,000,000 is for costs of site acquisition, design and construction of an additional secure embassy facility in Tirana, Albania. Embassy Tirana is a hub of U.S. Government operations in the region, and will serve an increasingly important role in supporting the military and diplomatic objectives of the U.S. Government and any subsequent peace process. The remaining $9,500,000 in this account is provided to make advance payment for the costs of repairing damage to post facilities resulting from civil unrest related to the Kosovo conflict. The Committee expects that host governments will be held accountable for such damages, and urges the Department to vigorously pursue full reimbursement. The Committee directs the Department to use these reimbursements and any remaining balance to fund a Marine Security Guard quarters in Tirana.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

The Committee recommends $2,929,000, to remain available until expended, as an emergency appropriation. This amount provides for the costs of evacuating post personnel and dependents as a result of events related to the Kosovo conflict, as requested. Language is included, as requested, transferring $500,000 to the Peace Corps and $450,000 to the U.S. Information Agency for the costs of evacuating personnel and dependents of those agencies.

CHAPTER 2

DEPARTMENT OF DEFENSE—MILITARY

The President requested $5,458,069,000 in emergency supplemental appropriations for the Department of Defense (DoD) to finance the unbudgeted personnel, operations, and equipment replacement and drawdown costs associated with fiscal year 1999 operations in Southwest Asia (Operations Desert Thunder, Desert Fox, and Enhanced Northern and Southern Watch) and those operations concerning Kosovo (including Operations Allied Force and

Allied Harbour, respectively NATO's ongoing military and humanitarian operations in the Balkans). Of this amount, $453,339,000 is for operations and the cost of munitions expended in Southwest Asia and $5,004,730,000 is for Kosovo operations and munitions replacement. The Committee notes that the Administration's estimates for Kosovo are premised on continued fiscal year 1999 operations at the current, planned level with the currently approved forces.

The Committee recommends approving the full amount of the President's request (although it has realigned some funding to the proper appropriations accounts). The Committee also recommends an additional $461,800,000 for munitions, based on potential Operation Allied Force requirements identified by the military services, and $400,000,000 only for a new operational enhancements rapid response account, intended to support specific requests from U.S. regional commanders, for the rapid fielding and support of equipment needed for Operation Allied Force or to provide substitute capabilities in other theaters to replace assets diverted to this operation.

Further, the Committee recommends an additional $3,081,700,000 to address existing and urgent shortfalls in key readiness categories (spare parts, depot maintenance of equipment, recruiting of military personnel, training and operational tempo support, and base operations). These represent unfunded requirements identified by the military services prior to the onset of Operation Allied Force, needs which will certainly be exacerbated by the operations against the Federal Republic of Yugoslavia. The Committee believes these demands must be addressed now, as they are directly related to the immediate capability of U.S. forces to meet their global commitments. The Committee notes there are many other unfunded requirements confronting the Department of Defense, not only affecting immediate and near-term preparedness but also long-term readiness (particularly in the weapons modernization accounts). The Committee expresses its determination to address these additional shortfalls as it develops its fiscal year 2000 appropriations bills.

Finally, the Committee recommends $1,838,426,000 for the military personnel accounts, only for increases in military basic pay, targeted pay increases against certain grades, and for reform of the military retirement system. The obligation of these funds would be subject to the enactment of subsequent authorizing legislation and the designation of the funds as an emergency appropriation by the President.

The following table summarizes the appropriations provided in this chapter of the bill.

[In thousands of dollars]

	Supplemental request	Committee recommendation
Military Personnel:		
Army	2,920	2,920
Navy	7,660	7,660
Marine Corps	1,586	1,586
Air Force	4,303	4,303

[In thousands of dollars]

	Supplemental request	Committee recommendation
Total	16,469	16,469
Overseas Contingency Operations Transfer Fund:		
Overseas Contingency Operations Transfer Fund (Emergency)	4,591,600	3,907,300
Readiness/Munitions (Contingent)	850,000	1,311,800
Total	5,441,600	5,219,100
Procurement:		
Weapons Procurement, Navy	—	431,100
Aircraft Procurement, Air Force	—	40,000
Missile Procurement, Air Force	—	178,200
Procurement of Ammunition, Air Force	—	35,000
Total		684,300
Operational Rapid Response Transfer Fund	—	400,000
Sec. 207. (Spare Parts)	—	1,339,200
Sec. 208. (Depot Maintenance)	—	927,300
Sec. 209. (Recruiting)	—	156,400
Sec. 210. (Readiness Training/OPTEMPO)	—	307,300
Sec. 211. (Base Operations)	—	351,500
Sec. 212. (Pay and Retirement)	—	1,838,426
Grand total	5,458,069	11,239,995

Reporting Requirements

The Committee recognizes that the specific budget estimates underlying the supplemental request for Kosovo operations may require adjustments due to the evolving nature of the air campaign, changes in deployment schedules and operational tempo, and other requirements associated with current operations and currently planned forces which were not identified at the time the supplemental request was developed. Accordingly, the Committee understands the need for some flexibility at this time and believes the funding and authorities provided in the Committee bill give the DoD the ability to make such adjustments as required. The Committee expects the Department to use these funds and authorities judiciously, with particular care given to ensure that other important, ongoing DoD activities, especially those relating to personnel, readiness, and important quality of life programs such as the Defense Health Program, are not adversely affected by the conduct of Operation Allied Force.

The Committee directs the Secretary of Defense to submit a monthly report to the House and Senate Committees on Appropriations which provides a detailed description of Department of Defense obligations in support of operations in and around Kosovo and in Southwest Asia. This report shall indicate the cost of each operation for each affected appropriation account (including those accounts to which funds are transferred from the Overseas Contingency Operations Transfer Fund). For the acquisition accounts, the report should be provided at the R–1/P–1 level of detail. The first such report should be provided no later than May 31, 1999. In addition, language has been included under the Overseas Contingency Operations Transfer Fund which allows the transfer of funds

to military construction. The Undersecretary of Defense (Comptroller) is directed to notify the Committee on Appropriations of any such transfers and the individual projects to be provided.

MILITARY PERSONNEL

The supplemental budget request includes $16,469,000 for special pays and allowances for military personnel deployed to Southwest Asia in support of Operations Desert Thunder, Desert Fox, and Enhanced Northern and Southern Watch. In addition, the request includes $439,400,000 for personnel costs related to operations in and around Kosovo. The Committee recommends the budget request. Funding relating to Kosovo is provided in the Overseas Contingency Operations Transfer Fund as requested by the President.

OPERATION AND MAINTENANCE

The supplemental budget request includes $259,900,000 for operations in and around Southwest Asia and $3,210,000,000 in support of NATO operations in Kosovo. All Operation and Maintenance funding for these operations is included in the Overseas Contingency Operations Transfer Fund. The Committee recommends the budget request.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

The President requested $5,441,600,000 for this account, along with authority to transfer funds as needed to a variety of appropriations accounts to meet estimated requirements. Included in this total is $684,300,000 of procurement funding requested to replace certain high value munitions expended during Operation Desert Fox and Operation Allied Force, to include air- and sea-launched cruise missiles, Joint Direct Attack Munitions, and decoys (there is also $13,600,000 in Operation and Maintenance funding requested to support these purchases). The request also includes a total of $850,000,000 of contingent emergency appropriations to meet expected munitions and readiness-related Kosovo expenses, funds which would only be available after the subsequent submission of a budget request by the President, with only those funds requested being made available.

The Committee recommends a total of $5,219,100,000 for the Overseas Contingency Operations Transfer Fund. This reflects the following adjustments to the supplemental budget request:

—a deletion of $684,300,000 for procurement of specific munitions as described above, which the Committee recommends funding in the traditional appropriations accounts as described elsewhere in this report; and

—an addition of $461,800,000 of contingent emergency appropriations, based on potential Operation Allied Force munition requirements identified by the military services, premised on continued fiscal year 1999 operations at the current, planned level with the currently approved forces.

CONTINGENCY OPERATION MUNITIONS REQUIREMENTS

As discussed above, the supplemental budget request for the Overseas Contingency Operations Transfer Fund includes $850,000,000 in contingent emergency appropriations, including an estimate of $700,000,000 to replace munitions expended in Operation Allied Force and in Southwest Asia in order to maintain adequate inventories for future operations. The Committee recognizes that the request for contingent emergency appropriations reflects the reality that additional funding will be required to replace munitions, but that the exact weapons types, quantities, and cost remain unknown at this time as operations continue. Use of the contingent designation thus ensures that funds will only be made available following a specific determination of munitions needs, and only after submission of a subsequent budget request by the President. The Committee believes that given this degree of control, it is prudent to provide a larger amount for potential munitions replacement, and therefore recommends $1,161,800,000, an increase of $461,800,000. The Committee makes this recommendation based on requirements specifically identified by the military services which may be required to support continued fiscal year 1999 operations at the current planned level with the currently approved forces, as follows:

Weapons Procurement, Navy:	
SLAM–ER	$40,000,000
HARM Modifications	81,000,000
JSOW (baseline variant)	11,000,000
Procurement of Ammunition, Navy and Marine Corps:	
Laser Guided Bombs	306,800,000
Expendables	16,300,000
Fuzes	10,000,000
Missile Procurement, Army:	
Army Tactical Missile System	135,000,000
Missile Procurement, Air Force:	
AGM–130 Acceleration	500,000
Maverick Modifications	28,100,000
HARM Modifications	147,300,000
Procurement of Ammunition, Air Force:	
GBU–15 Modifications	26,500,000
Laser Guided Bombs	165,700,000
Combined Effect Munitions	23,100,000
Fuzes	10,000,000
Training Munitions	146,800,000
General Purpose Bombs	13,000,000
Flares and Chaff	700,000

The Committee restates its intent that, at this time, the DoD has the flexibility to reallocate these funds as needed to meet emergent warfighting needs. However, should it be determined that funds are required to support programs other than those listed above, the Undersecretary of Defense (Comptroller) shall notify the House and Senate Committees on Appropriations in writing of any expected change, and the reason why, prior to any obligation of funds. In addition, the provision of these funds does not obviate the requirement for the Department to notify the Congress in advance of proposed new start programs.

CLASSIFIED PROGRAMS

The Committee's recommendations regarding classified programs are summarized in a classified annex accompanying this report.

PROCUREMENT

As discussed earlier in this report, the Committee bill recommends shifting $684,300,000 in procurement funding allocated in the supplemental request for Tomahawk Land-Attack Missile upgrades, Conventional Air-Launched Cruise Missiles (CALCM), Joint Direct Attack Munitions, and towed decoys from the Overseas Contingency Operations Transfer Fund, as proposed in the request, to specific appropriations accounts, as described below.

WEAPONS PROCUREMENT, NAVY

The supplemental budget request includes $431,100,000 for Tomahawk upgrades. The Committee recommendation provides this amount. (The Committee also approves an additional $13,600,000 in operation and maintenance funding associated with Tomahawk recertification, but has provided this funding in the Overseas Contingency Operations Transfer Fund, as proposed in the supplemental budget request.)

AIRCRAFT PROCUREMENT, AIR FORCE

The supplemental budget request includes $40,000,000 for ALE–50 towed decoys. The Committee recommendation provides this amount.

MISSILE PROCUREMENT, AIR FORCE

The supplemental budget request includes $178,200,000 associated with replacement of Conventional Air-Launched Cruise Missiles (CALCM). The Committee recommendation provides this amount.

PROCUREMENT OF AMMUNITION, AIR FORCE

The supplemental budget request includes $35,000,000 for additional Joint Direct Attack Munitions (JDAMs). The Committee recommendation provides this amount.

CONGRESSIONAL OVERSIGHT OF WEAPONS SYSTEM PERFORMANCE

To conduct its oversight and funding responsibilities, the Committee must receive accurate and timely information on weapons system performance in military operations. The military services, the Office of the Secretary of Defense, and the Joint Staff are all reminded of their obligation to be responsive to Congress' responsibilities and prerogatives in this regard, and their responsibility to comply on a prompt basis to Committee inquiries regarding weapons system performance (including failures, battle damage assessment, and targeting errors).

OPERATIONAL RAPID RESPONSE TRANSFER FUND

The Committee recommends including a new appropriations account (Operational Rapid Response Transfer Fund) to enable the accelerated fielding of needed capabilities to U.S. forces engaged in, or in support of, Operation Allied Force; as well as to provide a potential means to rapidly deploy substitute or replacement capabilities to other regional commands (such as U.S. Central Command or U.S. Pacific Command) who have had assets diverted from their theaters to support Operation Allied Force.

During Operations Desert Shield/Desert Storm, the Department of Defense accelerated the planned fielding of several weapons systems to meet warfighting requirements identified by the regional commander-in-chief (CINC). Among these was the rapid fielding of the PAC–2 anti-tactical ballistic missile variant of the PATRIOT surface-to-air missile system (originally developed to engage aircraft, not ballistic missiles), which was still in advanced development at the time. Without this capability, U.S. and allied nations during the Gulf War would have had no defense against the Iraqi SCUD tactical ballistic missile. The Committee notes that other systems, including then-advanced precision-guided "bunker busting" munitions, were conceived, developed, and deployed "from scratch" during the timeframe of Operations Desert Shield/Desert Storm.

At present, there are several broad, high-leverage operational categories which U.S. assets are in short supply or deficient, but which could be used to great effect if assets were made available in sufficient numbers for Operation Allied Force. These include (but are not limited to) tactical airborne electronic warfare and surveillance; tactical imagery and signals intelligence reconnaissance (particularly systems which can loiter over engagement areas such as unmanned aerial vehicles) and related communications datalinks which can rapidly disseminate information; and tactical communications systems in general.

A related, but competing challenge is that, in order to meet the demands of Operation Allied Force, many U.S. military assets have been deployed to U.S. European Command. However, in many instances this has diverted forces and capabilities from other regional commands which have their own daunting set of operational requirements (for example, U.S. Central Command and Iraq, or U.S. Pacific Command and North Korea). In testimony before the Committee on April 21, 1999, the Chairman of the Joint Chiefs of Staff characterized Operation Allied Force as "a third MTW (major theater of war) where aviation assets are concerned". Clearly, carrying out Operation Allied Force with the current "two MTW" force structure poses many risks at many levels for U.S. planners and potentially for U.S. forces in the field.

The Committee recognizes that the current campaign against the Federal Republic of Yugoslavia is of uncertain duration. Nevertheless, it believes a dedicated, "quick response" appropriation, expressly intended to accelerate the fielding of systems, subsystems, support equipment or capabilities needed to meet the many operational challenges confronting U.S. European Command and other

regional CINCs, could prove to be a valuable resource in fielding badly needed capabilities in the immediate future.

Therefore, the Committee recommends $400,000,000, designated as a contingent emergency appropriation, only for the Operational Rapid Response Transfer Fund. These funds will only be available if designated as an emergency by the President, and may be used only to rapidly develop, deploy or field equipment or systems in response to specific requests made by U.S. regional commands and only if the obligation of funds is specifically approved by the Secretary of Defense or his designee. The Committee does not intend that any of these funds be used for systems or efforts which cannot be fielded expeditiously, nor to procure items which can and should be more appropriately budgeted in annual appropriations requests. The Committee's sole intent is to ensure that the Department of Defense and our warfighting CINCs, during this time of strained resources, be able to respond in innovative and rapid fashion to the operational challenges posed by Operation Allied Force.

URGENT READINESS REQUIREMENTS

Spare Parts Shortfalls.—The Committee recommends a general provision (Section 207) which appropriates $1,339,200,000, designated as contingent emergency appropriations, only for the provision of spare and repair parts and associated logistical support necessary to improve the operational status of Department of Defense weapons systems. For years the Committee has expressed its concern about the steady decline in mission capable rates of weapons systems, particularly Navy and Air Force aircraft. This has been driven largely in recent years by a combination of aging equipment, sustained high rates of operational tempo, and a shortage of spare parts. Despite having added hundreds of millions of dollars for spare parts in recent defense appropriations bills over the amounts requested in Administration budget submissions, the Committee is dismayed to observe that the services still suffer from large unfunded shortfalls in this area. These problems will clearly worsen as a result of Operation Allied Force as a result of the large number of aircraft deployed, at high rates of usage. Accordingly, the Committee provides this funding in order to preclude any additional degradation in readiness.

Depot Maintenance.—The Committee recommends a general provision (Section 208) which provides $927,300,000, designated as contingent emergency appropriations, only for depot level maintenance and repair requirements of the Department of Defense. Similar to the problems discussed above in connection with spare parts, despite the Committee's having provided robust funding over proposed Administration budgets in recent years for depot maintenance, the services continue to identify substantial existing shortfalls in this area which will only be exacerbated by Operation Allied Force unless they are addressed in this bill.

Recruiting and Advertising.—The Committee recommends a general provision (Section 209) which provides $156,400,000, designated as contingent emergency appropriations, only for Department of Defense recruiting programs based on shortfalls identified in the fiscal year 1999 program. With the exception of the Marine Corps, each of the services is currently experiencing recruiting dif-

ficulties which, combined with growing retention problems, have led to undermanning of units including deployed forces, as well as proposals to begin reducing quality standards for recruits. The appropriations provided in this section will fully fund an increased recruiting program, meeting shortfalls as defined by the military services in data provided the Committee.

Readiness Training and Operations Tempo.—The Committee recommends a general provision (Section 210) which provides $307,300,000, designated as contingent emergency appropriations, only for readiness related training and operations tempo requirements of the Department of Defense. The Committee notes with concern that the level of current deployment activity coupled with the need to fund long-overdue infrastructure costs has resulted in shortfalls in the military services' training programs. The funding provided in this section is essential in order to alleviate pressure on the military services' readiness-related training programs and ensure that U.S. forces are trained to meet required readiness levels.

Base Operations Support.—The Committee recommends a general provision (Section 211) which provides $351,500,000, designated as contingent emergency appropriations, only for base operations support requirements of the Department of Defense. The Committee notes that DoD has consistently underfunded base operations costs associated with facilities operations and maintenance, range operations and maintenance, utilities services, and a host of other critical infrastructure costs. This has created pressure on the training and other readiness related accounts, and has in recent years repeatedly resulted in the diversion of funds provided by the Congress from readiness accounts to these non-discretionary infrastructure costs. The appropriations in this section are needed to meet base operations shortfalls identified in service data provided to the Committee, which will not only support the Department's base infrastructure but also relieve pressure on the readiness accounts and ensure that readiness related activities are conducted at levels funded by the Congress.

MILITARY PAY AND RETIREMENT

The Committee recommends a general provision (Section 212) which provides $1,838,426,000 for the military personnel accounts, designated as contingent emergency appropriations, only for increases in military basic pay, targeted pay increases against certain grades, and for reform of the military retirement system. In his fiscal year 2000 budget submission, the President has proposed a military benefits package which includes a proposed increase in basic pay, targeted pay increases against certain grades (so-called "pay table reform"), and the repeal of the 1986 Military Retirement Reform Act (commonly referred to as "REDUX"). The Committee notes that the Senate has already passed an authorization bill dealing with these issues (S. 4), and that the House Armed Services Committee will soon address them in its consideration of the National Defense Authorization Act.

The Committee is confident that the Congress will enact a comprehensive military pay and retirement package, and therefore, has included $1,838,426,000 in contingent emergency appropriations for

a fiscal year 2000 increase in the military personnel accounts resulting from increased levels of military base pay, pay table reform, and repeal of the REDUX retirement system. The Committee believes that doing so will send a positive signal to our service men and women, not only those engaged in Operation Allied Force but in difficult missions around the world, that Congress is committed to providing an increase in military compensation and reforming the military pay and retirement system, and as a sign of that commitment, is providing funding to support these objectives in this bill. However, since at this time the President and the Senate have proposed substantively different approaches to these issues, and the House Armed Services Committee has yet to make its recommendations to the House, release of these funds is conditioned upon the enactment of authorizing legislation as well as the funds being designated as emergency appropriations by the President.

NUTRITION AND FOOD NEEDS

The Committee recognizes that with the significant deployment of U.S. forces in the Balkan region, along with the increasing refugee camp population, nutrition and food needs are paramount international concerns. The Committee urges the Department of Defense to work with the Department of Agriculture to use all appropriate acquisition authorities to purchase food in ways that meet the humanitarian and military needs attendant to the Balkan engagement, and to do so in ways that also benefit U.S. farmers who are experiencing record low level prices for their products.

GENERAL PROVISIONS—THIS CHAPTER

The Committee bill includes section 201, as requested in the supplemental request, which provides for an increase in the fiscal year 1999 transfer authority available to the Department of Defense.

The Committee bill includes section 202, as requested in the supplemental request, which provides that $10,000,000 of the funds in the Committee bill may be available to the common funded budgets of NATO.

The Committee bill includes section 203, as requested in the supplemental request, which provides authorization for funds in the Committee bill, or funds made available by the transfer of funds in the Committee bill, for intelligence activities.

The Committee bill includes section 204, as requested in the supplemental request, which extends until June 30, 1999 special authorities for contracts awarded or modified for the Joint Direct Attack Munition (JDAM) program.

The Committee bill includes section 205, which requests the President to seek an equitable reimbursement from the North Atlantic Treaty Organization (NATO), member nations of NATO, and other appropriate organizations and nations for the costs incurred by the United States government in connection with Operation Allied Force. The Committee recognizes the valuable and important contributions made by our NATO allies, as well as other nations, in the conduct of Operation Allied Force and in humanitarian activities relating to Kosovo. However, in recognition of the disproportionate share of the military operations being currently car-

ried out by U.S. forces, the Committee believes the President should seek an equitable burdensharing agreement with NATO members and other nations. For example, with respect to NATO members, in all likelihood the financial costs to the U.S. at present exceed the American contribution to NATO's common-funded budgets.

Therefore, pursuant to section 205, the President is to seek a more equitable sharing of the financial costs of Operation Allied Force among NATO members and other countries. For purposes of this provision, the term "costs incurred by the United States government in connection with Operation Allied Force" shall also include the costs of refugee, humanitarian, and other assistance funded through non-military accounts, including assistance to the front line states. Further, this section requires the President to submit to Congress, not later than September 30, 1999, a report on all burdensharing measures taken by the President; the amount of reimbursement received to date from each organization and nation, including a description of any commitments made by any such organization or nation to provide reimbursement; and in the case of an organization or nation that has refused to provide, or to commit to provide, reimbursement, an explanation of the reasons therefor.

The Committee bill includes section 206, which directs that within thirty days of enactment into law of the Committee bill, the President shall transmit to Congress a report, in both classified and unclassified format, on current United States government operations involving Kosovo, including:

(1) A statement of the national security objectives involved in U.S. participation in Operation Allied Force;

(2) An accounting of all current active duty personnel assigned to support Operation Allied Force and related humanitarian operations around Kosovo to include total number, service component and area of deployment (such accounting should also include total numbers of personnel from other NATO countries participating in the action);

(3) Additional planned deployment of active duty units in the European Command area of operations to support Operation Allied Force, between the date of enactment of this Act and the end of fiscal year 1999;

(4) Additional planned Reserve component mobilization, including specific units to be called up between the date of enactment of this Act and the end of fiscal year 1999, to support Operation Allied Force;

(5) An accounting by the Joint Chiefs of Staff on the transfer of personnel and materiel from other regional commands to the United States European Command to support Operation Allied Force and related humanitarian operations around Kosovo, and an assessment by the Joint Chiefs of Staff of the impact any such loss of assets has had on the warfighting capabilities and deterrence value of these other commands;

(6) Levels of humanitarian aid provided to the displaced Kosovar community from the United States, NATO member nations, and other nations (figures should be provided by country and the type of assistance provided whether financial or in-kind); and

(7) Any significant revisions to the total cost estimate for the deployment of United States forces involved in Operation Allied Force through the end of fiscal year 1999.

The Committee bill includes section 207, which appropriates $1,339,200,000, designated as contingent emergency appropriations, only for urgent shortfalls in Department of Defense spare and repair parts and associated logistical support, as described earlier in this report.

The Committee bill includes section 208, which appropriates $927,300,000, designated as contingent emergency appropriations, only for urgent shortfalls in the depot level maintenance and repair requirements of the Department of Defense, as described earlier in this report.

The Committee bill includes section 209, which appropriates $156,400,000, designated as contingent emergency appropriations, only for urgent shortfalls in Department of Defense recruiting programs, as described earlier in this report.

The Committee bill includes section 210, which appropriates $307,300,000, designated as contingent emergency appropriations, only for urgent readiness related training and operations tempo requirements of the Department of Defense, as described earlier in this report.

The Committee bill includes section 211, which appropriates $351,500,000, designated as contingent emergency appropriations, only for urgent base operations support requirements of the Department of Defense, as described earlier in this report.

The Committee bill includes section 212, which appropriates $1,838,426,000, designated as contingent emergency appropriations, for the military personnel accounts, only for an increase in military basic pay, targeted pay increases against certain grades, and for reform of the military retirement system, as described earlier in this report.

CHAPTER 3

SUMMARY OF RECOMMENDATION—THIS CHAPTER

On April 19, 1999, the President transmitted to Congress an emergency supplemental funding request, which includes $566,000,000 for refugee, disaster, and economic assistance to respond to the humanitarian and economic crisis in the Balkans.

The Committee recognizes that refugees fleeing Kosovo continue to burden neighboring nations. As of April 22, more than 359,000 refugees have fled to Albania, 132,000 have arrived in Macedonia, 68,000 have entered Montenegro, and 32,000 have come into Bosnia. The State Department estimates the number of refugees could grow to more than 900,000, and international aid groups estimate that this total could rise much higher in the coming months if the conflict in the Balkans continues. Given these projections, the Committee believes the President's request for disaster and refugee assistance is inadequate. Therefore, the Committee has provided higher funding levels than the Administration requested for supplemental disaster and refugee assistance. These increases should provide the resources necessary to meet emergency needs for the remainder of the current fiscal year.

These increases have been offset with a reduction in the request for assistance through the account for Eastern Europe.

None of the funds appropriated herein are to be used to implement a long-term, regional program of development or reconstruction in Southeastern Europe. That is not the purpose of this Emergency Supplemental Appropriations Act. As the President's budget request clearly states: "the supplementals provide FY 1999 funding to plan the reconstruction efforts in a post-conflict Kosovo, but would not fund the U.S. portion of a long-term reconstruction effort."

The refugee, SEED, and disaster assistance funds are appropriated for emergency support of refugees and displaced persons and the local communities directly affected by the influx of refugees. The Economic Support Funds are appropriated for short-term, emergency balance of payments support for the countries listed in the bill language.

The Committee requests that the Administration keep it informed on a regular basis of refugee assistance and other funding commitments made by our NATO allies.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER ASSISTANCE

The Committee is recommending $96,000,000 for an additional amount for International Disaster Assistance for fiscal year 1999. The President requested $71,000,000. The Committee understands that this funding will ensure that AID's Office of Foreign Disaster Assistance will have the necessary resources to meet its worldwide commitments in fiscal year 1999, and to deal with the projections of possible refugee flows in the Balkans. These funds are to remain available until expended.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

The Committee is recommending $105,000,000 for an additional amount for the Economic Support Fund as requested by the President. The Administration requested $100,000,000 of these funds to provide direct assistance to Albania, Bosnia, Bulgaria, Romania, Macedonia and Montenegro—the so-called front line states. The Committee notes that these front line nations have borne the brunt of the 700,000 refugees fleeing Kosovo and, even under the best of circumstances, these countries will be expected to deal with these refugees for many months. The conflict in the Balkans and the resultant refugee crisis have already created significant disruptions to normal commerce in the region and have increased economic hardship in these front line nations. This assistance is designed to help these governments meet balance of payments shortfalls and to partially offset costs of refugee assistance. The Committee strongly

supports additional resources to support the democratic government of Montenegro.

The Committee expects that up to $5,000,000 of these funds will be used to document war crimes and atrocities committed in Kosovo. These funds are to remain available for obligation until September 30, 2000. In addition, the Committee recommendation includes bill language waiving other provisions of law except section 533 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999, for the purpose of obligating these funds. However, the requirement for a notification prior to obligation has been reduced from 15 days to 5 days in order to provide the President with increased flexibility.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

The Committee is recommending $75,000,000 for an additional amount for the account "Assistance for Eastern Europe and the Baltic States". The President requested $170,000,000 for this account. The Committee has provided up to $1,000,000 of these funds for administrative costs of AID. Funds appropriated under this account would be subject to the regular notification requirements of the Committees on Appropriations, and would remain available for obligation until September 30, 2000.

The Committee has increased resources for other accounts in this bill to meet emergency needs in the Balkans. Therefore, the Committee is not in a position to provide the President's full request for this account due to the imperative to meet funding requirements for higher priority refugee and humanitarian assistance. In addition, the Committee is concerned that part of the request could be used to provide for long-term reconstruction programs in the Balkans. The Committee believes that the events in the region are changing so rapidly that it would be premature to consider additional long-term development programs at this time. Further, the Committee believes that European nations bear greater responsibility for the integration of these front line states into Europe's economy and for reconstruction programs in the region.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

The Committee is recommending $195,000,000 for an additional amount for the Migration and Refugee Assistance account. The President requested $125,000,000. The Committee recommendation allows for not more than $500,000 from these supplemental funds for administrative expenses, and provides for the availability of funds through September 30, 2000.

The Committee has been informed that funding for humanitarian assistance for refugees would face a significant shortfall if refugee levels continue to increase through the end of the fiscal year and into fiscal year 2000. As a result, the Committee has increased funding in this account and in the Disaster assistance account in order to ensure that adequate funds are available for refugee assistance—particularly if it becomes necessary to support large refugee populations through the winter. In order to fund these high priority activities, the Committee recommendation includes a re-

duction of $95,000,000 from the request for assistance for Eastern Europe.

The massive outflow of refugees from Kosovo into surrounding territories has placed tremendous burdens on the surrounding governments. While these refugees have been generally well treated by host governments, the Committee is concerned about reports of the mistreatment of some Kosovar refugees. The continued and increased international funding for the care of these refugees will alleviate the burdens on host governments. The Committee urges that all governments respect the human rights of all refugees in this difficult situation.

The Committee is deeply troubled by the use of a rape as a tool of war. There are widespread and credible reports that Serbian forces are targeting ethnic Albanian women for rape and using rape as a means of emptying communities. Many of the ethnic Albanian refugees have been the victims of rape, brutalization and other traumatic events. While the Committee understands that there are many pressing and immediate needs for shelter and food, it believes that psychological services for traumatized refugees, particularly women who have been raped, should not be neglected. The Committee urges the Administration to designate funds for those psychological services. In addition, the Committee believes the Administration needs to demonstrate leadership to ensure that rape is prosecuted as a war crime.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

The Committee is recommending $95,000,000 for an additional amount for the United States Emergency Refugee and Migration Assistance Fund, as requested by the President. These funds would be available until expended.

GENERAL PROVISION—THIS CHAPTER

The Committee is recommending bill language requested by the President to provide that the value of commodities and services authorized by the President through March 31, 1999, drawn down pursuant to section 552(c)(2) of the Foreign Assistance Act of 1961 to support international relief efforts relating to the Kosovo conflict shall not be counted against the ceiling limitation of that section. This provision also provides that such assistance shall be made available notwithstanding any other provision of law.

CHAPTER 4

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

The Committee recommends $240,000,000, contingent on the Presidential declaration of an emergency, for the continued support of the North Atlantic Treaty Organization Security Investment Program.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

Language has been included under the "Overseas Contingency Operations Transfer Fund" which allows the transfer of funds to military construction. The Under Secretary of Defense (Comptroller) is directed to notify the Subcommittee on Military Construction of any such transfers and the individual projects to be provided.

MILITARY CONSTRUCTION

The Committee recommends a total of $831,000,000, contingent on the Presidential declaration of an emergency, for operations in Europe and Southwest Asia, for the following items:

Location/Account/Installation	Project title	Cost
Bahrain Island:		
Navy:		
Southwest Asia Admin Support Unit	BEQ (Security Force)	24,550,000
Southwest Asia Admin Support Unit	BEQ (Transient)	23,770,000
Southwest Asia Admin Support Unit	Operations Control Center	34,770,000
Subtotal, Bahrain Island		83,090,000
Diego Garcia:		
Navy:		
Diego Garcia Naval Support Facility	Aircraft Intermediate Maintenance Facility	8,150,000
Subtotal, Diego Garcia		8,150,000
Germany:		
Army:		
Ansbach, Barton Barracks	Whole Barracks Complex Renewal	21,000,000
Bamberg Air Field	Whole Barracks Complex Renewal	9,300,000
Bamberg Air Field	Whole Barracks Complex Renewal	8,200,000
Bamberg, Warner Barracks	Whole Barracks Complex Renewal	5,700,000
Baumholder	Vehicle Maintenance Shop, Direct Support	10,000,000
Baumholder	Vehicle Maintenance Shop, Organizational	12,600,000
Baumholder	Vehicle Maintenance Shop, Organization	9,600,000
Baumholder	Vehicle Maintenance Shop, Organizational Addition.	10,400,000
Grafenwoehr	Multipurpose Range Complex 118	25,000,000
Grafenwoehr	Multipurpose Range Complex 211	23,000,000
Hohenfels	Centralized Vehicle Wash Facility	7,600,000
Hohenfels	Objective Instrumentation Building	8,600,000
Kaiserslautern	Vehicle Maintenance Shop, Organizational	9,000,000
Mannhein	Organizational Vehicle Parking	7,600,000
Mannhein	Vehicle Maintenance Shop, Organizational	9,300,000
Mannheim	Vehicle Maintenance Shop, Organizational	11,400,000
Mannheim, Coleman Barracks	Whole Barracks Complex Renewal	4,500,000
Schweinfurt	Centralized Vehicle Wash Facility	1,600,000
Schweinfurt	Close Combat Tactical Trainer	11,200,000
Schweinfurt	Vehicle Maintenance Shop, Direct Support	12,000,000
Schweinfurt	Vehicle Maintenance Shop, Organizational	20,000,000
Stuttgart	Deployment Storage Buildings	4,100,000
Stuttgart	Indoor Firing Range	3,000,000
Stuttgart	USEUCOM Communications Command Center	10,800,000
Vilseck	Non-Toe Maintenance Facility	5,300,000
Air Force:		
Ramstein Air Base	Aircraft Parts Storage Facility	3,800,000
Ramstein Air Base	CNS 3 Fire Stations	12,000,000
Ramstein Air Base	Combat Communications Squadron Complex	12,000,000
Ramstein Air Base	Contingency Response Group Complex	5,000,000
Ramstein Air Base	C–130 Squadron Operations/AMU, 37 AS	8,800,000

Location/Account/Installation	Project title	Cost
Ramstein Air Base	Reachback Operations Support Center	17,400,000
Ramstein Air Base	Squadron Operations/AMU, 75 AS	8,800,000
Ramstein Air Base	Vehicle Maintenance Facility	6,500,000
Spangdahlem Air Base	ACS Maintenance and Support Facilities	14,900,000
Spangdahlem Air Base	CE Pavement/Equipment Complex	9,800,000
Spangdahlem Air Base	Mobility Processing Center	5,300,000
Spangdahlem Air Base	Refueler Maintenance Facility	2,600,000
Spangdahlem Air Base	Squad Operations/AMU, 22/23 Flight Squadron	18,000,000
Subtotal, Germany		385,700,000
Greece:		
Navy:		
Souda Bay, Crete Naval Support Activity.	Operational Support Facilities	6,380,000
Subtotal, Greece		6,380,000
Italy:		
Navy:		
Naples Naval Support Activity	Operational Support Facilities	26,750,000
Sigonella Naval Air Station	Base Level Communication Facility	3,100,000
Sigonella Naval Air Station	Base Operations Support	35,000,000
Air Force:		
Aviano Air Base	Air Control Squadron Warehouse	3,900,000
Aviano Air Base	Base Operations	2.900,000
Aviano Air Base	CNS Contingency Dorm (600 PNs)	14,000,000
Aviano Air Base	Dormitory (120 PNs)	8,150,000
Aviano Air Base	Indoor Firing Range	2,900,000
Aviano Air Base	Radar Approach Control Facility	3,700,000
Aviano Air Base	Southside Ramp	7,000,000
Aviano Air Base	Upgrade Airfield Lighting	4,000,000
Subtotal, Italy		111,400,000
Portugal:		
Air Force:		
Lajes Field, Azores	Apron Security Lighting	1,800,000
Lajes Field, Azores	Transient Dormitory	9,000,000
Defense-Wide:		
Lajes Field, Azores DESC	Replace Hydrant Fuel System	13,000,000
Subtotal, Portugal		23,800,000
Spain:		
Defense-Wide:		
Moron DESC	Replace Hydrant Fuel System	15,200,000
Subtotal, Spain		15,200,000
Turkey:		
Air Force:		
Incirlik Air Base	Consolidated Communications Facility	2,100,000
Incirlik Air Base	Force Protection: Perimeter Improvements	3,000,000
Incirlik Air Base	Indoor Firing Range	2,200,000
Subtotal, Turkey		7,300,000
United Kingdom:		
Air Force:		
RAF Fairford	CNS Contingency Dorm (576 PNs)	13,000,000
RAF Feltwell	Add/Alter CATM Facility	3,100,000
RAF Lakenheath	Add/Alter Main Fire Station/CNS Crash Station	5,000,000
RAF Lakenheath	Communications Facility	5,200,000
RAF Lakenheath	Consolidated Support Complex	12,400,000
RAF Lakenheath	Mobility Processing and Cargo Facility	1,500,000

Location/Account/Installation	Project title	Cost
RAF Lakenheath	Squad Operations/AMU, 492 & 494 Flight Squadron.	18,633,000
RAF Lakenheath	Supply Material Control	4,900,000
RAF Mildenhall	Communications Facility	4,000,000
RAF Mildenhall	CNS Avionics/Maintenance Complex, Phase II	12,200,000
RAF Mildenhall	Corrosion Control and Maintenance Complex	10,200,000
RAF Mildenhall	Control Tower/Base Ops Complex/Crash Rescue	9,500,000
RAF Mildenhall	Hazardous Material Storage Facility	1,000,000
RAF Mildenhall	Mobility Processing Center	4,500,000
RAF Mildenhall	Operations Facility	4,100,000
Defense-Wide:		
RAF Mildenhall	Replace Hydrant Fuel System	5,300,000
Subtotal, United Kingdom		114,533,000
Worldwide Unspecified:		
Army:		
Unspecified Worldwide Locations	Planning & Design	25,000,000
Unspecified Worldwide Locations	Unspecified Minor Construction	10,000,000
Navy:		
Unspecified Worldwide Locations	Planning & Design	3,800,000
Air Force:		
Unspecified Worldwide Locations	Planning & Design	29,647,000
Unspecified Worldwide Locations	Unspecified Minor Construction	5,000,000
Defense-Wide:		
Unspecified Worldwide Locations	Planning & Design	2,000,000
Subtotal, Worldwide Unspecified		75,447,000
Grand total		831,000,000

COMPLIANCE WITH CLAUSE 3 OF RULE XIII (RAMSEYER RULE)

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

The accompanying bill would amend the Department of Defense Appropriations Act, 1999, Public Law 105–262, as follows:

DEPARTMENT OF DEFENSE

* * * * * * *

TITLE VIII

GENERAL PROVISIONS

* * * * * * *

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed [$1,650,000,000] *$2,450,000,000* of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same

purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: *Provided further,* That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further,* That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

CHANGES IN THE APPLICATION OF EXISTING LAW

Pursuant to clause 3(f) of rule XIII of the Rules of the House of Representatives, the following statements are submitted describing the effect of provisions in the accompanying bill which directly or indirectly change the application of existing law.

Language is included in various locations throughout the bill that declares appropriations as emergency requirements pursuant to the Congressional Budget Act.

Language is included under the Department of State, Security and Maintenance of U.S. Missions, which makes portions of the appropriations subject to enactment upon receipt of an official budget request by the President to the Congress.

Language has been included under chapter 2, Department of Defense—Military, to include a number of provisions which makes portions of the appropriations subject to enactment upon receipt of an official budget request by the President of the Congress.

Language has been included (Section 201) under chapter 2, Department of Defense—Military, which increases the Secretary of Defense's transfer authority for funds provided in the Department of Defense Appropriations Act, 1999.

Language has been included (Section 202) under chapter 2, Department of Defense—Military, which increases the funds available for contribution to the common funded budgets of NATO.

Language has been included (Section 203) under chapter 2, Department of Defense—Military, concerning funds for intelligence-related programs.

Language has been included (Section 204) under chapter 2, Department of Defense—Military, which extends the pilot program authority for the Joint Direct Attack Munition program.

Language has been included (Section 205) under chapter 2, Department of Defense—Military, which addresses burdensharing for operations in Kosovo.

Language has been included (Section 206) under chapter 2, Department of Defense—Military, which establishes reporting requirements regarding operations in Kosovo and their costs.

Language has been included (Section 207) under chapter 2, Department of Defense—Military, which provides additional funding for spare parts for military equipment.

Language has been included (Section 208) under chapter 2, Department of Defense—Military, which provides additional funding for depot maintenance of military equipment.

Language has been included (Section 209) under chapter 2, Department of Defense—Military, which provides additional funding for military personnel recruiting initiatives.

Language has been included (Section 210) under chapter 2, Department of Defense—Military, which provides additional funding for military readiness training and operations tempo.

Language has been included (Section 211) under chapter 2, Department of Defense—Military, which provides additional funding for military base operations.

Language has been included (Section 212) under chapter 2, Department of Defense—Military, which provides funding for adjustments to military pay and retirement programs.

Under "International Disaster Assistance", funds are appropriated to remain available until expended, and are only available to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, is transmitted by the President to the Congress.

Under "Economic Support Fund", funds are appropriated to remain available until September 30, 2000, for assistance for Albania, Macedonia, Bulgaria, Bosnia-Herzegovina, Montenegro, and Romania; are made available notwithstanding any other provision of law except section 533 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999; and are available pursuant to the regular notification procedures of the Committees on Appropriations (except that the requirement for a 15 day notification is reduced to 5 days).

Under "Assistance for Eastern Europe and the Baltic States", funds are appropriated to remain available until September 30, 2000, and up to $1,000,000 of such funds may be used for administrative costs.

Under "Migration and Refugee Assistance", funds are appropriated to remain available until September 30, 2000, and not more than $500,000 are for administrative costs; and are only available to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, is transmitted by the President to the Congress.

Under "United States Emergency Refugee and Migration Assistance Fund", funds are appropriated subject to the terms and conditions that apply to the funds appropriated under the same head in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999.

A general provision is included that exempts the value of commodities and services authorized by the President through March 31, 1999, to be drawn down under the authority of section 552(c)(2) of the Foreign Assistance Act to support international relief efforts relating to the Kosovo conflict from the ceiling limitation of that section, and provides that such assistance may be made available notwithstanding any other provision of law.

Language has been included (Section 401) under chapter 4, which provides funds for Military Construction, Army; Military Construction, Navy; Military Construction, Air Force; and Military Construction, Defense-Wide.

Launguage is included in title V that addresses the availability of funds in the Act.

Language is included in title V that states the Sense of Congress regarding pay parity between civilian and military employees.

APPROPRIATIONS NOT AUTHORIZED BY LAW

Pursuant to clause 3(f) of rule XIII of the Rules of the House of Representatives, the following table lists the appropriations in the accompanying bill which are not authorized by law:

Department of State

Diplomatic and Consular Programs
Security and Maintenance of U.S. Missions
Emergencies in the Diplomatic and Consular Service

Department of Defense

Military Personnel, Army
Military Personnel, Navy
Military Personnel, Marine Corps
Military Personnel, Air Force
Overseas Contingency Operations Transfer Fund
Weapons Procurement, Navy
Aircraft Procurement, Air Force
Missile Procurement, Air Force
Procurement of Ammunition, Air Force
Operational Rapid Response Transfer Fund
Appropriations made in Chapter 2, Sections 207 through 212

International Disaster Assistance
Economic Support Fund
Assistance for Eastern Europe and the Baltic States
Migration and Refugee Assistance
United States Emergency Refugee and Migration Assistance Fund

Department of Defense

Military Construction, Army
Military Construction, Navy
Military Construction, Air Force
Military Construction, Defense-wide
North Atlantic Treaty Organization Security Investment Program

TRANSFERS

Pursuant to clause 1(b) of rule X of the Rules of the House of Representatives, the following table is submitted describing the transfers of unexpended balances in the accompanying bill:

TRANSFERS RECOMMENDED IN THE BILL

Language is included in chapter 2 that increases the limitation of funds included in the Department of Defense Appropriations Act, 1999, that can be transferred among accounts.

CONSTITUTIONAL AUTHORITY

Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives states that:

> Each report of a committee on a bill or joint resolution of a public character, shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the law proposed by the bill or joint resolution.

The Committee on Appropriations bases its authority to report this legislation from Clause 7 of Section 9 of Article I of the Constitution of the United States of America which states:

> No money shall be drawn from the Treasury but in consequence of Appropriations made by law * * *

Appropriations contained in this Act are made pursuant to this specific power granted by the Constitution.

COMPARISON WITH THE BUDGET RESOLUTION

Section 308(a)(1)(A) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93–344), as amended, requires that the report accompanying a bill providing new budget authority contain a statement detailing how that authority compares with the reports submitted under section 302 of the Act for the most recently agreed to concurrent resolution on the budget for the fiscal year. All budget authority provided in the accompanying bill is designated emergency funding requirements under the procedures set forth in section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. The Committee will receive an increased allocation to accommodate this budget authority and resulting outlays after reporting this bill.

FIVE-YEAR OUTLAY PROJECTIONS

In compliance with section 308(a)(1)(B) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93–344), as amended, the following table contains five-year projections associated with the budget authority provided in the accompanying bill:

	Millions
Budget Authority	$12,947
Outlays:	
1999	2,954
2000	7,072
2001	1,779
2002	648
2003 and beyond	253

ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

In accordance with section 308(a)(1)(C) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93–

344), as amended, the financial assistance to State and local governments is as follows:

	Millions
Budget Authority	0
Fiscal year 1999 outlays resulting therefrom	0

FULL COMMITTEE VOTES

Pursuant to the provisions of clause 3(a)(1)(b) of rule XIII of the House of Representatives, the results of each rollcall vote on an amendment or on the motion to report, together with the names of those voting for and those voting against, are printed below:

ROLLCALL NUMBER: 1

Date: April 29, 1999.

Measure: Kosovo and Southwest Asia Emergency Supplemental Appropriations Bill, FY 1999.

Motion by: Mr. Obey.

Description of motion: To reduce amounts in the bill for spare parts, depot maintenance, recruiting, training, base operations, and military construction; and to insert authorization for military pay and retirement reform, funding for agricultural emergencies, funding for Hurricanes Mitch and Georges recovery, funding for several non-emergency matters, several rescissions and offsets, technical corrections to P.L. 105–277, and funding for emergency food assistance.

Results: Rejected, 20 Yeas to 35 Nays.

Members Voting Yea	*Members Voting Nay*
Mr. Boyd	Mr. Bonilla
Mr. Cramer	Mr. Callahan
Ms. DeLauro	Mr. Cunningham
Mr. Dixon	Mr. DeLay
Mr. Edwards	Mr. Dickey
Mr. Hinchey	Mr. Dicks
Mr. Hoyer	Mrs. Emerson
Mr. Jackson	Mr. Forbes
Ms. Kaptur	Mr. Frelinghuysen
Ms. Kilpatrick	Ms. Granger
Mrs. Meek	Mr. Hobson
Mr. Obey	Mr. Istook
Mr. Olver	Mr. Kingston
Mr. Pastor	Mr. Knollenberg
Ms. Pelosi	Mr. Kolbe
Mr. Price	Mr. Latham
Ms. Roybal-Allard	Mr. Lewis
Mr. Sabo	Mr. Miller
Mr. Serrano	Mr. Mollohan
Mr. Visclosky	Mr. Moran
	Mr. Murtha
	Mr. Nethercutt
	Mr. Packard
	Mr. Peterson
	Mr. Porter
	Mr. Regula

Mr. Rogers
Mr. Skeen
Mr. Sununu
Mr. Tiahrt
Mr. Walsh
Mr. Wamp
Mr. Wicker
Mr. Wolf
Mr. Young

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY REQUEST AND AMOUNTS RECOMMENDED IN THE BILL
(Amounts in thousands)

H. Doc.		Budget request	Recommended in the bill	Bill compared with request
	FY 1999 EMERGENCY SUPPLEMENTAL APPROPRIATIONS			
	CHAPTER 1			
	DEPARTMENT OF STATE			
	Administration of Foreign Affairs			
106-50	Diplomatic and consular programs (emergency appropriations)	17,071	17,071	.....
106-50	Security and maintenance of United States missions (emergency appropriations)	5,000	5,000	.....
.....	Contingent emergency appropriations	.....	45,500	+45,500
106-50	Emergencies in the diplomatic and consular service (emergency appropriations)	2,929	2,929	.....
	Total, Department of State	25,000	70,500	+45,500
	INDEPENDENT AGENCY			
	United States Information Agency			
106-50	International information programs (by transfer) (emergency appropriations)	(450)	(450)	.....
	Total, Chapter 1:			
	New budget (obligational) authority	25,000	70,500	+45,500
	Emergency appropriations	(25,000)	(25,000)	.....
	Contingent emergency appropriations	.....	(45,500)	(+45,500)
	(By transfer) (emergency appropriations)	(450)	(450)	.....

	CHAPTER 2			
	DEPARTMENT OF DEFENSE - MILITARY			
	Military Personnel			
106-50	Military personnel, Army (emergency appropriations)	2,920	2,920	.....
106-50	Military personnel, Navy (emergency appropriations)	7,660	7,660	.....
106-50	Military personnel, Marine Corps (emergency appropriations)	1,586	1,586	.....
106-50	Military personnel, Air Force (emergency appropriations)	4,303	4,303	.....
	Total, Military personnel	16,469	16,469	.....
	Operation and Maintenance			
106-50	Overseas contingency operations transfer fund (emergency appropriations)	4,591,600	3,907,300	-684,300
106-50	Contingent emergency appropriations	850,000	1,311,800	+461,800
	Total, Operation and maintenance	5,441,600	5,219,100	-222,500
	Procurement			
.....	Weapons procurement, Navy (emergency appropriations)	.....	431,100	+431,100
.....	Aircraft procurement, Air Force (emergency appropriations)	.....	40,000	+40,000
.....	Missile procurement, Air Force (emergency appropriations)	.....	178,200	+178,200
.....	Procurement of ammunition, Air Force (emergency appropriations)	.....	35,000	+35,000
.....	Operational rapid response transfer fund (contingent emergency appropriations)	.....	400,000	+400,000
	Total, Procurement	.....	1,084,300	+1,084,300
	General Provisions			
106-50	Sec. 8005 additional transfer authority (sec. 201)	(800,000)	(800,000)	.....
.....	Spare parts (sec. 207) (contingent emergency appropriations)	.....	1,339,200	+1,339,200
.....	Depot maintenance (sec. 208) (contingent emergency appropriations)	.....	927,300	+927,300
.....	Recruiting (sec. 209) (contingent emergency appropriations)	.....	156,400	+156,400

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY REQUEST AND AMOUNTS RECOMMENDED IN THE BILL—Continued
(Amounts in thousands)

H. Doc.		Budget request	Recommended in the bill	Bill compared with request
.....	Readiness training (sec. 210) (contingent emergency appropriations)	.....	307,300	+307,300
.....	Base operations (sec. 211) (contingent emergency appropriations)	.....	351,500	+351,500
.....	Pay and retirement (sec. 212) (contingent emergency appropriations) (advance appropriations)	.....	1,838,426	+1,838,426
	Total, General provisions	.....	4,920,126	+4,920,126
	Total, Chapter 2:			
	New budget (obligational) authority	5,458,069	11,239,995	+5,781,926
	Emergency appropriations	(4,608,069)	(4,608,069)	.....
	Contingent emergency appropriations	(850,000)	(4,793,500)	(+3,943,500)
	Advance appropriations	.....	(1,838,426)	(+1,838,426)
	(Transfer authority)	(800,000)	(800,000)	.....
	CHAPTER 3			
	BILATERAL ECONOMIC ASSISTANCE			
	Agency for International Development			
106-50	International disaster assistance (emergency appropriations)	71,000	.....	-71,000
.....	Contingent emergency appropriations	.....	96,000	+96,000
	Other Bilateral Economic Assistance			
106-50	Economic support fund (emergency appropriations)	105,000	105,000	.....
106-50	Assistance for Eastern Europe and the Baltic States (emergency appropriations)	170,000	75,000	-95,000
	Total, Other bilateral economic assistance	275,000	180,000	-95,000

	INDEPENDENT AGENCIES			
	Peace Corps			
106-50	(By transfer) (emergency appropriation)	(500)	(500)	.....
	Department of State			
106-50	Migration and refugee assistance (emergency appropriations)	125,000	.....	-125,000
.....	Contingent emergency appropriations	.....	195,000	+195,000
106-50	United States emergency refugee and migration assistance fund (emergency appropriations)	95,000	95,000	.....
	Total, Department of State	220,000	290,000	+70,000
	Total, Chapter 3:			
	New budget (obligational) authority	566,000	566,000	.....
	Emergency appropriations	(566,000)	(275,000)	(-291,000)
	Contingent emergency appropriations	.....	(291,000)	(+291,000)
	(By transfer) (emergency appropriations)	(500)	(500)	.....
	CHAPTER 4			
	DEPARTMENT OF DEFENSE - MILITARY			
.....	NATO Security Investment Program (contingent emergency appropriations)	.....	240,000	+240,000
	General Provisions			
.....	Military construction, Army (contingent emergency appropriations) (sec. 401)	.....	295,800	+295,800
.....	Military construction, Navy (contingent emergency appropriations) (sec. 401)	.....	166,270	+166,270
.....	Military construction, Air Force (contingent emergency appropriations) (sec. 401)	.....	333,430	+333,430
.....	Military construction, Defense-wide (contingent emergency appropriations) (sec. 401)	.....	35,500	+35,500
	Total, General provisions	.....	831,000	+831,000
	Total, Chapter 4:			
	New budget (obligational) authority	.....	1,071,000	+1,071,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY REQUEST AND AMOUNTS RECOMMENDED IN THE BILL—Continued

(Amounts in thousands)

H. Doc.		Budget request	Recommended in the bill	Bill compared with request
	Grand total, all titles:			
	New budget (obligational) authority	6,049,069	12,947,495	+6,898,426
	Emergency appropriations	(5,199,069)	(4,908,069)	(-291,000)
	Contingent emergency appropriations	(850,000)	(6,201,000)	(+5,351,000)
	Advance appropriations	.....	(1,838,426)	(+1,838,426)
	(Transfer authority)	(800,000)	(800,000)	.....
	(By transfer) (emergency appropriations)	(950)	(950)	.....

DISSENTING VIEWS

There are several sets of issues raised by the President's request for emergency spending to deal with the current crisis in Kosovo. One set deals with current U.S. policies toward Kosovo and the adequacy of the funds requested to implement those policies. The other deals with the integrity of the congressional budget process and the use of the "emergency spending" designation to exempt certain spending items from the ceilings established within that process. This Committee, at the firm direction of the House Leadership, appears to have placed itself on both sides of both sets of issues.

While many members of the Committee voted against resolutions supporting current military efforts in Yugoslavia, most of those same members are insisting on an enormous increase in the President's request for funding those efforts. At the same time, those members appear to have reversed themselves on the use of the emergency spending powers within the Budget Act.

Only a month ago they were arguing (at the insistence of their leadership) that emergency spending authority should be used so sparingly that the Congress could not address the current farm crisis or the hurricane disaster which struck Central America without rewriting the budget for the current fiscal year. As a result, no action on either of those crises has yet been taken.

Now the Committee Majority is arguing that the emergency designation procedure should be used to add billions to the President's request for Kosovo—even though most of that spending is unrelated to Kosovo and falls entirely outside the Budget Act requirements for emergency spending.

The President's request

It is difficult to understand the magnitude of the inconsistency displayed by the Committee on either of these issues without first reviewing the President's request for Kosovo. That request—particularly with respect to military operations—is in a word, robust. It contains the funds needed to meet all costs and replace all items used thus far in the Kosovo conflict. It contains sufficient funds to fill Yugoslavian airspace with allied aircraft to virtual capacity between now and the end of the current fiscal year on September 30th and to drop all of the munitions that those aircraft are capable of carrying for each of the remaining 148 days during that period. That includes funds for all of the 500 planes which have been in use since the beginning of the air conflict, the 82 additional planes that were requested last month, and the 300 new planes now being sent into the region.

It contains sufficient funds to build and arm an Apache helicopter base near the Albanian border. There are funds to provide for as many as 50 Apache helicopters along with the tanks, infantry forces and ATACMS missiles to protect the base and support

operations. It fully funds the callup of 33,000 reservists. On top of every identified need, there is also an $850 million reserve fund to pay for additional parts, munitions or other possible contingencies if needed. In short, the air war against Yugoslavia will not be constrained by lack of funding under the President's $6 billion request.

Additional funding will not intensify the air war. General Wesley Clark, the Supreme Allied Commander of NATO, may be prevented from conducting the most aggressive possible air campaign because of uncooperative weather, lack of political consensus among the allies or simply the lack of airspace over the targets, but he will *not* lack financial resources.

In addition to these military items, the President has requested $591 million for Department of State refugee relief, economic support, and embassy security needs.

The Committee response

The role of the Appropriations Committee has traditionally been to protect the public from the potentially excessive demands for spending by the Executive Branch. In most years, the Committee has not only cast a skeptical eye on administration spending proposals but has recommended spending levels well below the amounts requested. That tradition stands in sharp contrast to the contents of the legislation accompanying this report.

For defense, the Committee has added $6.9 billion to the $5.5 billion that was requested for the Department of Defense for a total of $12.4 billion—a 125% increase above requested levels. It has provided $460 million for additional munitions, $400 million for unanticipated and unidentified procurements, $1 billion for a wide variety of military construction projects around the world, $1.3 billion for additional spare parts, $900 million for additional maintenance and about $800 million for several smaller items. It has also included $1.84 billion for the President's proposed increase in military pay and retirement benefits scheduled to take place next year; but it neglected to include the authorizing language which would actually deliver those benefits to the troops.

The Majority members of the Committee insist that these funds are necessary because of critical worldwide shortages in U.S. military munitions, spare parts and maintenance funds. If such shortages do exist it is appropriate to ask why. And it is also appropriate to ask who is responsible.

JDAM cutback

Recently, discussion of military shortages has focused on the potential shortage of Joint Direct Attack Munitions (JDAM). There is a possibility that the Pentagon may exhaust existing stocks of these all weather, satellite guided precision bombs before new shipments arrive later this month. If we have poor weather in the Balkans in the coming weeks, that shortage could impede the air war. The reason for the shortage however, is not a lack of defense spending but a lack of spending on the right items within the defense budget. While the Congress succeeded in spending well above the President's request for defense last year, they actually cut his request for JDAM procurement by 13%—from $53.2 million to $46.2 million. Those funds were redirected to other large-scale pro-

curement items that the Pentagon had not requested but which were produced in the states and districts of powerful Senators and Representatives.

Over the last four fiscal years (FY1996 through 1999), Congress has added about $27 billion, or 2.5%, to military spending above the levels requested by the President. While many of the advocates talk about the desperate shortages in readiness when they argue for these sums, the nature of the emergency seems to change radically when it comes time to spend the money. According to CBO data only about $3.6 billion or 14% of these add-ons went for spare parts, training, equipment maintenance and other areas of defense readiness. Senator John McCain pointed out in Defense Daily last year:

> * * * pork barrel spending is at an all time high * * * The lack of appreciation of the problems the men and women in the military face—and now the belief that somehow the defense budget is the way to fund home-town pork projects and pump up the National Guard at the expense of the regular forces—I think is really very serious.

Military construction add-ons

Also contained in this package is more than $1 billion for additional military construction spending. Only a tiny fraction of these funds have any arguable relevance to the current military activity in Yugoslavia. The 77 projects which are funded are scattered in locations ranging from Southwest Asia to Northern Europe. Few of the projects can be completed within a 12- or even 24-month timeframe and it is highly questionable whether they represent the most pressing military construction needs.

Nearly half, or 37, of these projects representing $335 million in total spending are not even contained on the Pentagon 5-year plan for upgrading physical infrastructure. These projects at U.S. bases in Germany are being pushed ahead of construction needs that the Pentagon's own methodical internal review process says are more important. This Committee does not have the expertise to make such judgments. They require massive amounts of information and planning. If the Committee believes that Pentagon prioritization of infrastructure needs is badly out of whack, it should demand that the Pentagon fix it. If it does not, it should largely abide by those judgments in allocating scarce resources.

Responsible use of emergency spending authority

In 1990, the Congress adopted various reforms to the Budget Act. In order to permit the inclusion of rigid caps on discretionary spending, the Bush administration proposed that the flexibility necessary to respond to unforeseen emergencies be preserved by providing emergency spending authority. According to the President's OMB Director at the time, Richard Darman, that authority should be used only when the need for funds is "urgent", "unanticipated", and "essential."

The current majority caucus in the House has had a great deal of difficulty over the years in coming to terms with this provision of the Budget Act. In 1993, when vast areas of the Mississippi and Missouri River Valleys were under water and billions in crops, live-

stock, businesses and homes had been lost, a majority of House Republicans opposed the use of the emergency spending authority to provide relief to the flood victims. In the end they backed away from the insistence of some of their members that the aid be provided with a 16% across the board cut rather than through the use of the emergency clause.

In 1996 they delayed action for months on a second flood that had struck communities in the Upper Midwest because of disagreements over this same provision allowing for emergency appropriations. They relented only after the public became outraged at congressional inaction.

But in the fall of 1998, House Republicans reversed field entirely. In response to an administration request for a little more than $7 billion in emergency funding to deal with the bombing of U.S. embassies in Africa, cope with the year 2000 computer bug, sustain U.S. military operations in Bosnia and relief for the victims of East Coast hurricane damage, Congressional Republicans demanded their own list of "emergency spending" items. By the time the process was over a billion dollars had been added for anti-missile defense, a billion and a half dollars for various intelligence programs and $0.7 billion for anti-drug activities. The entire package came to $21.3 billion and none of it was offset.

The field was reversed again this spring when the administration asked for $963 million to deal with problems created by Hurricanes Mitch and Georges and the devastation that they brought to Central America and the Caribbean. The original intention of the committee to proceed without offsets to this spending was reversed by a last minute leadership directive that they must be included. The offsets that were identified were unacceptable to not only House Democrats and the Administration but to Senate Republicans as well. Although the legislation passed the House by a very narrow margin, a conference committee to consider the differences between House and Senate versions has not met in the six weeks since it cleared both chambers.

Now the House Republican Leadership has reversed course again. Rather than insisting on spending cuts to finance military operations in Yugoslavia they are insisting on doubling the amount of the surplus that will be used for that purpose. Furthermore, they are insisting that items that in no way qualify under the budget act definition of "emergency" be included. Of the $3 billion in additional Operations and Maintenance spending included in their package, $1.8 billion of that will not even be spent in the current year and is advance funding those activities for fiscal 2000. In the military construction category, of the more than $1 billion contained in the measure probably no more than $20 million is for projects that are related to Kosovo and could be built in a time frame that would conceivably make them useful to the current effort.

While one might argue that nearly all of this $6.9 billion add on is nonemergency, there is clearly $2.9 billion that falls completely outside the definition. Whatever arguments one might make for appropriating a portion of next year's regular operations and maintenance funds in this fiscal year, that action cannot be justified as an "unanticipated" expense. The issue is even greater with respect

to military construction projects that will take years to complete. Furthermore, if the committee really feels that there is an "urgent" need for more military construction they should at least pick projects that are on the Pentagon five-year plan and for which architectural and site development plans are available.

The majority's alternating refusal to use emergency authority to address real emergencies when they occur and insistence on appropriating large sums under the emergency authority for items that clearly fail to meet the established criteria for emergency spending undercuts the credibility of the Congress on budget matters. It is also eating up significant portions of the surplus for questionable spending items. But most importantly, it is hamstringing our ability to act to protect the national interest in a consistent and timely manner—a failing that could be even more expensive in the long run.

DAVID OBEY.

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