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Senate

The Senate met at 10:01 a.m. and was called to order by the Honorable JOHN ENSIGN, a Senator from the State of Nevada.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Rev. Charles V. Antonicelli, of St. Joseph's Catholic Church on Capitol Hill.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

Almighty God, we glorify Your Name as we ask You to hear our prayers. With the Psalmist we say, ''To my words give ear, O Lord, give heed to my groaning. Attend to the sound of my cries, my King and my God.

''It is You whom I invoke, O Lord. In the morning You hear me; in the morning I offer You my prayer; watching and waiting.''

In a special way today we pray for those killed in a senseless act of terror in Saudi Arabia yesterday. Grant us Your peace, Lord, which we so desperately desire.

Bless Your faithful servants today, Lord, as they come together in this Senate to deliberate and discern. Give them a spirit of compromise and consensus so that their decisions may benefit all in their care.

We ask this in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN ENSIGN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 13, 2003.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN ENSIGN, a Senator from the State of Nevada, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. ENSIGN thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will be in a period of morning business to allow speakers to discuss and introduce legislation or to speak on the topic of their choice. It had been our expectation that the amendment process on the jobs/growth bill would begin this morning; however, that will be delayed until later today.

Today, we do have a Senate delegation out of town attending the funeral of former Senator Russell Long, and that delegation will not return until early this evening. In addition, the Finance Committee will need to meet this evening to report out the reconciliation measure. The Senate will then immediately begin its consideration. This will allow us to begin to use time under the statutory time limit as well as begin the consideration of germane amendments this evening.

I say to my colleagues, we will have to work late each night this week. At the end of last week I mentioned it was going to be a very busy week, and due to the delays which we are experiencing, it means we will be working late each night this week and through Friday.

Following morning business today, we will resume consideration of the energy bill. Pending to the energy bill is the bipartisan Frist-Daschle ethanol amendment. I understand there are additional speakers on that amendment.

Also, as I mentioned last week, there are a number of pressing issues that the Senate must address prior to the Memorial Day recess. First, we will finish the jobs/growth package this week. We have the statutory time interval of 20 hours of debate which will begin as soon as the Finance Committee reports out the reconciliation bill tonight.

Also, as I mentioned last week, this week the Senate will consider the bipartisan global HIV/AIDS legislation. This measure has broad support across both sides of the aisle, and it is my hope that we will be able to work out an agreement this morning or over the course of the day that will allow the Senate to pass this bill after a reasonable period of consideration later this week.

Third, we also have an order to consider the debt limit extension bill with a limited number of amendments. My colleagues on the other side of the aisle have indicated they would not delay this bill once we bring it up. I hope it will not be necessary for all of the 12 Democratic amendments to be offered once we do bring up that bill. I believe everyone does understand the need for fiscal continuity and the importance of getting a debt limit bill to the President's desk before the Memorial Day recess.

As for next week, we will be considering the Department of Defense authorization. The chairman and the ranking member of the Armed Services Committee have done yeoman's work to get the Department of Defense authorization bill ready for floor action. We will proceed to full Senate consideration of that bill early next week.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Needless to say, again, as I mentioned at the end of last week, we have a very busy 2 weeks really with 9 legislative days prior to the recess. I do ask for all Members' cooperation in the coming weeks as we move through these important issues.

The ACTING PRESIDENT pro tempore. The assistant minority whip.

Mr. REID. Mr. President, if I could, I know the distinguished majority leader has a statement to make on an important subject. While he is here, as we begin today's session, I have a couple of questions.

First, with the order that was entered last night, we are in morning business until 12:30; is that what the leader intends to do?

Mr. FRIST. Mr. President, it was not specified last night, but our intent was to do morning business for an hour and at 11 o'clock to come back to the energy bill to continue the opening statements and comments and discussion on the ethanol amendment that was offered last week.

Mr. REID. Mr. President, I say to the leader, we would be happy to cooperate in any way that will make things move more quickly. We do have a number of Senators—Senator CONRAD, Senator STABENOW—who wish to speak, and so I am not sure they can complete everything by then, but we will enter into an agreement that we can get to the energy bill as quickly as possible.

I am not going to do this in the form of a unanimous consent request because I did this yesterday—and there is no need to do this again—other than to say, I think it would be in the best interest of the Senate if today we immediately move to the debt limit bill. The leader has indicated what he wishes to finish this week. We believe it would be good to do this prior to the tax bill. We could finish it today. We could be in a position where we could complete the votes even tonight when the people return from the Long funeral.

So I would hope the majority leader would consider allowing us, rather than going to the energy bill, which we are not going to make much progress on—and my personal feeling is we will not finish that bill until the leader gives us a lump of time that says we are going to finish the bill. So, anyway, I hope we can move to the debt limit bill as expeditiously as possible. That is why we have this agreement which is standing dealing with H.J. Res. 51, that we have a limited number of amendments. We have indicated there would be no filibuster. So I would hope we could move to this as quickly as possible.

Mr. FRIST. Mr. President, I appreciate the assistant Democratic leader making the request and stressing the importance of dealing with the extension of the debt ceiling. It is an issue we have to address. We have a number of issues that are pending, that are underway, and one is the energy bill introduced last week, with an amendment that is currently on the floor that I would like to come to this morning and continue. It is business that is underway.

Secondly, the jobs and growth package is an issue that, at the end of last week, we committed to go to very early. I very much want to get this out of the Congress before the recess, if at all possible. That means we do need to go to that as soon as possible.

The third priority I have set and laid out last week is the HIV/AIDS bill. I will make a few comments on that shortly, why I believe it is urgent for us to pass that particular legislation. Then, in this order, the fourth is the debt ceiling which has to be dealt with before we leave. I will be in consultation with the Department of the Treasury in terms of the exact timing of that. The sequence of events will be as I outlined as we go forward.

Mr. REID. Mr. President, we understand the importance of each one of these measures. We understand the importance of global AIDS. I think it is important that we have a bipartisan approach, and the majority leader, as a physician, has helped us move into that position. Keep in mind, this is an authorization bill. We have to do authorizations before we do appropriations. With regard to its urgency, it is important we get it done so that during the appropriations process we can give some money to the programs that are authorized. As far as it being as urgent as the tax bill or the debt ceiling is concerned, it is down the list in that regard.

Senator FEINGOLD wishes to speak. I will work with the floor staff as soon as the majority leader completes his statement to try to figure out how much time we need on this side. While it is the decision of the leader to move to energy, we think we should move to the debt limit. But the leader makes that decision. We will work out with the floor staff as to how much time we need for this side.

HIV/AIDS

Mr. FRIST. Mr. President, the sequence we just walked through is very important. The sense of urgency for the HIV/AIDS legislation, for me, really boils down to the fact that every 10 seconds somebody is dying from this little virus, and that is something that is going to take leadership from the United States—the President, the Senate, and the House of Representatives—to act upon. Indeed, the President has acted; the House of Representatives has acted. The last hurdle to the reality of the United States being the true world leader in fighting HIV/AIDS is this body. When every 10 seconds a person is dying and we can make a difference, it becomes urgent, not just to this physician but to the Congress and to the United States.

Following the jobs and growth package this week, we will immediately turn to H.R. 1298, which is the bipartisan United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003. I plan to bring that to the floor as soon as we complete the jobs and growth package and to complete it this week. It is my hope we will have good debate. We will have good debate. There are people on both sides of the aisle who have participated aggressively in the discussion and, indeed, have moved legislation—not successfully—but moved legislation forward in this body. We will have the debate. We will dispose of the amendments and proceed to final passage by the end of this week on this urgent issue.

For the past 5 years, I have worked with Senators on both sides of the aisle, and House Members, all of whom are devoted to the idea that the United States can and, even more importantly, must play a leading role in our response to this global health crisis. It has taken a long time for people throughout the world, indeed the United States and—maybe a little bit longer than I and others would like—for the Congress to realize what a moral crisis, what a public health crisis this pandemic is, all caused by a virus, an infection which emerged in this country about 22 years ago—in 1981, not that long ago.

In previous Congresses, we passed legislation at the committee level. Sweeping legislation to accomplish the establishment of the U.S. leadership on the virus has been considered, but it has never made it into law. Now we have that opportunity. Indeed, I am committed to see that we seize that opportunity this week with no delays because it is such a huge global issue, an issue which I regard as one of the greatest moral challenges we have seen in this country in the last 100 years.

I have chosen to begin our debate with H.R. 1298 because it is the bill that offers us the best hope that we can get the job done in an expeditious fashion and one that best assimilates the thoughts and ideas and works of past legislation from this body, on both sides of the aisle, as well as in the House of Representatives.

What is making it possible now, after 5 years of working on this issue personally, again with colleagues from both sides of the aisle—it is very clear—is the leadership of the President of the United States. It was his statement in the State of the Union Address this year where the President didn't just use rhetoric or give lipservice to the fight against this virus, but he made an unprecedented commitment to this public health challenge in a 5-year, $15 billion effort to combat HIV/AIDS globally. It was unprecedented. The President has claimed for our Nation the leading role in fighting this aggressive virus, this destructive virus, a virus that daily continues to take the lives of thousands of innocents, resulting in about 13 to 14 million young children today as orphans, and even that number will go to 30 to 40 million over the next 15 years.

It should be recognized that the bipartisan bill we will consider is a product of a lot of work. People say it is a House-written bill. If you look at it, first, it is overwhelmingly bipartisan; secondly, if you read through the legislation, you see that it draws upon much of the effort from this body, on both sides of the aisle, from the various committees, that have addressed emerging infections in the past—from this body as well as the House.

In the pages of that legislation, we will find much that is familiar in the proposals we have tried to pass before. Thus, Democrats and Republicans, once they read the bill, can claim satisfaction by finding that many of the provisions have been authored from Members on both sides of the aisle. That is the bill that is so close to becoming law. That is the bill we will be debating.

The consensus on the legislation to fight global HIV/AIDS is deep, but I have to say it is very narrow. I don't reveal any secrets in acknowledging that there are very strong differences around the margins of this debate. But what is truly remarkable—people will see this as they look at the legislation itself, and I find it very encouraging—is that we have come to this point of consensus that will permit us to get this bill through this last hurdle, through the Congress, and to the President of the United States.

The bill we bring to the floor does offer a 5-year plan, $15 billion to combat HIV/AIDS on a global scale. The bipartisan support is reflected in the fact that only one House Democrat voted against this bipartisan compromise bill. Thus, it is not a Republican bill; it is not a Democrat bill; it is a bipartisan bill.

The vote in the House of Representatives was 375 to 41. The President and White House staff have reviewed the House bill, and the White House has informed me that the President would sign this bill as it currently stands. This means that Senate passage is the only remaining hurdle in the way of this 5-year, $15 billion commitment by the United States of America in the global fight against HIV/AIDS.

We must pass this bill. We must pass this bill this week. I know some of my colleagues would change the legislation and tweak it, given the opportunity. I know some would add a little here and take away some there, change the language as it is written. In a perfect world, I would like to make several changes in the bill that I think have some merit. But as someone who has invested years of my own life, in terms of developing the legislation in this fight against AIDS and in educating others about this issue, and as a physician and someone who is familiar with infectious disease and has experience in treating this virus very directly, I have reflected on ultimately what is most important.

My conclusion is that it is important for us to pass this legislation now and get this program established without further delay—not 6 months from now, not 3 months from now, not a month from now. It is a moral issue, and history will ultimately judge how this body responds to this devastating virus. There is no change I could personally propose to this legislation that is so significant that it would cause a delay in getting this bill to the President. Therefore, when we bring up the bill, I intend to offer no amendments. I will argue against any amendments. It is my hope that other Senators will reach that conclusion as well.

The bill is a 5-year authorization and it is important for us to remember that no matter what final shape this bill takes as we pass it, this is the first major step. We still have a lot of work to do, but this is the first major step. We will have the ability in future authorizations and in the appropriations process to make other changes, to take the next step as they prove necessary. But now is the time for us to get the job done, create the capacity for that global response, and to give the President of the United States the leverage he needs to attract similar leadership from the world's other wealthy nations.

With this legislation, the United States of America will clearly be leading this fight and will become an example for the other wealthy nations to participate. Simply put, too many innocent children and men and women and young people have been infected by this terrible virus. Too many have died. We have failed to act in the past. We have had good intentions, but we have failed to act in the past. We must not fail these people again. This is our opportunity.

In closing, I appeal to my colleagues on both sides that we join together in passing this bipartisan bill. I acknowledge that it is not a perfect bill, but my conscience does not permit me to let the perfect be the enemy of the good. This is, without a doubt, one moment to put the global interests of others above our own differences and to do our work, to do good, and to reaffirm that which makes the United States of America not just a powerful Nation but indeed a great Nation.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Nevada is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, it is my understanding that the majority wants to move to the energy bill as quickly as possible. We have two speakers. Senator FEINGOLD wishes to speak for 25 minutes and Senator STABENOW wishes to have 15 minutes. That would be a total of 40 minutes. If there are no intervening speeches, we can move to the energy bill at approximately 11:10.

Mr. ENZI. Mr. President, I have also asked for some time to speak to introduce a bill.

Mr. FRIST. Mr. President, I suggest that we have a speaker for whatever time on that side and then come back to Senator ENZI and then back to his side.

Mr. REID. Mr. President, I received a note that Senator MIKULSKI also wishes to speak for 10 minutes. If there are intervening Republicans who wish to speak, we certainly understand that.

I ask unanimous consent that before we move to the energy bill, Senator FEINGOLD be recognized for 25 minutes, Senator STABENOW for 15 minutes, and Senator MIKULSKI for 10 minutes. Also, Senator ENZI wishes to speak for 20 minutes.

Mr. FRIST. Mr. President, why don't we see what speakers we have. I have a general understanding. Let's begin the speeches now and we will alternate back and forth.

Mr. REID. Then we can go to the energy bill.

Mr. FRIST. As soon as we complete the list, we will go to the energy bill.

Mr. REID. Mr. President, I ask unanimous consent that that be the case.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Wisconsin is recognized.

THE FIGHT AGAINST TERRORISM

Mr. FEINGOLD. Mr. President, last week, some of our colleagues came to the floor to discuss the President's recent appearance on the USS *Abraham Lincoln* and the propriety of that appearance. I, however, come to the floor today to discuss some of what the President said on the *Lincoln*, especially with regard to the fight against terrorism.

Mr. President, I rise today to talk about the fight against global terrorism—an effort that is surely our highest national security priority. I want to spend a few minutes talking about the fight against terrorism today because it is not at all clear to me that we are as focused on this mission as we should be. I fear that our mission has become obscured and our approach unfocused. I also fear that this confused approach will undermine our goal rather than enhance our security.

I had planned to make these remarks even before yesterday's terrible terrorist attacks in Saudi Arabia. Early reports indicate that those deplorable

attacks killed several, including at least 10 Americans. Many more innocent people were wounded. Al-Qaida is strongly suspected to be responsible. Of course, my heart and all of our hearts go out to all of the families who are grieving today and to those who are left with the terrible uncertainty as they wait to hear news of loved ones.

More information will surely be emerging shortly, but Secretary Powell has already pointed out one of the most important conclusions that can be drawn from this incident in Saudi Arabia, and that is that those forces who would have us live in fear have not been destroyed.

I have no doubt that everyone in this Chamber was gratified to hear the recent better news about Pakistan's arrest of several members of an important al-Qaida cell, including a Yemeni man believed to be involved in the October 2000 attack on the U.S. warship *Cole* in Yemen. I look forward to more information about this development. But I also look forward to more information about another related matter.

The President reminded us on the USS *Lincoln* that he has pledged that terrorists who attacked America ''would not escape the patient justice of the United States.'' I think the country expects nothing less. But how many people noticed when, according to reports, 10 men escaped from a prison in Yemen on April 11—10 men who apparently were being held on charges of involvement in the terrorist attack on the USS *Cole* that killed 17 American sailors, including one from my home State of Wisconsin?

I want to know—is this so? If so, how did they escape? Did they have assistance? Critically, why are we not hearing more about this? This escape occurred, apparently, just as our brave troops were entering Baghdad—at least in part in the name of stopping the threat of terrorism. But no one seems to be discussing at all this potentially dangerous lapse in Yemen. Did the perpetrators of the murder of 17 Americans on the USS *Cole* escape or not? And what does this mean? Americans pledge every day to never forget September 11, 2001. We pledge this to ourselves, to each other, and to the rest of the world, but I fear that the administration and the Congress are losing sight of our most important goals and priorities.

September 11 is invoked in some surprising and, I think, largely unrelated contexts. Sometimes the very idea of terrorism is used by some on the right and some on the left as a politically convenient attack on whomever or whatever they do not agree with. Rhetoric about September 11 and the fight against terrorism seems to be everywhere, and our distinguished colleague, the senior Senator from West Virginia, raised this very same issue in his remarks last week.

In many ways, the actual business of combating the terrorist organizations or organization responsible for the attacks on our embassies in Kenya and Tanzania, for the attack on the USS *Cole*, for the horror of September 11, and now possibly for last night's attacks in Riyadh, seems to be lost in the shuffle.

A few days ago, from the deck of the USS *Lincoln*, our President told the American people that ''the battle of Iraq is one victory in a war on terror that began on September 11, 2001.'' And polls indicate a majority of the American people believe the Saddam Hussein regime was involved in the September 11 attacks. But I have never—I have never—not in hearings, not in classified briefings, I have never heard once our officials assert we have intelligence indicating this is the case.

President Bush was, of course, right to praise our dedicated service men and women during that speech for they have performed their duties with skill and bravery and superb professionalism. I enthusiastically join the President in thanking them and in welcoming those who are now coming home.

But I cannot and will not join in any attempt to blur what must be the necessary and principal focus on the international terrorist threat by too easily merging it with different issues, including the issue of Iraq.

Last October, I was not able to support the resolution authorizing the President to use force in Iraq. I felt that in terms of the constantly shifting justifications for an invasion and in terms of the mission and the plan for the engagement's aftermath, I felt the administration had not made a sufficiently compelling case for Congress to grant war powers to the President.

I had no problem granting such power to the President to make war on those who attacked this country on September 11, but Iraq was a different issue which, of course, is why it required its own resolution authorizing force. If, in fact, there was a connection in planning together for the 9/11 attack by Saddam Hussein and his agents and the perpetrators of 9/11 and al-Qaida, then I believe there was no need for additional authority and resolution.

The administration had and continues to have all the authority required to go after the perpetrators of 9/11, but Iraq was and is a different issue. In fact, many of us feared it would be a distraction from the urgent task of fighting terrorism. I said on the floor in October, right after the President's famous speech in Cincinnati, the administration's arguments regarding Iraq did not add up to a coherent basis for a new major war in the middle of our current challenging fight against the terrorism of al-Qaida and related organizations.

Of course, a majority of my colleagues in this Chamber voted in favor of authorizing the President to use force in Iraq. We did proceed, and the brave men and women of the United States military answered the call to service and performed brilliantly.

It is certainly my understanding when the Senate voted to authorize the use of force, and it remains my understanding today, that most Senators were convinced by the most compelling argument that the administration put forward. That is the one relating to Iraq's failures to comply with its obligations to verifiably dismantle and destroy its weapons of mass destruction program.

All of us recognize this as a serious issue, but now we are talking less and less about those weapons, it seems, and there is less and less clarity about this matter. So before returning to the principal issue of the fight against terrorism, let me spend a few minutes on the issue of WMD in Iraq.

I raise this issue not in an attempt to revisit the debate about our wisdom in the approach in Iraq and not because I am searching for a smoking gun. I raise it because it does matter whether or not we find WMD. Most importantly, it matters because if those materials were in the country in the first place and we cannot find them now, that is a security problem. Where did they go? Whose hands are they in? These are, obviously, very serious questions, and accounting for these materials cannot be written off as some sort of distraction or legalistic irrelevance.

Just yesterday the New York Times reported that the nuclear expert for the Army's Mobile Exploitation Team Alpha was unaware of any U.S. policy as to how to handle radioactive material that may be found in Iraq, material that could be used to make a dirty bomb. On Sunday, the Washington Post reported that the group directing the U.S. search for weapons of mass destruction in Iraq is ''winding down operations'' after a host of fruitless missions.

For months, I and others asked the administration: What is the plan for securing these weapons? We tried to understand how we would use the intelligence that was shared in the briefing room to quickly secure weapons of mass destruction and the means to make them. We asked the question for good reason. We were concerned that in the midst of the disorder and disarray likely to accompany military action and the fall of Saddam that WMD could be spirited out of the country or sold to the highest bidder, compounding the threat to the United States rather than eliminating it.

We were right to ask about this issue, and today it appears we either had a problem with our intelligence or we had an inadequate plan. Either way, we are talking about a serious problem that should be examined carefully and one that should not be repeated.

I also think the issue of weapons of mass destruction matters in terms of how the rest of the world and history will understand this undertaking in Iraq. Those perceptions and judgments do affect our security and global stability. We cannot afford to have the world believing the United States will

conjure up pretexts to wage wars and overthrow governments around the world at will. That is not who we are, and it is not in our interest to be perceived in that fashion.

Do not misunderstand me, I am not suggesting at all this was conjured up. There is no doubt that Iraq was not in compliance with Security Council Resolution 1441 when this conflict began, but I think we need to continue to focus on disarmament to keep from muddying the waters with regard to our intentions, and I believe we should accept credible and qualified international assistance in this regard. Yes, what the rest of the world thinks surely matters.

Turning back to the paramount issue of the fight against terrorism, I believe we have to keep this truth about how we are perceived throughout the rest of the world in mind. Perhaps the most important form of American power projected over the last century has been the power of our ideas and our values. If we lose our capacity to lead in that sense, then all of us in Government will have presided over the greatest loss of power in American history, regardless of how much we spend on our mighty and admirable military forces. And we will have put ourselves at a great disadvantage, likely a decisive and crippling disadvantage, in the fight against terrorism, which is our first national priority, which is our first priority in terms of national security.

I recognize many issues are interlinked, that our approach to one policy issue may affect the course of the campaign against terrorism. There can be no doubt about our primary responsibility and our most important security concern. We should be having a more focused dialog and exercising our oversight responsibilities in a more focused way.

A tremendous number of questions came to the surface on September 11. How can we win a war against a shadowy network of nonstate actors? How can we define success? How will we know when we have been victorious? All of us, Democrats and Republicans, the Congress and the executive branch, waded through these questions recognizing that some answers would take time to take shape.

So today many questions remain. Where are we in this fight against terrorism? Our colleague Senator GRAHAM of Florida, one of the most respected Members of this body, suggested recently on the Today show that the war on terrorism has been ''essentially abandoned over the past year,'' and that it is ''a fundamental mischaracterization'' to describe the war in Iraq as part of the fight against global terrorism.'' Both issues should be the subject of intense focus in Congress. How are we finding our way in this new kind of conflict? How stable and robust is the multilateral coalition committed to combating terrorism of global reach?

The task at hand is difficult enough without obscuring the issues. Recently when Secretary Powell testified before the Senate Foreign Relations Committee, he noted that Americans have concluded that terrorism must be eradicated. But, he said:

> Some in Europe see it differently. Some see terrorism as a regrettable but inevitable part of society and they want to keep it at arm-length and as low key as possible.

At this point, I am uncertain as to how to interpret this. Are our European partners really unconvinced of the need to fight terrorism? Which partners is he talking about? What steps are they unwilling to take to combat international terrorist organizations? These are real issues and the Secretary is quite right to raise them. But I am left uncertain. Are we conflating policy divergence on Iraq with divergence on international terrorism? Is that what we are talking about?

The President has asserted that:

> Any person involved in committing or planning terrorist attacks against the American people becomes an enemy of this country, and a target of American justice. . . . Any person, organization, or government that supports, protects, or harbors terrorists is complicit in the murder of the innocent, and equally guilty of terrorist crimes.

But if it is our policy to eradicate terrorist networks of global reach, then what does it mean when U.S. forces sign a cease-fire agreement with a designated foreign terrorist organization, as they did on April 15 with the Iraq-based Iranian organization known as the People's Mujahedeen or more formally as the Mujahedeen Khalq, the MEK? Are we making peace with terrorist organizations? For what purpose; to what end? Is there a question about the way we apply the terrorist organization designation? Now we read that the organization is surrendering weapons to U.S. forces in a reversal of the April 15 decision. What are the terms of this new agreement? The issues are difficult, but the elected representatives of the American people should be working on shaping the answers together, not picking up hints about ad-hoc decisions by scanning the wires.

Few would argue with the fact that this administration is intensely secretive. And, in this atmosphere of tightly controlled information, too often the elected representatives of the American people are stifled in our ability to fulfill Congress's very important oversight role. With only vague information at our disposal, it is difficult to assess progress or the wisdom of our policy course. The absence of clarity and the absence of data are dangerous. I think it endangers the American people.

The President was right when he said that we have not forgotten the victims of September 11. We have not, and we cannot. But in the same vein, we must not allow the mission that we accepted in the aftermath of that day to become an ever-shifting idea, one that we can never pin down in order to evaluate our performance and take stock of our needs. Let us hear less rhetoric and more about disturbing reports, such as the possible escape of the perpetrators of the dastardly attack on the USS *Cole*. That surely relates to the fight against terrorism. We certainly cannot permit the fight on terrorism, this most serious of issues, this horror that unites all Americans in resistance and resolve, to become a matter of rhetorical convenience. Our national security is at stake. We need clarity, we need focus, and we need candor. The American people deserve nothing less.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. ENZI. I ask unanimous consent that during the period for morning business, the following Members be recognized to speak: Senator ENZI for 20 minutes, Senator STABENOW for 10 minutes, Senator MIKULSKI for 10 minutes.

I further ask consent that following those speakers, the Senate resume consideration of the energy bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. ENZI pertaining to the introduction of submission of S. 1044 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER (Mr. COLEMAN). Under the previous order, the Senator from Michigan is recognized.

HELPING THE ECONOMY

Ms. STABENOW. Mr. President, I rise today as we are beginning the discussion in earnest about how to create jobs in our country, how to help the economy, how to be responsible as we do that and how to help the States. Certainly my home State of Michigan, as most States, is finding financial crisis.

As we do that, we hear a lot of words, a lot of rhetoric, a lot of slogans. One of those is that the President's proposal is a job and growth package and that colleagues on the other side of the aisle are involved in a job and growth package. Nothing could be further from the truth. In fact, we have 450 well-known economists in the country, 10 Nobel laureates, Chairman Greenspan, many around the country, saying this will not create jobs and it will not create growth. It is not a jobs program. It is not a growth program. We have 13 economists saying it is; 450 economists versus 13 economists.

I suggest the overwhelming opinion of those who have studied this question of how to create jobs, how to move the economy, and how to do it in a responsible manner, without creating a sea of red ink as far as the eye can see, the majority of those who have locked at this issue, the vast majority have said the plan by the White House and by the Republican majority does not do that.

In fact, it adds to what we unfortunately are on track to do, which is to

see the worst job creation in 58 years. It is astounding what has happened in a very short time, going from budget surpluses, a boom in the economy in the 1990s, and now, in a very short time, to a turnaround where we are plummeting into debt. We are seeing close to the worst job creation in 58 years. What we are seeing from this record, over and over again, is the plan to give tax breaks for the privileged few will not create jobs. It did not create jobs in the 1980s when it was done. The bill that was passed 2 years ago, in 2001, was the first round of the Bush tax breaks for the privileged few, and it has not created jobs. Now they are saying do it again.

In my home State just this last month, 17,700 workers lost their jobs. That is 17,700 families who lost income, possibly—probably losing health care, losing the opportunity to pay into a pension fund, losing the opportunity to buy that new home, that new car squeezing them in terms of being able to send their children to college.

Mr. President, that is 17,700 people in just 1 month in Michigan. In fact, we have had, since this administration came into power, over 178,000 people who have lost their jobs in my home State alone—178,000-plus people. Again, many of them lost their health care, lost the ability to care for their families and do what they need to do to create opportunity and security for their families.

In the last 2½ years we have seen an astounding 2.5 million private sector jobs lost. You have to go back over 50 years to see that kind of a record in this country. We certainly do not want to be going in that direction as a country.

What should we do? We do need to work together. We need to work across the aisle to do what is necessary to get the economy going, create jobs, and protect Social Security and Medicare for the long haul. Unfortunately, what we are seeing is a replay of the 1980s that put us into double digit unemployment, double digit interest rate increases, and tripled the national debt. We are seeing a replay of what was passed 2 years ago now that has caused us to plummet in terms of the budget situation and the economy and unemployment.

My question is, Why in the world are we going to do this again? Why in the world would we use the same policies that have not worked? We have this saying we use a lot in Michigan: The first step in getting out of a hole is to stop digging. What we are seeing is the digging of a deeper and deeper hole. In fact, we have seen a $7 trillion fiscal collapse in just the last 2 years. I find this most disturbing. It is extremely worrisome, and every single American I know shares this concern.

When we combine the tax policies 2 years ago, the tax cut for the privileged few passed 2 years ago—and by the way, I am all for putting money in people's pockets. The question is, Whose pockets? We want to make sure it goes into the pockets of the majority of Americans who will spend and drive this economy. That is not what happened 2 years ago.

But if we were to make that permanent and we were to take the other proposals that have come forward in some variation, certainly from the President, what we see as we look to the future is that $14.2 trillion is taken out of Federal resources. There is $14.2 trillion of projected loss or deficit.

Compare that to the projected Medicare and Social Security deficit over the same time. That is $10 trillion. So we are talking about a hole that is bigger than Social Security and Medicare combined, in terms of the deficit for the future.

I sit on the Budget Committee. We look at these numbers. We are seeing red ink proposed as far as the eye can see, red ink that is far greater than what is projected on Medicare and Social Security. We see the baby boomers retiring in just a few years in large numbers. Many of us ask the question: How in the world can this be justified? How in the world can anyone look at these numbers and say we are going to put our country in this huge debt, greater than the liability of Medicare and Social Security, and then meet our obligations to our seniors, to those retiring, those who have paid in throughout their working years into a system that has, in fact, brought people out of poverty and guaranteed health care once you are age 65 or are disabled?

The pattern I have heard back too many times, and it is extremely worrisome, is that you assume Medicare and Social Security will be there as we know it.

I do assume Medicare and Social Security will be there as we know it. Fundamental to this debate right now on this tax cut, when we know economists say overwhelmingly say it is not going to work, it is not going to create growth, it is going to give tax cuts to the privileged few in our country at the expense of everyone else—why in the world, then, would someone propose this? Why in the world would someone propose something that would create massive debt, jeopardize Social Security and Medicare, for a tax break for only a few people?

I believe the real purpose is to privatize Medicare and Social Security. We see over and over again disparaging comments being made, particularly now, about Medicare. Just recently Tom Skully, the administrator of the Center for Medicare and Medicaid Services, said when he was in Pennsylvania at a public meeting—this was quoted in the press and others who were there heard this and responded accordingly; many seniors were very upset and were disagreeing with this, but Mr. Scully said, when talking about the Medicare Program:

> It was an unbelievable disaster.

And:

> We think it's a dumb system.

So we have a situation now where we are seeing a setup to create this huge debt and then we are being told we can't afford Medicare and Social Security as we know it. We can't afford to provide real prescription drug coverage for our seniors on Medicare right now. That is too expensive to do. We can't afford it. We can't afford Medicare as we know it.

I believe what is fundamentally happening is a situation to set up the ability to eliminate Medicare as we know it because of a belief that it is ''an unbelievable disaster'' and ''a dumb system.''

I do not believe Medicare is a dumb system. I believe that Medicare and Social Security are great American success stories. They have brought the majority of seniors out of poverty in this country. They have created a safety net so when an Enron employee finds that his or her entire life savings are wiped out, there is at least a foundation on Social Security that they have paid into throughout their life.

I also believe that when we are seeing millions of Americans without health care, an explosion in prices on private sector health care for large and small businesses, Medicare seeing a smaller rate of growth—the only part of universal health care we have where you are guaranteed that when you reach age 65, you will have health care, or if you are disabled, you will have health care—this is not the time to be rolling back that system or eliminating that system.

When we hear the words ''reform,'' ''dumb system,'' it is a ''disaster,'' it ''doesn't work and we can't afford it,'' I would say to my colleagues that the only reason we will have to have a discussion about the financial viability and whether or not we can afford it is the tax proposals currently on this floor. If we choose as an American value to put the quality of life of all of our citizens first and access to health care first for seniors, prescription drug coverage, a foundation of Social Security that will be there for all of us—if we put that as a value first, we can make sure that it is there for the future.

I believe we need to modernize Medicare. I believe, as Secretary Thompson said in our Budget Committee, that we need to focus more on prevention. I share his belief that this is a system which needs to be moved and modified, focusing more on prevention; that there are ways to streamline it with less bureaucracy and paperwork for our doctors and hospitals and other providers. And it needs to be updated to cover medication. There is not a health care policy today that would be designed without prescription drugs coverage, if it is going to be a real health care policy. That is the major way we provide health care today.

There is no question, it needs to be updated. But it is not a ''dumb'' system, it is not an ''unbelievable disaster,'' and it is not unaffordable if we make the right decision.

I ask my colleagues to consider what is really going on in the broadest sense as we debate the tax bill. We have an alternative. We don't have to set up a situation where we take $14.2 trillion out of Federal resources at a time when we will have a projected deficit in Medicare and Social Security of $10 trillion. We don't have to do that. We have an alternative.

I am proud to be supporting the Democratic alternative that in fact creates more jobs, gives a tax cut to every taxpayer—not just a privileged few—and that helps our States so they don't have to raise local taxes, creates a situation where we can help small business and help individuals in the short run but does it responsibly. We can create jobs, opportunity, and prosperity without creating a situation where Medicare and Social Security are jeopardized for the future.

That is what this is about. This tax bill cannot be debated in isolation. I know what is going to happen. If this tax bill passes, we will have another debate on Medicare, and we will be told we can't really provide prescription drug coverage to everybody, we don't have the money, and, by the way, we have to change Medicare, we have to reform Medicare, we have to privatize it, and we have to put it back in the private sector because we can't afford to provide Medicare as we know it anymore for our seniors. That debate will have been done after we have created this deep hole, which would be done on purpose.

I urge that we take another look. There is a way to create jobs. There is a way to create opportunity. There is a way to create prosperity. We would very much like to join with our colleagues on the other side of the aisle to do that. There is a way to do that which is fiscally responsible and which protects Medicare and Social Security.

I urge the support of all of my colleagues for that approach which will be put forward. I urge my colleagues to take another look at what is being suggested here and stand with us to protect the long-term solvency of Medicare and Social Security.

The PRESIDING OFFICER. Under the previous order, the Senator from Maryland is recognized for 10 minutes.

Ms. MIKULSKI. Thank you very much, Mr. President.

Mr. President, I understand that the Republicans introduced the wrong tax bill yesterday. I think they got it right. I think the tax bill is the wrong bill. I don't think it was a drafting problem. I think it is an economic problem. I don't think this tax bill is the right solution to what our economy is facing. The tax bill is the wrong bill. It is the wrong bill because it does not create jobs; it adds to our structural deficit; and it doesn't deal with the other economic issues facing our country.

I would like to have an economic package which clearly helps create jobs. If we are going to give tax breaks, they should be targeted to help families and small businesses. They should be temporary, such as aid to States and local communities that are reeling with their own problems. And they should not in any way weaken Social Security or weaken Medicare.

I think the tax bill is the wrong bill.

I believe if we put our heads together and think about targeted tax credits, we can help small business with health care and help families. Later on this week, I will offer an amendment to the tax bill to provide relief for family caregivers and help those who face the crushing consequences of caring for chronically ill family members.

Families are hurting. There is a weak economy. They worry about their jobs. They worry about their pension. They worry about skyrocketing health care. They are often holding down two jobs to make ends meet or are going into debt in order to put their children through college. They are finding it more difficult to be able to afford health insurance.

My targeted tax credit will give help to those who practice self-help. I think that should be a guiding principle. Let us give help to those who practice self-help.

My bill will provide a tax credit up to $5,000 for family caregivers who are caring for someone with a chronic condition.

Who would that be? Some families are facing extraordinary challenges—caring for loved ones with special needs, a child with autism or cerebral palsy, a parent with Alzheimer's or Parkinson's, or a spouse with multiple sclerosis. Those are just a few examples of what I mean by a chronic and severe condition.

My tax credit would help people pay for prescription drugs, home health care, specialized daycare, respite care, and specialized therapy, including occupational, physical, or rehabilitation therapy.

Family caregivers face so many stresses. There is the emotional and physical stress of caregiving. Then there is the financial stress of caregiving, and the long days of raising a family while caring for a loved one with a chronic disease such as cerebral palsy or Parkinson's. A dad would have to work two jobs to meet the cost of care for a handicapped child, or a dad and mom might be working to be able to afford the special care for grandma. It places incredible stress on the family checkbook, and it places great strains on the family marriage.

We need to give help to those families who are practicing self-help. If you took the total cost of caregiving, it would be $200 billion.

The first caregivers are the families—not government. But government should help the family with its responsibilities. They face high costs for prescription drugs, home health, adult daycare or specialized daycare for a handicapped child, physical therapy, durable medical equipment such as a wheelchair, and medical bills for care by specialists.

People who care for a chronically ill family member must often patch together whatever they can afford. They really go into debt. Many of them go into their college accounts or retirement savings or they go without in order to be able to care of their family.

Example one: Let's talk about a family in Baltimore who has a child named Jackson. These are real families. They gave me permission to talk about them on the Senate floor so that we would again be focusing on what a family is facing. Family responsibility, yes, but a family's stress needs to be helped.

This family has a 2-year-old son named Jackson. He was born with severe brain abnormalities. He has the motor skill development of a 4-month-old. This little guy has daily seizures, so he needs total, round-the-clock care. The emotional costs of caring for a severely disabled child are incalculable. The financial costs are also crushing.

It costs $650 a month for daycare for medically fragile children. His little wheelchair costs $1,400. Though his skills are not growing, he is growing, so they need to frequently replace his wheelchair. He even needs a special shower chair which costs $700. Then, of course, with all of those seizures and all the other complications, the cost of prescription drugs goes off the charts.

Let's talk about another family.

This is a family in Rockville. They have a 10-year-old girl named Rachel. She has autism. The mom does not work because the cost of specialized afterschool care would be so high; yet the family has very high costs, including $200 a month for medication, $150 a week for physical and speech therapy. That is $600 a month for physical and speech therapy. So that is $800 a month or $9,600 a year for just medication and physical and speech therapy.

This father works 70 hours a week to provide for his family and to meet Rachel's special needs but also to save for college for his three other children. This places great stress on the family.

Then there is a couple where the wife is in the advanced stages of Alzheimer's. She was a teacher and spoke five languages. Now she needs 24-hour-a-day care, but the husband will not put her in a nursing home, which, by the way, would cost over $60,000 a year. This family is spending $3,000 a month or $36,000 a year. They have gone through their savings, but they took a vow, ''for richer or for poorer, and in sickness and in health,'' and that man intends to keep his vow to his wife.

What is the social contract that we have with those families? These are real families. This is why we need to have a real tax bill that also gives help to those who practice self-help. There are 26 million people in this country who face those situations.

My amendment has been backed by the Autism Society of America, the Cystic Fibrosis Foundation, Easter Seals, the National Organization for

Rare Disorders, the United Cerebral Palsy Association, Arc of the United States, the National Health Council, the National Council on the Aging, Paralyzed Veterans of America, Family Voices, the National Respite Coalition, the National Family Caregivers Association, and the National Alliance for Caregiving.

Mr. President, one of my first milestones in the Senate was the enactment of something called the Spousal Anti-Impoverishment Act. That changed the cruel rules of Medicaid so families would not go bankrupt before they could get help for nursing home care.

I said: Family responsibility, yes, and always. Family bankruptcy due to the cruel rules of government, no.

That has helped over 1 million people. Now it is our turn to also help the caregivers. They are the backbone of our long-term care in this country.

I thank my colleagues, Senators CLINTON and SARBANES, and others, for supporting this amendment. If we really want to help the economy, let's start by helping the American family. I hope, when the Senate considers whatever is introduced, Senators will favorably consider my targeted tax credit to help family caregivers.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to speak as in morning business for 15 minutes.

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

Mrs. FEINSTEIN. Thank you very much, Mr. President. I would like to take a few minutes today to discuss the state of the American economy and discuss why I believe new tax cuts are the wrong economic medicine right now.

I was one of the 12 Democrats who voted for a major tax cut in March of 2001. And I want to just bring to everybody's attention what the situation was then.

In March 2001 we were in our third year of surplus in the budget. We were projected to run a $5.6 trillion surplus through 2010. So it seemed an appropriate time to return some of that surplus to taxpayers, just as a business would do when that business was doing well. That is when a business would consider dividends for its investors or bonuses for its employees. That was 7 months before 9/11. Today we face cumulative deficits of approximately $2 trillion over 10 years. And that is the conservative estimate. Goldman Sachs estimates it at double that. We also face huge long-term shortfalls in the Medicare and Social Security trust funds.

Since late last year, the administration has been pushing for a second large tax cut, some $726 billion in tax breaks that would actually provide little upfront stimulus. The centerpiece of the President's proposal is a plan to eliminate taxes on corporate dividends.

Half of the benefits of that plan would be realized by taxpayers earning over $200,000 a year, and the plan would do nothing for the millions of Americans who hold stocks only through retirement plans that are already tax advantaged. At the same time, my State, California, would lose over $20 billion over the next 10 years as a result of lower direct tax revenue and higher interest rates on municipal bonds.

State budgets cannot afford to lose these costs, and neither can the Federal budget. The budget report which recently passed Congress locks us into deficits for the next 10 years, totaling some $2 trillion over that period.

In his State of the Union Message, the President stated:

> We will not deny, we will not ignore, we will not pass along our problems to other Congresses, to other presidents, and other generations.

I cannot agree with that sentiment more, but that is not what has happened. Exactly the opposite has happened.

Whether the tax cut ends up at $150 billion or $350 billion or $550 billion, it will all be financed by deficit spending. Every dollar in new tax cuts that passes this Chamber is a dollar we cannot afford to spend. We will not pay for it now, but our children are going to pay for it later.

Our current deficit is projected to be $347 billion this year, although many estimate the number will more likely be closer to $400 billion by the end of the fiscal year. And it is estimated to be $385 billion next year. These estimates do not include additional costs of rebuilding Iraq or new legislation not included in the President's budget.

The deficits now projected are neither small nor are they short term. Rather, they are the largest in history. The only way that the budget resolution which came out of conference committee achieves balance is by expecting unrealistic cuts to discretionary spending after 2008.

To put some perspective on the size of the deficits expected this year, it is useful to compare it to nondefense discretionary spending. This year we are projected to spend $385 billion for everything outside of entitlement programs and defense. That includes funding for education, law enforcement, transportation, environmental protection, and hundreds of other uses.

If the Federal Government were required to balance its budget each year, as do 49 of our 50 States, it could cut nondefense discretionary spending by 90 percent—by 90 percent—and only just manage to reach balance. Imagine the impact that would have on Government services that we rely on every day.

Let me explain that further. If you look at a pie chart for the year 2003, 64 percent of all of the expenditures, the outlays this year, is for interest on the debt and entitlement programs. Entitlement programs are Medicare, Medicaid, Social Security, veterans benefits, and welfare. If you are entitled to them, you get them. They cannot be cut in the budget process. So 64 percent of all of the expenditures cannot be controlled. Defense is 17 percent, and nondiscretionary—every other department—is 19 percent. That is why you could cut 90 percent of that 19 percent, and you can't really bring the budget into balance because of these other items in the expenditure area.

The only reason the Federal Government is not facing cuts in service is because it can take on new debt to cover the shortfall in tax revenue. When the occupant of the chair was mayor of a great city and I was mayor of a great city, we couldn't do this. We had to balance our budgets. The Federal Government can do this.

Should the President's proposed tax cuts be adopted in their entirety, our public debt would nearly double over the next 10 years, from $6.7 trillion today to $12 trillion in 2013.

Later this month, the Senate will take up a bill to increase the Federal debt ceiling by almost $1 trillion—$984 billion, to be precise. That is the largest increase in our Nation's history. That increase represents $3,400 in new debt for every American citizen, whether they pay taxes or not. That increase is shocking, but the unfortunate truth is that the $1 trillion in new debt Congress is set to authorize will cost Americans much more than $3,400 each because interest in our debt drives up interest rates, because there is a limited appetite for debt at home and abroad, and investors must be given incentives to take on new debt in the form of higher interest rates.

Those interest rates are not just paid by the Government; they are also paid by homeowners who take out a mortgage. Look at the low mortgage rates today and what they are worth to an individual. William Gale, senior fellow at the Brookings Institution, predicts that interest rates could rise by as much as four-tenths of a percent due to the effects of the President's proposal.

What does that do to the average citizen? I will tell you. An increase of that magnitude would add $800 to the cost of a $200,000 home mortgage in the first year alone. It would increase costs by thousands of dollars more over the life of the mortgage.

I have always believed for many Americans low interest rates are much more worthwhile than a tax cut that they may only see slightly. But when they refinance their house, they see it big time, or when they are able to draw out from the accrued equity of the house. So interest rates not only affect homeowners, but they also affect businesses seeking to make new capital investments in the cost of money they borrow. The effect is to crowd out private investment and stifle economic growth.

Let's talk for a moment about the 2001 tax cut that I voted for, that 12 of us on my side of the aisle voted for, when times were good, before 9/11, with

a $5.6 trillion surplus and a surplus in our budget 3 years in a row.

At the same time that the administration pushes for new tax relief, it does little to acknowledge that tax relief already scheduled to occur is, in fact, taking place. I don't understand. If I were President of the United States, I would be out on the hustings saying: The Congress, in 2001, gave you tax relief, Mr. and Mrs. America, and this is what it looks like: In 2001, $41 billion was paid out to taxpayers. In 2002, $71 billion was paid out in tax cuts to taxpayers. In 2003, $90 billion is going to be paid out in tax cuts to taxpayers. That totals, Mr. and Mrs. America, $202 billion that you have already or are getting from the 2001 tax cut. And next year, 2004, you will get another $100 billion. That totals over $300 billion being paid out in tax cuts today from the 2001 tax cut.

Why, in our current fiscal circumstances, should we add on such a large amount of tax relief when that relief is now beginning to take effect from the 2001 tax cut? Next year, which is the earliest a new tax cut could reasonably take effect, we are already scheduled to see a 1-percent drop in marginal income tax rates, an increase in the individual estate tax exemption from $1 million to $1.5 million, and relief from the alternative minimum tax, or AMT. So these things are happening as a product of our 2001 tax cut. Why doesn't the President speak about them? That would reassure the American public, I believe.

Today I have heard two primary arguments in favor of this tax cut. I have found neither argument to be logical or persuasive. The first argument is that the tax cut will be stimulative. In fact, we know it will have little or no stimulative impact as it is currently structured. Let me mention a few of the reasons why.

Less than 20 percent of the tax cut can take effect within a year. Less than 20 percent of it can take effect within the next year. Economists agree that in order for tax cuts to be stimulative, they must be front loaded, and they must be large enough to make a meaningful impact.

The President's package fulfills neither requirement because its benefits largely accrue in the outyears. They would amount to a stimulus of less than 1 percent of GDP over the next 12 months.

A dynamic analysis of the effect of the package on the economy predicts it will generate little or no economic growth. The newly appointed head of the Congressional Budget Office, Douglas Holz-Eakin, recently conducted CBO's first foray into dynamic scoring. Dynamic scoring is a method of economic analysis that looks at the ripple effects of tax and spending bills on economic growth beyond their direct cost or benefit.

The results of the CBO study were eye opening. The President's tax cut proposal was projected to have little or no impact on economic growth and could actually reduce growth in the later years. The administration's own economic team released data indicating that over the long term, the plan creates few new jobs.

The tax cuts included in the plan provide very little bang for the buck.

The second argument in favor of the President's tax cut is that without the threat of large budget deficits, Congress will never act to rein in spending. Therefore, large budget deficits are actually a tool of responsible government. To me, this argument boggles the mind. Far from reining in spending, large deficits will actually increase spending by sending interest costs on our debt skyrocketing. Discretionary spending over the past several years has, in fact, been held tightly in check, and nearly all new discretionary spending is allocated to defense and homeland security.

Mr. President, the only way I believe we can return to the path of long-term growth is by balancing our budget and by proving our ability to act as long-term stewards of our economy. Right now, the biggest drags on this economy are uncertainty and distrust. Corporate leaders remain uncertain about geopolitical developments, such as the war against Iraq, North Korea, India/Pakistan, and what might happen next, and the risk of domestic terrorism. They are holding off investments until those concerns abate. Consumers share similar concerns and fear the loss of jobs or further deterioration in their retirement savings. Remember, large companies have crashed—Enron, Arthur Andersen, Global Crossings—and with them went retirement benefits. People have fear, and fear has entered the marketplace.

At the same time, small investors show little inclination to get back into the stock market as corporate scandals continue. So I believe the appropriate medicine for this uncertainty and distrust is strong regulatory action by agents such as the Securities and Exchange Commission and the Accounting Oversight Board, to increase accounting transparency and to stop corporate criminal behavior before it begins.

In the Senate, I have tried to push for corporate accountability in the energy sector. God knows it is necessary, and I hope to introduce an amendment on the energy bill.

The return of investor confidence will have a positive impact on our markets and our economy. Coupled with strong congressional leadership committed to keeping our budget in balance, I believe we can quickly return to healthy rates of economic growth.

What will not work, however, is further deficit spending for tax cuts we cannot afford. When I last voted for a tax cut in March of 2001, we were projected to run a $5.6 trillion surplus through 2010. Our economic outlook at that point could not be more different than our current circumstances.

Now we face cumulative deficits of approximately $2 trillion over 10 years, if interest costs are included. Those are unified deficits and do not reflect the one-time boost we are getting from surpluses in the Medicare and Social Security trust funds. If those surpluses were not included, our deficits over 10 years would add up to over $3 trillion.

Unfortunatey, Congress cannot ensure an immediate return to economic growth. What we can do, however, is prove to those Americans who contribute to the economy that Congress can properly manage the government's finances. Yet our current course is taking us in the opposite direction.

I urge my colleagues to oppose any new tax cuts, no matter what the size, and focus on laying the groundwork for a return to long-term economic growth.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

ENERGY POLICY ACT OF 2003—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 14) to enhance the energy security of the United States, and for other purposes.

Pending:

Frist-Daschle amendment No. 539, to eliminate methyl tertiary butyl ether from the United States fuel supply, to increase production and use of renewable fuel, and to increase the Nation's energy independence.

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

Mr. DOMENICI. Mr. President, I think the Senate now knows that S. 14, a comprehensive energy policy, is before the Senate. Obviously, we are going to have to take some time in this calendar of ours to get it done.

We always speak of a comprehensive energy bill and we tell the country we need one. We have one before us. There are many of us who think it is very good. We won't know how good the Senate thinks it is until we have had a chance to go through it and vote on it. I am very hopeful that those who have amendments will start thinking about coming down here to offer them.

The pending amendment is a major one—the so-called ethanol amendment. That is the bill which establishes a national goal of 5 billion barrels by the year 2012. It is a very important contribution to America's independence and a component of the bill, if adopted, when adopted, that will create diversification. It will be moving toward independence rather than dependence. Obviously, it has fantastic side effects for rural America, agricultural America, which those who have been working on it for years have already spoken to, and many more will.

Nonetheless, there are Senators who have concerns about the pending amendment. There are Senators who want to amend it. I urge and ask those Senators who have amendments to get them down here and let the Senate pass judgment on whether it wants the ethanol package that has been worked on for years, which is bipartisan and was introduced essentially by the majority and minority leaders, with cosponsors in ample numbers from both sides of the aisle as an indication of its support. I hope Senators who we understand have amendments will begin to bring them down so we can debate and vote on them.

I understand that at this point the distinguished Senator from Ohio, Mr. VOINOVICH, desires to speak in favor of the amendment. As manager of the bill, even though we are operating under no time agreements, I yield the floor at this point, assuming he will give his 15-minute address.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, I thank the Senator from New Mexico for this opportunity to speak in favor of the ethanol amendment, No. 539.

This amendment has been offered by the distinguished majority leader and the distinguished minority leader. As I have often stated, it is about time this Nation had an energy policy. I have said that, I think, 3 years in a row. Last year, we worked very hard to come up with what we considered to be a decent package. Unfortunately, that package did not come out of conference committee and we are here today, this week, to see if we cannot resurrect part of that and enhance it with some of the improvements that were done in the Energy Committee under the chairmanship of Senator DOMENICI.

When the President released his national energy policy in May of 2001, he noted that America was too dependent upon foreign oil; that we needed to increase our use of renewable fuels, such as ethanol and biodiesel; and that we needed to protect the environment while producing the energy that drives our economy. President Bush was right about that 2 years ago and, quite frankly, the urgency is greater today than it was then.

The United States has a responsibility to develop a policy that harmonizes the needs of our economy and our environment. These are not competing needs and too often are looked upon as if they are. A sustainable environment is critical to a strong economy. A sustainable economy is critical to providing the funding necessary to improve our environment.

We need a policy that broadens our base of energy resources to create stability, guarantee reasonable prices, and protect America's security. It has to be a policy that will keep energy affordable. Finally, it has to be a policy that won't cripple the engines of commerce that fund the research that will yield environmental protection technologies for the future.

I believe that increasing our use of alternative and renewable fuels, such as ethanol and biodiesel, is a key element in our effort to construct a viable energy policy.

During the last Congress, I worked with a number of my colleagues, including Senators HAGEL, DASCHLE, JEFFORDS, INHOFE, GRASSLEY, BOND, and BINGAMAN, to develop an ethanol package that would not only increase the use of renewable fuels in America but would provide other tangible benefits for the American people. That package was included in the comprehensive energy bill passed by the Senate in an overwhelming bipartisan vote.

This year, thanks to the leadership of Chairman INHOFE, we were able to vote language out of the Environment and Public Works Committee that reflects that bipartisan agreement we reached last year on a bipartisan basis. Thanks to the leadership of our distinguished majority and minority leaders, as well as a large number of Senators, we again have the opportunity to pass legislation that contains a renewable fuels package.

Mr. President, passage of an ethanol bill will protect our national security, economy, and our environment. Amendment No. 539 contains the language in S. 791, the Renewable Fuels Act of 2003, which was introduced and shepherded through the EPW Committee by Chairman INHOFE. This language establishes a nationwide renewable fuels standard of 5 billion gallons by 2012, repeals the Clean Air Act's oxygenate requirement for reformulated gasoline, and phases down the use of MTBE over a 4-year period.

This language has strong, bipartisan support and is the result of long negotiation between the Renewable Fuels Association, the National Corn Growers Association, the Farm Bureau Federation, the American Petroleum Institute, the Northeast States for Coordinated Air Use Management, and the American Lung Association.

It is hard to get all those people together on any piece of legislation. I think it is wonderful.

I happen to come from a State that is an oil State. We have Ashland Marathon Oil in Ohio. I also come from a State that has a large number of people who belong to the Corn Growers Association. I think we are fifth or sixth in the Nation in producing corn.

I recall a couple of years ago them coming to me and asking me to take their cause on this particular issue. I suggested to them, rather than do that, I wanted them to go into a room and start to negotiate and start talking to each other.

I will never forget it. We were in the LBJ Room. I saw a bunch of people on stage at a big news conference. A year before, if anyone had said those people would stand on the same stage together, they had to say they had something wrong with their head.

My colleagues in the Senate should realize this is an unusual situation for all of these people to get together, and that is why it is so important that we do not allow any amendments to this very carefully put together compromise by all of these various organizations and groups.

In fact, I suggest we ought to be looking to do that in so many more instances around here where people just talk past each other instead of talking to each other.

It is with no small irony we are discussing issues affecting our gasoline supply so shortly after our troops were engaged in a war in the Middle East. As we know, they are still engaged and will be for a long time.

While our purpose in Iraq was to end a regime that sought to become the arsenal of terrorism and liberate the Iraqi people from oppression and violence, our mere presence in that part of the world highlights the fact that we are entirely too dependent on the oil we import from the Middle East.

The amendment the majority leader has offered, a compromise that will triple the amount of domestically produced ethanol used in America, is one essential tool in reducing our dependence on imported oil.

It is no secret we currently import over 58 percent of the oil we use. Last year, we imported an average of 4,558,000 barrels per day from OPEC countries and 442,000 barrels per day from Iraq. It is interesting; all during the last several years while we were bombing Iraq occasionally and maintaining the no-fly zone, we were getting an enormous amount of oil from Iraq. In some instances, almost 5 percent of our oil for this country was coming from Iraq.

Again, last year we imported nearly a half million barrels from Iraq. This dependence is not getting better. The Energy Information Administration estimates that our dependency on imported oil could grow to nearly 70 percent by 2020.

Although our troops were successful in the liberation of Iraq, our greatest energy challenge remains the need to reduce our reliance on foreign sources and to meet our energy needs.

President Bush has stated repeatedly that energy security is a cornerstone for national security, and I agree. It is crucial that we become less dependent on foreign sources of oil and look more to domestic sources to meet our energy needs, and ethanol is an excellent domestic source. It is a clean-burning, home-grown renewable fuel that we can rely on for generations to come. The renewable fuels standard in this language will displace 1.6 billion barrels of oil.

Ethanol is not only good for our Nation's economy, tripling the use of renewable fuels over the next decade will also reduce our national trade deficit by more than $34 billion. A lot of our trade deficit has to do with importing oil. It will increase the U.S. gross domestic product by $156 billion by 2012. It will create more than 214,000 new

jobs. It will expand household income by an additional $51.7 billion. It will save taxpayers $2 billion annually in reduced Government subsidies due to the creation of new markets for corn.

The benefits for the farm economy are even more pronounced. Ohio is sixth in the Nation in terms of corn production and is among the highest in the Nation in putting ethanol into its gas tanks. Over 40 percent of all gasoline in Ohio sold contains ethanol.

An increase in the use of ethanol across the Nation means an economic boost to thousands of farm families across my State and across the States throughout this country.

Currently, ethanol production provides 192,000 jobs and $4.5 billion to net farm income nationwide. Passage of this amendment will increase net farm income by nearly $6 billion annually. Passage of this amendment will create $5.3 billion of new investment in renewable fuels production capacity.

Phasing out MTBE on a national basis will be good for our fuel supply because refiners are under tremendous strain from having to make several different gasoline blends to meet various clean air requirements. And no new refineries, as you know, Mr. President, have been built in the last 25 years.

The effects of various State responses to the threat of MTBE contamination, including bans and phaseouts on different schedules, will add a significant burden to existing refineries. That is why we have to get this bill done this year. States are banning it, and refiners are trying to figure out how they are going to deal with this new marketplace.

We went through this a couple of years ago when we had a shutdown of one of the oil supplies from Michigan and then from Texas. They were reformulating gas, and we saw the price of gasoline skyrocket at that time.

The MTBE phaseout provisions in this package will ensure that refiners will have less stress on their system and that gasoline will be more fungible nationwide. That is very important.

Expanding the use of ethanol will also protect our environment by reducing auto emissions, which will mean cleaner air and improved public health. Use of ethanol reduces emissions of carbon monoxide and hydrocarbons by 20 percent. Ethanol also reduces emissions of particulate by 40 percent. Use of ethanol reformulated gas helped move Chicago into attainment of the Federal ozone standard, the only RFG area to see such an improvement.

In 2002, ethanol use in the United States reduced greenhouse gas emissions by 4.3 million tons, the equivalent of removing more than 630,000 vehicles from the road.

It is my hope and expectation that the Senate will adopt this fuels package. These issues have been in front of us for far too long, and now that we have everybody in the same room at the same time agreeing to the same legislation, we need to move it. We need to get this amendment done. I urge my colleagues to support amendment No. 539.

Mr. DOMENICI. Mr. President, I ask the Senator from Ohio if he can remain in the Chamber for a few moments. An amendment is going to be offered to the bill, and I have to be elsewhere. Will the Senator do that for the Senator from New Mexico?

Mr. VOINOVICH. I will be happy to.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from California.

AMENDMENT NO. 542 TO AMENDMENT NO. 539

Mrs. FEINSTEIN. Mr. President, I very much respect the Senator from Ohio. He has been both a distinguished mayor and a distinguished Governor of his State. I hate to disagree with him, but in this case I find the ethanol mandate in this bill to be egregious, to be wrongheaded, to be just terrible public policy. I will go through my concerns about this mandate point by point, and then I will end by offering a second-degree amendment.

My first concern is this: Only 2.1 billion gallons of ethanol were produced in 2002. The ethanol mandate before us requires 5 billion gallons by 2012.

This fuel additive is not necessary to make clean-burning gasoline. Yet it is mandated into our fuel supply. Under the credit trading provisions of the ethanol mandate, States are going to be forced to pay for ethanol whether they use it or not. Let me repeat that. Under the credit trading provisions in this bill, States are going to be forced to pay for it, whether they use it or not.

Secondly, this is going to drive up the price of gasoline. It can only do so. The Council of Economic Advisers and the Federal Trade Commission have advised President Bush that the ethanol mandate is:

> Costly to both consumers and the Government and will provide little environmental benefit.

So this provision will force up prices. California's costs are already high. I just paid $50 for a tank of gasoline when I was home in California. Wait until this bill goes into operation.

Ninety-nine percent of all ethanol production is based in the Midwest. States outside the Corn Belt have severe infrastructure and ethanol supply problems. This, too, means higher gas prices.

Finally, we have a dangerously high market concentration in this bill. The ethanol industry today is highly concentrated, with the largest supplier, Archer Daniels Midland, controlling 46 percent of the market, and the top seven firms controlling 71 percent of the market. That is according to the GAO.

ADM admitted to price fixing in 1996. Its executives went to jail. Last year, ADM purchased its largest competitor, Minnesota Corn Processers, which controlled 5 percent of the ethanol market. I believe we are taking a great risk by allowing one firm to control such a large percentage of the ethanol market, and this shows it: 46 percent, ADM; Williams Bio-Energy, 6 percent; Cargill, 5 percent; High Plains Corporation, 4 percent; New Energy Corporation, 4 percent; Midwest Grain, 3 percent; Chief Ethanol, 3 percent. These are the top seven ethanol producers in the United States.

So you have a huge market concentration by a company that pled guilty to price fixing. It makes me, a Californian, very uneasy about what the future may bring under current law.

Gasoline is taxed by the Federal Government at 18.4 cents per gallon. Yet gasoline blended with ethanol is only taxed at 13.1 cents per gallon. The other 5.3 cents per gallon is credited to ethanol producers instead of funding the highway trust fund. According to the Congressional Research Service, over the past 20 years, this ethanol subsidy has cost the highway trust fund over $11 billion in foregone income.

Under the proposal in the Energy Tax Bill, these ethanol subsidies will be paid not from the highway trust fund, as was before us last year, but from the general fund, at the expense of taxpayers. So instead of spending money for education or Cops on the Beat, or parks, we are funding ethanol with billions in subsidies. It makes no sense to me.

The Congressional Research Service has indicated that the ethanol mandate will cost approximately $7 billion. This means $7 billion is diverted away from either the highway trust fund or the general fund, which means either we will have fewer jobs and roads or taxpayers will have to pick up the tab.

As I said, this future $7 billion loss is on top of the $11 billion in gas tax revenue that has already been lost by giving ethanol a partial exemption from the fuel tax.

My sixth reason is that ethanol has mixed environmental and health results. Evidence suggests that ethanol reduces carbon monoxide air pollution. However, evidence also suggests that mandating more ethanol will produce more smog in the summer months because ethanol produces nitrogen oxide (NO_X) emissions. Studies also show ethanol accelerates the ability of toxic gasoline additives, such as benzene, to break apart and seep into the ground water. Recently, the EPA disclosed that ethanol plants are emitting many more dangerous toxins than previously thought. I do not believe we should mandate so much use of something we know so little about.

One other thing on the benzene plumes, once they break away, they actually spread faster in water and soil than MTBE plumes. We know benzene is carcinogenic.

My seventh reason is that there is unprecedented liability protection. A safe harbor provision in the ethanol mandate will prevent legal redress if ethanol and other fuel additives harm the environment or public health. How

will communities afford cleanup costs if there is liability protection for ethanol? I find this really egregious.

This reduces carbon monoxide but it increases nitrous oxide. The benzene plumes will break away. They spread more rapidly than MTBE. They can pollute our ground water but there is no remedy. There is no liability. They are liability-free. One of the reasons you now have the large oil companies going along with this bill is because they have liability protection.

So we are mandating something we do not know all of the results of in huge amounts, that are unnecessary in the first place, that may have adverse consequences, and then we are saying to the consumer, sorry, the damage is your problem, you cannot even go to court to get redress in the form of damages. What a sweetheart bill. My goodness, people should be embarrassed.

Ethanol already has a high tariff to keep imports out. If there is an ethanol shortage in the United States, States will not be able to import ethanol from countries abroad because of a high 54-cent-per-gallon tariff on foreign ethanol. So what are they doing? They already have a high tariff on foreign ethanol. Now we are mandating 5 billion gallons? That is egregious. It is wrong public policy.

My ninth reason is an ethanol mandate will strain the fuel supply. Using ethanol will constrict the overall gasoline supply because mixing MTBE with gasoline produces more fuel than mixing gasoline with ethanol. Consequently, in a State such as California where you have no extra refinery availability, you have to produce more than you did with MTBE because of the properties of ethanol which take more gasoline. That is going to be a real problem and that, too, will force up prices.

Tenth, ethanol is not a renewable fuel. According to many scientists and experts, including Cornell Professor David Pimentel, it takes more energy to make ethanol than we save by using it. So we can hardly call ethanol a renewable fuel.

Eleven, the ethanol mandate will largely benefit producers, not farmers. Ethanol subsidies pay more money to ethanol producers like ADM than farmers.

Twelve, the bottom line, this is a very bad deal. The ethanol mandate reflects a deal worked out behind closed doors, between ethanol lobbyists and oil interests that is going to harm consumers. Mandating 5 billion gallons by 2012 is terrible public policy. Since there are high costs for States like California to comply with any mandated Federal fuel requirement, these costs will only be passed on to drivers at the pump.

The ethanol mandate, as I have said, will drive up the price of gasoline. Instead of imposing a new mandate on our fuel supply, we should be lifting the one that already exists.

On July 29, 1999, the nonpartisan broad-based U.S. EPA blue ribbon panel on oxygenates and gasoline recommended that the 2 percent oxygenate requirement be removed in order to provide flexibility to blend adequate fuel supplies in a cost-effective manner while quickly reducing usage of MTBE and maintaining air quality benefits.

It is long past the time for Congress to act on that. Instead of mandating ethanol into our fuel supply, we should be lifting all mandates or at least allow States a choice. We need to provide flexibility to refiners to allow them to optimize how and what they blend instead of forcing them to blend gasoline with MTBE or ethanol.

California has long sought a waiver of the 2 percent oxygenate requirement. I have written and called former EPA Administrator Browner and the current Administrator, Christine Todd Whitman, both former President Clinton and President Bush, urging approval of the waiver for the State. Yet both the Clinton administration and the Bush administration have denied California's request. I know during the Clinton years an affirmative finding came from EPA to the White House. I also know that Members of both parties went to the White House to stop it from happening. I believe EPA would have no objection.

In the campaign, when I heard both Al Gore and George Bush say: We are for ethanol—I thought, oh boy, here it comes. And here it is today.

MTBE, methyl tertiary butyl ether, has been the oxygenate of choice by main refiners in their effort to comply with the Clean Air Act's reformulated gasoline requirements. Governor Davis of California has ordered a phaseout of MTBE in our State by the end of this year while the Federal law requiring 2 percent oxygenate remains, putting our State in an untenable position. This is because the most likely substitute for MTBE to meet the 2 percent requirement is ethanol, but it is tremendously costly to blend ethanol from the Midwest into the specially formulated California gasoline.

Without eliminating these mandates, we can expect disruptions and price spikes during the peak driving months of this summer on top of the high prices motorists are already paying. Just remember, you heard it here.

California has developed a gasoline formula that provides flexibility and provides clean air. Refiners use an approach called the predictive model which guarantees clean-burning RFG gas with oxygenates, with less than 2 percent oxygenates and with no oxygenates.

As Red Cavaney, president of the American Petroleum Institute, said in March before the Energy Committee:

> Refiners have been saying for years that they can produce gasoline meeting clean-burning fuels and federal reformulated gasoline requirements without the use of oxygenates. . . . In addition, reformulated blendstocks—the base into which oxygenates are added—typically meet RFG requirements before oxygenates are added.

So they are not necessary. These facts demonstrate oxygenates are not necessary.

I believe it is egregious to require this Nation to use more ethanol than we need in our fuel supply. Mandating 5 billion gallons into our fuel supply is terrible public policy. This amounts to a wealth transfer of billions of dollars from every State in the Nation to a handful of ethanol producers. It is families and businesses who will pay the higher costs that result from increased gas prices.

This sweeping policy will have long-term repercussions in our environment, on our health, our fuel supply, and the price of gasoline. Since ethanol production is subsidized by the Government with a credit from the Federal motor fuels tax, $1 for ethanol firms like ADM means $1 less to improve our Nation's roads and bridges.

The Congressional Research Service has indicated the ethanol mandate in this energy bill will divert $7 billion away from the highway trust fund. If the energy tax bill is passed into law, this money will no longer come from the highway trust fund. It will come from the general fund. As I said, it will be paid for by taxpayers.

This future $7 billion payout is on top of the $11 billion in gas tax revenue that has already been lost by giving ethanol a partial exemption from the fuel tax. Ethanol is a subsidized product. It is protected from foreign competition by high trade barriers. And now we are going to mandate a market for it. This is unconscionable. Forcing States to use ethanol we do not need, and forcing States to pay for ethanol we do not use amounts to a transfer of wealth from all States to Midwest corn States.

Under the credit trading provisions in this bill, if we do not use ethanol, we still have to pay for it.

Proponents of the ethanol mandate argue that gas price increases will be minimal, but the projections do not take into consideration the real-world infrastructure constraints and concentration in the market that can lead to price spikes. I believe everyone outside of the Midwest will have to grapple with how to bring ethanol to their States since the Midwest controls 99 percent of the production.

California has done more analysis than any other State on what it will take to get ethanol to the State. The bottom line is that it cannot happen without raising gasoline prices.

I am particularly concerned, as I pointed out, about the limited number of suppliers in the ethanol market. This leaves consumers vulnerable to price spikes as it did when electricity and natural gas prices soared in the West because a few out-of-State generating firms dominated the market. If we have learned anything from the recent western energy crisis, it is that when there is not ample supply and adequate competition in the market, prices soar and consumers pay.

I also mention that Archer Daniels Midland is the dominant producer in the highly concentrated ethanol market. It has purchased its largest competitor. It controls 46 percent of the market, and that is only what is now produced. The company has an even greater control over how ethanol is distributed and marketed.

I am also concerned about the long-term effects of mandating such a large amount of ethanol in our gasoline supply.

I mentioned the health effects about which we do not know much. I mentioned the environmental effects.

The scientific evidence is mixed. I believe it is bad public policy to mandate this amount before scientific and health experts can fully investigate the impact of ethanol on the air we breathe and the water we drink.

We made this mistake with MTBE and now we have learned that MTBE may well be a human carcinogen.

Ethanol is often made out to be an ideal renewable fuel, giving off fewer emissions. Yet, on balance, ethanol can be a cause of more air pollution because it produces smog in the summer months. Smog is a powerful respiratory irritant that affects large segments of the population, and it has an especially pernicious effect on the elderly, on children, and individuals with existing respiratory problems, as I mentioned, such as asthma.

Earlier this month, the American Lung Association named California the smoggiest State, by listing nine counties and six metropolitan areas as having the worst conditions. A 1999 report from the National Academy of Sciences found:

> The use of commonly available oxygenates [like ethanol] in reformulated gasoline has little impact on improving ozone air quality and has some disadvantages. Moreover, some data suggest that oxygenates can lead to higher Nitrogen Oxide emissions.

Nitrogen oxides, as we have said, cause smog.

The American Lung Association report also noted that half of Americans are living in counties with unhealthy smog levels. Why would we want to take the chance of increasing these unhealthy smog levels by mandating billions of unnecessary gallons of ethanol into our fuel supply?

Ethanol can be both good and bad for air quality. To me, it would make sense to maximize the advantages of ethanol while minimizing the disadvantages. This is exactly why States should have flexibility to decide what goes into their gasoline in order to meet clean air standards. All we should care about is if the clean air standards are met. Let the States have the flexibility. If we are mandating, why exempt manufacturers and refiners from their legal responsibility to provide a safe product?

Evidence also suggests that ethanol accelerates the ability of toxins found in gasoline to seep into our ground water supplies. The EPA Blue Ribbon Panel on Oxygenates found ethanol:

> . . . may retard biodegradation and increase movement of benzene and other hydrocarbons around leaking tanks.

According to a report by the State of California entitled ''Health and Environmental Assessment of the Use of Ethanol as a Fuel Oxygenate,'' there are valid questions about the impact of ethanol on ground and surface water. An analysis in the report found that there will be a 20-percent increase in public drinking water wells contaminated with benzene if a significant amount of ethanol is used. Benzene is a known human carcinogen, and we are giving them liability protection.

At a hearing held on the House side last year, Professor Gordon Rausser of UC Berkeley commented on the potential harm of ethanol in the ground water. Professor Rausser testified:

> When gasoline that contains ethanol is released into ground water, the resulting benzene plumes can be longer and more persistent than plumes resulting from releases of conventional gasoline. Research suggests that the presence of ethanol in gasoline will delay the degradation of benzene and will lengthen the benzene plumes by between 25 percent and 100 percent.

This evidence on the potential harm of ethanol is extraordinarily troubling.

For these reasons, I cannot support the amendment offered by the majority leader. I would like to offer a second-degree amendment that would require the Governor of a State to opt into the ethanol mandate. If the ethanol mandate is such a great mandate, then Governors should want to include their States in it. Why are we forcing them to do it? Everybody who comes down here for ethanol says it is the best thing since sliced bread. If it is so good, let that case be made to the Governors of States and let them opt into the program.

The Senators from Alaska and Hawaii have worked it out so that their States are exempted from this mandate. I believe each and every State should have this choice, so I am sending an amendment to the desk at this time that would do the same thing that Alaska and Hawaii have achieved. The Governor is able to opt into the mandate. If this is so wonderful, Governors will opt in. If it is not, Governors will not.

I yield the floor.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

> The Senator from California (Mrs. FEINSTEIN) proposes an amendment numbered 542 to amendment No. 539.

Mrs. FEINSTEIN. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

> (Purpose: To authorize the Governors of the States to elect to participate in the renewable fuel program)
>
> Section 211(o)(2) of the Clean Air Act (as added by the amendment) is amended by inserting after subparagraph (B) the following:
>
> ''(C) ELECTION BY STATES.—The renewable fuel program shall apply to a State only if the Governor of the state notifies the Administrator that the State elects to participate in the renewable fuel program.''.

Mrs. FEINSTEIN. I ask the floor leader, the distinguished Senator from New Mexico, what is his pleasure? I understand there are no votes today. Shall I ask the amendment be set aside?

Mr. DOMENICI. No, I believe we will leave the amendment pending. The order is not that there will be no votes today but, rather, no votes until all Senators have returned. It could be this evening, but there is no order to do that or not to do it at this point, so it will remain the pending amendment.

Mrs. FEINSTEIN. I thank the Senator.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I am going to yield momentarily to the distinguished Senator from Ohio, Mr. VOINOVICH, who has worked for many years on this amendment. Suffice it to say, every argument the distinguished Senator from California made, and she made many of them, has been brought before the Committee on Environment and Public Works. They have been raised time and time again at many of the informal and formal hearings regarding this legislation. In the end, in the interest of getting something done that was uniform and that would work, they have all been denied. Efforts as she has put before us have been denied heretofore. I submit it is time for the Senate, at the earliest possible time, when we can, to vote. We should turn it down and leave in effect the national policy that is before us on ethanol, that has been so eloquently discussed on a number of occasions already in the Senate, and even today discussed by the distinguished Senator from the State of Ohio.

With that, I yield to the Senator from Ohio for further comments. I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I thank the Senator from New Mexico.

I respectfully disagree with some of the information that was provided to us by the distinguished Senator from California. First, I would like to say this second-degree amendment would create more balkanization of the fuel supply. We need a national fuel policy. This amendment, in my opinion, would further constrain the fuel supply in this country.

The bipartisan agreement that was negotiated last year between various organizations was not done behind closed doors. It was relatively transparent. In spite of some of the comments made about the environmental threat of ethanol, that agreement was supported by the American Lung Association. I am sure if they had any concern that this was going to harm the environment, they certainly would not have signed on to the agreement that was entered into last year.

The fuels agreement passed by the Senate last year includes the establishment of a renewable fuels standard. The RFS would provide for greater refinery flexibility in the fuels marketplace and the existing clean air oxygenate requirement, particularly as MTBE is phased out of gasoline. It does not require that a single gallon of renewable fuels be used in any particular State or region. Rather, the requirement is on refiners.

The RFS will allow much greater flexibility in the use of oxygenates, which should reduce the chances that localized supply disruptions of gasoline or oxygenates will result in retail supply shortages and price spikes.

The additional flexibility provided by the RFS credit trading provisions in the House and Senate bills would result in much lower costs to refiners and thus to consumers. The credit trading system will ensure that renewable fuels are used when and where it is most cost effective to do so.

In California, according to the information I have, nearly all of the refiners have voluntarily switched from MTBE to ethanol in advance of the State's MTBE phaseout deadline of January 1, 2004. The results can only be described as seamless. There have been no ethanol shortages, transportation delays, or logistical problems associated with the increased use of ethanol in the State.

In fact, according to an April 2003 California Energy Commission report, the transition to ethanol, which began in January of 2003, is progressing without any major problems. Today, approximately 65 percent of all California gasoline is blended with ethanol, and it is estimated that 80 percent of the fuel will contain ethanol by the summer.

As a result, while only about 100 million gallons of ethanol were used in the State last year, California refiners will use between 600 and 700 million gallons in 2003. Thus, efforts to carve out California from the RFS, while unjustified, are also completely unnecessary.

I would also like to make the point that any State may petition EPA for a waiver of the renewable fuels requirement for any year. If EPA, in consultation with the Departments of Energy and Agriculture, finds that there would be substantial harm to the economy or environment of a State, region, or the United States, or that there would be an inadequate domestic supply for distribution capacity to meet the requirement, EPA may reduce the volume of renewable fuel required in whole or in part. Such a waiver would be good for 1 year but could be renewed. Under this circumstance, the overall renewable fuel volume requirement would be reduced nationwide.

In addition, I would like to point out that the use of ethanol significantly reduces the tailpipe emissions of carbon monoxide, an ozone precursor, and VOCs and fine particulates that pose a health threat to children, seniors, and those with respiratory ailments. Perhaps that is one of the reasons the American Lung Association is supporting this compromise.

Importantly, renewable fuels help to reduce greenhouse gases emitted from vehicles, including carbon dioxide, methane, and other gases that contribute to global warming—another answer to the problem of carbons.

The fuels agreement included protects against any backsliding on air quality. First, the agreement tightens the toxic requirements of reformulated gasoline by moving the baseline that refiners must meet to 1999–2000. Secondly, refiners have agreed to meet southern-tier RFG standards for VOC emissions.

Other adjustments to the existing mobile source air toxics rule will ensure additional environmental protections. The agreement allows States and the Ozone Transport Assessment Group—I have been dealing with that group for many years and have had some large disagreements with them, but the agreement allows them to opt into RFG whether the State is in attainment for ozone or not.

Finally, the bill allows EPA, as I mentioned before, to waive a State's volatility to tolerance for ethanol-blended fuels, if necessary, for air quality. In other words, if there is a problem with ethanol in a period of time, the State can waive out of the requirement during that period of time.

I could say many other things, but I think most of the issues raised can be answered very easily. The last thing I would like to point out deals with the issue of cost. The Department of Agriculture has concluded that the ethanol tax incentive program actually—actually—saves the Government money by reducing farm program costs and stimulating rural economies. This is a big deal for rural economies in the United States of America.

I will also say that there was some statement about Archer Daniels Midland being the big supplier. In my State, the farmers and cooperatives are in the process of going forward with building processing plants for ethanol. You are going to have a lot more people in the marketplace when this legislation passes.

The USDA has stated that the net impact of the tax incentive on farm programs is a net savings of more than $3 billion annually. I point out, just as I mentioned before, there are 11 new ethanol facilities or under construction in the United States. Twenty or more ethanol facilities are in the planning stages.

Last but not least, the concern that has been raised regarding the Federal ethanol tax incentive's impact on the highway trust fund has been addressed in legislation introduced by Senators GRASSLEY and BAUCUS. It is supported by a broad coalition of transportation, local government, business, and agricultural people. The proposal returns full funding to the highway trust fund while restructuring and preserving the Federal tax incentives for ethanol.

So on all of these points, this amendment that we have offered, that is being sponsored by the majority leader and the minority leader, and so many Members of the Senate, is good for America, is good for our economy, is good for our security, and is good for the environment. And the amendment from the Senator from California, I think, would certainly make it less effective, if it were agreed to by the Senate. I urge its defeat.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that I be allowed to address the Senate for 2 minutes.

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

(The remarks of Mr. NELSON of Florida pertaining to the introduction of the legislation are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Nevada.

Mr. REID. Mr. President, I know the Chair is anxious to close the Senate for our caucuses. I ask the patience of the Chair. The majority will be here shortly. We have a very important unanimous consent request that we have to enter before the recess.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

UNANIMOUS CONSENT AGREEMENT—RECONCILIATION

Mr. MCCONNELL. Mr. President, with regard to the reconciliation bill, we have reached agreement with the minority which I will now propound.

I ask unanimous consent that on Tuesday, May 13, at a time determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to the consideration of the Senate reconciliation bill, if properly reported, and that there then be 14 hours remaining equally divided under the statutory limit.

Mr. REID. Reserving the right to object, I want to make sure there is an understanding. It is my understanding that the leader sometime this evening, after the bill is reported out of the Finance Committee, would bring this to the floor, but that we would not work on the bill tonight. The 14 hours would start running actually tomorrow; is that right? I wanted to make sure that was the understanding.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. That is the understanding.

Mr. REID. We have been, for the last 24 hours, suggesting that we would be

better moving to the debt ceiling sooner rather than later. We feel it should be done before this tax bill. We are working on that. I have worked with the distinguished Senator from Kentucky the last couple of hours. If we get a few breaks during the caucuses, we may be able to bring it up this afternoon. I have no objection to the request by the Senator from Kentucky.

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

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, at 12:45 p.m., the Senate recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

THE ENERGY POLICY ACT OF 2003—Continued

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

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

HEALTH CARE

Mr. DURBIN. Mr. President, this past weekend my wife and I met up with some life-long friends from my home area of East Saint Louis, IL. We had a good time together. We sat around and talked about our lives and some of the challenges we face.

My friends own a small business. It is a trucking company with about six or eight employees, and about the same number of trucks. It has been in their family for decades. They are very proud of it. They put their life work into it. We talk about business every time I see them. This time the conversation was not so much about business; it was about an issue which was clearly on their minds, and I believe the minds of small and large businessmen across America. The issue was health insurance.

Something they had taken for granted for so many years has now become a challenge not only to their business but to their personal lives. A few years ago, one of their employees' wives had a baby with some serious medical problems. As a result of that, when the health insurance for their small company came up for renewal the next year, they saw their premiums double.

This small company struggling to get by was faced with an impossible burden, how to continue to provide health insurance for the families and the workers in their employ at costs that were now out of reach. They tried for a year. When the rates continued to go up, in desperation they made a desperate decision. They called their employees in and said: We can no longer offer health insurance to you as an employee of this company. We will give you the amount of money we were paying monthly as a premium as an increase in your pay, but you have to go out in the open market and find health insurance.

The sad reality is one of the families, the one with the sick child, could not find health insurance, and still has not. The others found it with costs going up every year. But that was not the end of the story. They went on to tell me the insurance they now have to buy in the open market is almost worthless. If they should ever turn in a claim during the course of the year for any medical problem, they can count in the next year that that will be excluded from coverage and protection. If you have a problem with your foot, of any kind, in the next year the health insurance policy offered to you will exclude anything to deal with feet, either one of them, any condition.

The woman told me at this get-together: When I go to get a mammogram now and they ask me who my doctor is, I tell them I do not have one. Send the results to me personally. She said: I try to decide whether or not something serious has been found. I cannot let this get into my medical records because, frankly, I will find an exclusion to coverage if any question is raised.

This was a very startling conversation for me. It was an eye opener. What troubled me the most about this, I do this for a living. I am a Senator, and I am proud of it. I have devoted my life to public service and I hope I have done some good, but when my friends, family members, and businesses across my State all come to me with the same concern over and over again, I cannot explain the feeling of helplessness and frustration I have.

I think about that in the context of the debate in which we are engaged. Of all the debate in the last several years in Washington, DC, of all of the proposals from this administration and from the leaders in this Congress, why is it we can never get close to the issues that really count, the issues that are tearing families and businesses apart? The cost of health insurance is one of those issues. As a nation, is it expensive for us to try to come up with a new approach which says that every American, regardless of their wealth or poverty, will have a basic level of protection of health insurance? That cannot be beyond us.

This is a country and a society which took a look at its impoverished parents and grandparents over 50 years ago and said, we are going to create Social Security. We want these people whom we love to live in dignity. This is the same country and society which in the 1960s took a look at the same parents and grandparents and said, for goodness sakes, they ought to have basic health insurance. If they have retired, we are going to create Medicare. And we did. This is a country which stepped back and said we are no longer going to discriminate against people because of their disabilities or handicaps. We are going to provide them protection, and we did.

Time and time again, we have risen to the challenge. But what do we have before us now? A debate on the floor of the Senate about a tax cut, the range of the cost of this tax cut over a 10-year period, $420 billion to $550 billion, a significant sum of money, on top of a tax cut we just passed 2 years ago.

How will this tax cut benefit my friends who are struggling with the cost of health insurance? How will it benefit families across America who cannot find health insurance and cannot find work? The answer, sadly, is that it is not designed to help them at all.

President Bush comes before us with a tax cut proposal that is a nonstarter. It serves his political philosophy, which is to propose a tax cut whether we are in good times or bad, but it does not serve America and its needs. Our fear of government, our fear of working collectively to solve problems, has driven this Senate and this Congress away from the reality of the challenges of life in America.

We passed a bill called No Child Left Behind. The President said: This is my answer to education in America. And then the President comes back and refuses to fund it. It is an unfunded mandate on the schools of Illinois, Ohio, New Mexico, and Nevada, when these States are facing deficits.

When it comes to health care, this administration has no proposals or suggestions to help the families and businesses struggling to provide health insurance to cover their kids.

When it comes to prescription drugs, there is lip service—nothing that will provide real and meaningful relief from the cost of prescription drugs, particularly for senior citizens and disabled people.

Instead, what are we suggesting? We are discussing a tax cut with the Bush approach, a tax cut that will say to people making over a million dollars in income a year, this elite class will receive about $90,000 more in breaks from the Federal Government.

What is wrong with this picture? I will tell my colleagues what is wrong, from my point of view. It depends on one's outlook on the future of America. If they believe the future of America is driven and controlled by elite investors, the highest-income people in America, then they should sign on quickly to the Bush tax cut. That is what it is designed to do, to provide to those elite investors, those dividend earners, extra benefits so they can have a more comfortable life and perhaps spend their money in ways to help the economy. That is the Bush approach. For most Republicans—not all,

but for most Republicans—that is their approach.

There are others, such as myself, who take a different approach. We believe the future of this country has always been based on hard-working families, those middle income working families which have made this country great. They have played by the rules. They paid their taxes. They have raised their families. They have been conscientious in making certain their schools and neighborhoods are strong and safe.

What do we give them in this tax cut? Not $90,000 a year, like the millionaires in the Bush tax cut, but around $400 or $500 a year. That is not fair and it is not right. It is what we face time and time again when it comes to dealing with the problems across America.

This week, the Senate will consider amendments to this tax bill. Republicans and Democrats will be given choices as to whether they want to cut taxes at the highest levels in the highest brackets or whether they want to provide real tax relief to working families and small businesses across America. The choices will be stark. They will contrast our attitude toward life and our attitude toward America's future.

Is it worth it to reduce the tax cuts of people making over $300,000 a year or give a tax credit to small businesses that offer health insurance to their employees? I would like to take that issue back to Illinois. In fact, I will take it back to any State, and I know what I will hear from small businesspeople and their workers: For goodness sakes, it does not make any sense to give a tax cut to people making over $300,000 a year. Give a helping hand to the families struggling to get by.

Senator SCHUMER of New York is going to offer his amendment, which goes to the heart of the future of America. It goes to the cost of education.

We now know what happens to young men and women, accepted to the best schools, finally graduate and find themselves deep in debt. Senator SCHUMER and others and I have joined to offer an amendment that says the cost of college education should be deductible so families wanting to give their kids the best, wanting their kids to achieve the most in their lives, will have a helping hand from this Government.

What makes more sense, a tax break for an individual already successful in America making over $300,000 a year or a tax deduction for a working family whose son or daughter has been accepted to the college of their dreams, the best school possible, who just need a helping hand from this country so they can be all that they can be, achieve greatness?

That is an easy call, too. I will take that home to Illinois, and I invite President Bush to come to Illinois and debate that. Pick the town, Mr. President. Whether he is going to be visiting Nebraska or Indiana, I would like the people in those environs to have the choice the Senate will face this week, choices that are meaningful.

I close on this point. We have lost more jobs under this President than anyone ever imagined. In the Clinton 8 years, 22 million new jobs were created in America. Under the Bush administration, with this recession, we have lost more than 2 million jobs. In fact, we have lost more than 2 million jobs since the President's last tax cut, that failed policy which took more than $1 trillion from the Treasury and did not create jobs in America. It was a failure then and this replacement, even if it is smaller, will fail as well.

Sadly, the unemployed people across America are reaching a level of desperation. They cannot find jobs in this economy with this recession.

My home State of Illinois announced last week an unemployment rate of 6.3 percent. We are in the top four States of unemployment across America.

I met some of the workers while I was back this weekend. One man who was in the communications industry lost his job last December after working more than 30 years. He is desperately looking for a job and does not know which way to turn.

Unemployed people like him across America, victims of this recession, cannot get a helping hand from this Bush administration. The helping hand is extended to the wealthy, to the millionaires, to those with all the dividends who want all the tax breaks, but no helping hand to the poor unemployed family member trying to keep it going.

During President Bush's father's recession in the early 1990s, we extended unemployment benefits five different times; three times under President Bush senior, twice under President Clinton. In this administration, with this terrible recession, we have extended them only twice. Individuals are falling off eligibility. What happens to a person unemployed, no longer eligible for unemployment compensation?

You can count on the following: First, they will find it difficult to pay their utility bills. Second, they will find they have to make real sacrifices on the basis of family, food, clothing. You will find many of them moving in with family and friends. You can count on one of the first items to go being health insurance. They have just enough money not to qualify for Medicaid for the poor but sadly not enough money to provide health insurance for their family.

Over the weekend, my friends talked about health insurance and said, we feel very badly for people who are poor, those who are unemployed, but it is the working families of America who are losing today. This tax break, this $400 to $500 billion tax bill, ignores those families, ignores that reality, and in ignoring that reality, it calls into question whether those who have dedicated our time to public service are really listening to the people we represent.

I hope during the course of this week as we debate this bill and we debate the debt limit, as we get into these important issues, some of my friends on both sides of the aisle will reflect on what they have heard at home from the real working families of America. They need help. The Bush tax program does not help. It is irresponsible. It is unfair. It will not move this economy forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I ask unanimous consent that I be permitted to speak as in morning business for 10 minutes.

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

The Senator from New Mexico is recognized.

Mr. DOMENICI. I thank the Chair.

(The remarks of Mr. DOMENICI and Mr. REID pertaining to the introduction of S. 1051 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. DOMENICI. Mr. President, parliamentary inquiry: What is pending before the Senate?

The PRESIDING OFFICER. The Feinstein second-degree amendment.

Mr. DOMENICI. The Feinstein second-degree amendment to the ethanol amendment to S. 14, the comprehensive energy bill; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. I might say, if anyone cares to speak on either the amendment or the underlying bill or, for that matter, the comprehensive energy bill, the floor is open for that purpose. I have asked the majority leader if it would be appropriate to have a vote on the Feinstein amendment, a vote on it or in respect to it, this evening. He has indicated that sometime after 7 o'clock that might be in order. I am not asking for that at this point, but I am just saying to Senators that probably will happen.

If there are no other Senators desiring to do so, I will myself move to table it sometime after 7 o'clock, when it is deemed appropriate by the majority and minority leaders.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRAPO). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. COLEMAN. Mr. President, I ask unanimous consent that I be permitted to proceed for 5 minutes as in morning business.

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

RELIEF FOR TCHISOU THO

Mr. COLEMAN. Mr. President, I thank the distinguished Senator from Massachusetts for giving me this opportunity to make this presentation. I am very appreciative.

I wish to talk about a young man I read about in the Minneapolis Star Tribune last Friday. It was the story of Tchisou Tho, an 18-year-old currently facing two situations: in three weeks, high school graduation and, in one day, the threat of deportation.

Yesterday, I introduced legislation that would grant citizenship to Tchisou, a senior at Como Park High School in St. Paul, MN who would become the first member of his family to attain a high school diploma.

In 1975, Tchisou's parents fled Communist rule in Laos and settled their family in France. At age 5, with his parents having visitors' visas, Tchisou's family came to the United States, first settling in California before eventually moving to Minnesota in 1993, mainly for the quality schools and educational opportunities for their children. As Tchisou's mother commented, ''We consider it a precious thing to wear the gown and receive the diploma with honor and applause.''

The Bureau of Citizenship and Immigration Service states that the Tho family defied a judge's order to leave the United States voluntarily before March 26 of this year. Mr. and Mrs. Tho had been granted work authorizations, but a meeting with immigration officials to request modifications of their status resulted in knowledge of the March deadline and consequently the deportation order.

I have great respect for the folks of Immigration. They do their job. they do it well. They are following the law. Unfortunately, Tchisou is a good kid experiencing a bad situation.

The sins of the parents should not automatically fall upon the shoulders of the children. Actively involved in his church, Tchisou teaches Sunday school, belongs to the youth group, and sings in the choir. At Como Park High, he is registered for challenging courses such as advanced-placement calculus. Furthermore, Tchisou has been accepted by the University of Minnesota, where he plans on studying either aerospace engineering or natural resources.

The situation Tchisou faces is not all that uncommon. It is a circumstance that, I am sorry to say, many children have to experience. In response, it is my understanding that my good friend and colleague Senator HATCH reintroduce the Dream Act in the near future, a bill that will address tough circumstances such as this, in a comprehensive manner, and I look forward to working with Senator HATCH on this important legislation. However, Tchisou can't wait for the Dream Act to become law, and that is why I introduced private relief legislation for him last night.

Mr. President, good kids like Tchisou should not pay for the mistakes of others. Tchisou should graduate from high school with his friends, and I believe the bill I introduced last night will make that happen.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I understand we are speaking as in morning business.

The PRESIDING OFFICER. That is not the order of business. The Senate currently has before it the Feinstein amendment.

Mr. KENNEDY. I ask unanimous consent to be able to proceed as if in morning business.

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

THE REAL CURE FOR OUR SICK ECONOMY

Mr. KENNEDY. Mr. President, the health of the American economy has been deteriorating for more than 2 years and the patient's vital signs are getting steadily worse.

President Bush's response has been to prescribe sugar pills—tax cuts for the wealthy that may taste good for a moment but do nothing to cure the patient's illness. Like a quack doctor who knows only one remedy, while the patient keeps getting worse despite the treatment, the President just keeps prescribing larger and larger doses of sugar pills. The Bush administration's policies will never revive this sick economy.

I am deeply concerned about the continued stagnation of the economy. Unemployment is still on the rise. We climbed to 6 percent in April. There are now 8.8 million men and women unemployed across the Nation. The economy has lost more than a half million jobs in just the past 3 months, and there is no end in sight. In the absence of an effective stimulus from the Federal Government, the economy is not likely to improve quickly.

Behind such disturbing statistics are people who need our help. A strong economy allows working men and women to have greater control over their lives and more opportunity to pursue their personal dreams. A stagnant economy takes much of that control out of their hands, leaving families vulnerable to circumstances they cannot control.

Across America in the last 2 years, workers have lost their job security. As layoffs mount, they live in fear of being the next to be let go. There are 2.7 million fewer private sector jobs in America today than there were in January of 2001. Those looking for a job are finding it increasingly difficult to obtain one. The number of long-term unemployed has tripled.

The pain caused by this destructive wave of economic stagnation is not limited to those who have lost their jobs. Health insurance is becoming less and less affordable for workers and their families across the country. The Congressional Budget Office now estimates that over the course of a year, 60 million Americans go without health insurance. One in ten small businesses which offered their employees health insurance in 2000, no longer do so.

Nationally, the average cost of health insurance is rising at double digit rates, up by 11 percent in 2001, and another 12.7 percent in 2002 nearly 4 times the rate of inflation. The health care squeeze on working families is getting tighter and tighter.

Senior citizens who desperately need prescription drug coverage are suffering, too. While their incomes are stagnating because of low Social Security cost-of-living adjustments, the cost of prescription drugs is escalating at double digit rates, increasing an average of 16 percent each year. Children who are being asked to do more in school are receiving less support. School districts faced with declining tax receipts have increased class sizes, cut weeks from school calendars, and laid off teachers. Our economy's inability to support public education is setting up America's children to fail in the global marketplace.

There is a crisis in public higher education as well that has been created by a weak economy. States are being forced to sharply cut aid to public colleges. State and community colleges in turn have increased tuition to an unprecedented rate to cope with State budget cuts.

Nationally, the gap between the cost of college tuition and the tuition assistance provided by the Federal Government has grown by $1,900 in the last 2 years.

Millions of families have seen their retirement savings seriously eroded. The value of savings in 401(k) plans and other defined contribution plans has declined by $473 billion in the last 2 years.

These are the realities American families face today.

It is imperative that the National Government respond to the growing economic crisis. There is much the Government can do to stimulate economic growth in the near term without generating huge deficits that will undermine prosperity in the long term. Unfortunately, the Bush administration has consistently refused to follow such a course of action.

Historically, Republicans and Democrats have had fundamentally different views on how to strengthen the economy. Republicans believe if you give tax breaks to the wealthiest taxpayers, they will invest more and the economy will grow. It is called trickle-down economics. The problem with this theory is the wealthy may not immediately use the money to create jobs and expand production. If there is no demand because consumers are not buying, companies will not produce more. They will just wait until the economic climate improves.

Democrats believe that tax relief and public resources should go to America's working families. They are the ones who are struggling most in this brutal economy, and they will quickly spend the money. They will create the demand which is needed to get the economy moving again.

It is an old debate. We have very different approaches to stimulating the economy. Republicans keep making the same mistake. If trickle-down economics worked, the economy would not

be stagnating today. In 2001, at President Bush's insistence, Congress passed one of the largest tax cuts in history, and wealthy taxpayers got the lion's share of the tax benefits. America has lost more than 2.5 million jobs since the first Bush tax cut passed. The Republican response is more of the same. But the American people want a new approach.

The President has repeatedly rejected the pragmatic advice of mainstream economists and opted instead for an ideologically rigid and ineffective strategy. His single-minded commitment to ever larger tax cuts for the wealthy as the cure to every economic ailment has made a bad situation worse. The administration has ignored remedies that would provide a significant stimulus this year, while implementing policies that will undermine our future economic strength. As a result, the economy continues to stagnate, and the number of families facing hardships continue to grow. The budget presented to Congress by President Bush this year calls for over $1.6 trillion in new tax cuts, in addition to the massive tax cuts already enacted in 2001. According to the Congressional Budget Office, if the President's budget is accepted, the on-budget deficit will grow to $4 trillion by 2013. More than three-quarters of that amount would be directly attributable to the Bush tax cuts. A deficit that large would make it impossible for the Federal Government to meet its most basic obligations to the American people in national security, in health care, in education, and in retirement security.

While imposing this enormous long-term burden on the economy, the President's economic growth plan would not even provide the immediate stimulus the economy needs. The economy needs a real stimulus plan. A genuine economic stimulus must meet three criteria. It must have an immediate impact. It must be temporary. And it must be fair in bringing the recovery to all Americans and not just the wealthy few.

The Bush proposal fails on all three counts. Only $40 billion of the $726 billion cost of the administration's plan would reach the economy in 2003, when it is needed to stimulate growth. Most of the revenue will be spent long after the recession has ended. Eighty percent of that total amount would not be spent until 2005 or later. What we need is just the reverse. We need to put much more money into the economy in 2003 and keep the long-term costs low. Temporary tax cuts to stimulate the economy are affordable, but the President's large, permanent, new tax cuts are not.

The Republican plan will not provide the timely and targeted stimulus that the economy needs.

Under the President's so-called economic growth package, households with annual incomes over $1 million would receive an average tax cut of $90,000 each year. They are not the ones who are struggling to make ends meet in this faltering economy. They are not the ones who need our help. Nor are they the ones who will quickly spend the money they receive.

In contrast to this windfall for the richest taxpayers, households in the middle of the income spectrum would receive an average of less than $300 per year in tax benefits.

The Bush plan is simply not an effective stimulus. A recent analysis of the administration's economic growth plan by a respected independent financial research firm, Economy.Com, determined that elimination of the income tax on corporate dividends, the centerpiece of the President's plan, is one of the least effective forms of stimulus, generating less than a dime of stimulus for every dollar of Federal revenue lost. By comparison, extending unemployment benefits and providing aid to State and local governments would produce substantially more than a dollar of stimulus for every dollar of Federal revenue spent.

The plans announced by House and Senate Republicans in the past few days both contain the same fundamental flaws as the Bush plan. They put far too little money in the economy this year and cost far too much in the long term. Only $60 billion of the House's $550 billion tax cut would go into the economy this year, and even less, just $33 billion of the Senate's $420 billion tax cut, would reach the economy in 2003, when it is needed to create jobs.

The Senate Republican bill reported out of the Finance Committee last week would give taxpayers who earn more than $1 million a year an average annual tax cut of $64,400, while middle-income taxpayers would only receive an average tax cut of $233. Sixty percent of all the tax benefits in the legislation would go to the wealthiest 10 percent of taxpayers.

This chart I have in the Chamber reflects that. This chart is the result of an analysis by the Urban-Brookings Tax Policy Center. The average tax cut for middle-income families is $233 a year, and for the millionaires, $64,400 a year.

While the Senate Republican bill is not as extreme as the Bush administration proposal, it still fails the test of an effective and immediate stimulus. It does not maximize the economic impact in 2003. We can create many more jobs much sooner by better targeting the resources provided in the legislation. Senate Republicans are still proposing to spend $80 billion on a permanent dividend tax cut and $35 billion on lowering the tax rate on the highest incomes. These cuts, which constitute one-third of the entire cost of the bill, do not provide the needed effective stimulus, and they take resources away from proposals that would.

It is incredible that Republicans could not find the dollars to extend unemployment benefits and to provide tax relief for low-income workers but they could find the money to pay for these tax breaks benefitting the wealthiest taxpayers. These priorities are all wrong for America.

Let me just point out that in their Republican tax proposal, there are virtually no provisions for unemployment compensation for American workers—either the almost 3 million American workers who have lost their jobs over the period of the last 2 years or those who have already seen their unemployment compensation expire because of the downturn in the economy, let alone the hundreds of thousands of part-time workers and low-income workers, who are primarily women. There is no proposal whatsoever in the Republican tax proposal to have an extension of unemployment compensation in spite of the fact that the unemployment compensation fund is in heavy surplus. At this time, it is well able to afford it.

A well-designed stimulus plan could generate far more economic activity at a small fraction of the cost of the Republican proposals. The Senate Democratic plan would inject $125 billion into the economy this year and is designed to maximize the stimulus effect of each dollar. There is twice as much stimulus effect in 2003 as the House Republican plan and three times as much as the administration's plan and the Senate Republican plan.

Three widely respected economic models all show that the Democratic plan would generate substantially more growth in 2003 and create a half million more jobs this year than the Republican plan.

In the Democratic plan, half of the total amount would be used to provide immediate tax relief to working families. It would provide tax relief to all those who pay either income tax or payroll tax and would provide additional tax cuts to families with children. The tax cuts are directed to hard-working families who need them most and are most likely to spend the dollars quickly.

The current installment of Federal unemployment benefits runs out at the end of this month, and the Democratic plan would extend those benefits.

An effective stimulus plan also needs to provide immediate, targeted tax relief for businesses to stimulate new investment. Accelerating depreciation to 50 percent for this year and tripling the amount small businesses can expense this year makes sense. The goal is to provide businesses with strong tax incentives to invest in new plants and equipment now, rather than postponing those expenditures until future years.

To be credible, a stimulus plan must recognize the dire fiscal problems that State and local governments across America are facing. The current fiscal crisis in the States is the most severe in decades. Collectively, States are facing budget deficits of nearly $100 billion and making up for it by cutting education programs.

Last Congress we passed a good bill, a bipartisan bill, in the No Child Left

Behind Act, in order to ensure we had smaller classrooms, better trained teachers, improved curricula, and after school services. We had a whole range of commitments: improving literacy, and putting additional kinds of expectations on schools to perform. We did all of that.

But we have found now that the administration has backed out of that commitment at the same time we are finding the States are backing out. We have a golden opportunity to strengthen and enhance K through 12 education, but we are undermining that possibility with the cuts that are taking place at the State level as a result of the first Bush tax cut. And we know that this new tax request by this administration will permanently undermine our ability to fund these programs into the future.

It is important to remember that more people need to rely on State and local programs in an economic downturn. The number of people eligible for Medicaid grows substantially in times of recession, and many other costs rise as well. Without jobs and without health care, families have nowhere else to turn. They don't have the health insurance, so they have to go to the neighborhood health centers. Who do we think picks up the cost in terms of the neighborhood health centers? It is the local communities that are going to be required to do this. We should make certain that the needed resources are available for them.

Our stimulus plan would provide at least $40 billion to hard-pressed States and communities. It would provide additional dollars to maintain health care, education, and social services. It would also help with the substantial costs of dealing with the threat of terrorism. It is money well spent which will help stimulate the economy now. Unfortunately, the President's plan completely ignores this need.

We had the hearings in our human resources committee not long ago about the dangers associated with the outbreak of SARS and about how local, State, and public health services are so heavily burdened in responding to various kinds of inquiries and tension in local communities on this, and how they are stretched to the breaking point.

SARS is not the result of a terrorist activity, but if it had been or if we should have one now, we know our public health systems are stretched to their limit. And they are our first responders. We also know that the major hospitals now are overstretched because of the reductions in their budgets. They need to be ready to contain any kind of an outbreak of a major terrorist attack that is going to use chemical or biological agents. So we are talking about matters that involve the security of this Nation in terms of terrorism and the potential use of anthrax and other dangerous substances.

The best way to stimulate real economic growth is to make sound investments in our human capital and in our infrastructure.

That is what the Bush administration does not realize. That is the essential element missing from all their economic plans. If we deny the necessary resources now, we are jeopardizing the future well-being of our people. We are also jeopardizing our future prosperity. Today we need an economic growth plan that recognizes the real forces which drive our economy and invests in them. As President Kennedy said 43 years ago, at the time of another Republican recession: It is time to get America moving again.

As debate on the tax bill progresses, I intend to offer amendments to reverse the misguided priorities of the Republican bill. One of my amendments will eliminate the dividend tax cut and the accelerated reduction in the rate of the top brackets in order to provide the necessary funding for a Medicare prescription drug benefit that will effectively meet the needs of the elderly. The people's representatives will have a chance to say what is more important for the American people, a tax cut for the wealthy or a solid prescription drug program which was effectively left out of the Medicare program when we passed Medicare in 1965. We got the hospitalization. We got the physician services. But we left out prescription drugs. We made a commitment to American seniors: Work hard and your health care needs are taken care of. We didn't say they would be taken care of with the exception of prescription drugs, but that is exactly what has happened. Every day that we have Medicare without prescription drugs, it is a violation of that commitment.

We will have an opportunity tomorrow to make a decision whether we are going to as a nation place the funding of a good prescription drug program ahead of providing additional kinds of tax reductions for the wealthiest individuals in this country. It is an issue of choice. It is an issue of priorities. The Members of the Senate will be able to make that judgment and decision. One will take place; the other will not. Which way will the Senate go?

Too many of our elderly citizens choose between food on the table and the medicine their doctors prescribe. Too many elderly are taking half the drugs their doctors prescribe or none at all because they cannot afford them. The Republican budget shortchanges senior citizens who desperately need prescription drug coverage. Prescription drug spending for senior citizens will cost $1.8 trillion over the next decade, but the Republican budget allocates only $400 billion additional dollars for Medicare. This $400 billion is not even reserved just to pay for prescription drug coverage. The additional $115 billion my amendment provides will help us to enact a real drug benefit without coverage gaps and high deductibles and will meet the needs of all seniors. It is a statement by the Senate that mending the broken promise of Medicare and providing seniors with the lifesaving prescription drugs they need is far more important than additional tax breaks for millionaires.

The Republican budget also seriously underfunds education. I am planning to offer an amendment that would reduce the size of the tax cut and use the funds to make real the promise of No Child Left Behind.

We made a commitment to parents and children, with No Child Left Behind, that we were going to guarantee a well-qualified teacher in every classroom. We made a commitment that they would be in smaller classes. We made a commitment that parents would be informed as to the progress those children were making and the school was either making or not making. We made a commitment that we would hold schools accountable, and if the schools were not going to perform, they would be altered or changed. And if they still were not performing effectively, they would be completely reorganized. We made that commitment to parents. We made that commitment to the American people.

But we also made a commitment to the American people that we were going to do our share by providing the resources to get that done. We have failed them.

My amendment will also address the needs of college students caught up in the widening financial gulf between tuition assistance and the cost of higher education.

We make choices in the Senate. We are going to give the Members of the Senate the opportunity to make a choice about which is more important: Investing in our youngest children, and those children who are continuing their education into college as well who today are in many instances spending their time during the breaks, rather than talking about their books or the courses they are taking in school, are talking about when their next job will be and how much they will get paid and how much their student loan is going to take out of that. We know so many of the most talented and most gifted students come from hard-working, middle-income families and they turn down the opportunity to go on to school and college because they do not want to assume that debt or assume the debt for their families.

We are going to provide an opportunity for the Senate of the United States to make a choice. Do you want to provide more tax breaks for the wealthiest or do you want to invest in schools? They will have that chance tomorrow.

Unemployment benefits expire 2 weeks from now. My third amendment will extend the current program for 6 months and help the 1.1 million Americans who are long-term unemployed, and the hundreds of thousands of part-time, low-wage workers. These are men and women who have worked hard and paid into the fund. If they haven't paid

into the fund, they are not eligible. Make no mistake. These are men and women who, through no fault of their own, because of the downturn in the economy, are thrown out of work. They are able to collect some unemployment compensation. But then after a period of time, that compensation expires.

Historically, in a nonpartisan way, Republicans and Democrats together have said: We will provide a helping hand to you until we get the economy back. And then, when they are on their own feet, they repay back into that fund. That is the way it has worked historically. But not under this Republican proposal. There isn't 5 cents in here, not one nickel for these fellow Americans who are trying to pay a mortgage, educate their children, and put food on the table. We will have a chance tomorrow to vote on this issue and to find out the decision of the Members.

The debate will only last for 2 days because of the rules of the Senate. We are limited to 25 hours under the process that was accepted a number of years ago, with which I have great difficulty when we have a situation such as this.

We know that national economic policy has a most dramatic and important impact in terms of the national economic well-being and welfare. In the early 1960s, sound fiscal policy led to a long period of economic growth and price stability. We did see a reduction in taxes under President Kennedy at that time, when taxes were up to 90 percent of income. Imagine that. They went down to 70 percent.

The distribution in that tax bill, which eventually was signed into law in 1964, was for middle income and low income working families, and over $3 billion went to reduce and close tax loopholes. We don't have that now. There are some provisions in here that raise the taxes on Americans who are working overseas. But I wish we had a committee that would review the tax expenditures the same way that we review the expenditures in terms of spending.

We hear a great deal about reduced spending, and there are areas where it should be reduced. But what we don't see is any call for reducing the tax expenditures that have been building up over years and years and benefit just the few, the privileged, in the Tax Code. They have been growing and growing and growing.

Make no mistake about it, the working families make that up every time we see another tax loophole created. If we are going to get back to a balanced budget, somebody has to fill it in, and it turns out to be the working families who are the ones filling that in. That is wrong.

When we saw a strong tax program in the early 1960s, we saw, as a result, economic growth and price stability. It continued for a number of years until we found additional expenditures as a result of the Vietnam war. Then we saw the same thing as the result of President Clinton's economic program in 1993. After that we had the longest period of economic growth and price stability in this country in years, with the creation of millions of jobs as a result of the economic policy decided on the floor of the Senate.

We are going to be debating how to recreate this success this week in the Senate. I believe that is the most important question that will be decided by this Congress this year—outside of the particular assurance of our own national security and defense and the battle against terror.

The challenge the American people should give to us is to make sure, one, that the economic policy is going to be fair and, two, it is going to be a stimulus to the economy and, three, it is going to be temporary. If we do that, whatever the program, Democrat or Republican, we will have met our responsibilities.

We should put an emphasis on meeting the Nation's priorities with respect to education, health care and unemployment insurance.

America should be watching this debate and paying close attention because the decisions that are going to be made in the next 36 hours will have a profound impact on our economy and what kind of country we are going to be over the period of these next several years.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from Florida.

Mr. NELSON of Florida. I thank the Chair.

JUNK E-MAIL

Mr. NELSON of Florida. Mr. President, I take this opportunity to talk about what we are going to be considering for the next couple of days, which is the fiscal policy of this country. Before I do, I am compelled to share again with my colleagues the brief remarks I had made this morning about an experience I had yesterday in my Tampa office. Having opened up the office from the weekend, our employees in the Tampa office went into their e-mail account for the Senate. What they found was their e-mail mailbox was filled with unwanted junk, so much so that one of my employees in the Washington office talks about the unwanted e-mail junk, including pornography, that comes to the Senate office in Washington. In the course of the day's activities, it takes her some 45 minutes to clean up this unwanted e-mail.

We are already seeing the statistics that it is upwards of 45 and 50 percent now of an average person's e-mail that is unwanted. Therefore, the normal course of commerce of e-mail, this new and wonderful mechanism for instant and cost-effective communication, is being denied to our everyday consumers because their e-mail mailbox is so cluttered and, in fact, is imposed on them. Then they have to go through the process of deleting it.

I thought it was also instructive that the intern we have in our Tampa office happened to be gone for the last week and came back and checked on her own personal e-mail, and she had 321 unsolicited e-mail messages that had accumulated in the course of a week.

This is getting out of control and it needs to be addressed. In part, we addressed it last year in the Senate Commerce Committee, but legislation never flowed because there was so much of whose ox was going to get gored.

Various e-mail companies certainly do not want to impair their commerce, and so in the past they did not want any kind of check and balance on the ability to e-mail. But now we are seeing those companies such as AOL coming around and suddenly they are recognizing their ability to use their mechanism of e-mail is being impaired because there is so much unwanted junk.

As I was in the Tampa office yesterday, I happened to look through this single-spaced page of all the e-mail messages that had just come in that morning. The third one on the list was all about salacious sex pictures. Well, that is obviously not something that is appropriate and yet this kind of information is being forced on the consumers of America, and the American people are saying enough already.

What we are going to do in this session of Congress is stop it. There are only 20-some States that have addressed this issue, the most recent of which is the Commonwealth of Virginia. They have passed the most severe penalties for this kind of junk e-mail. As we address it in this Congress, what we should be doing is recognizing that if a State wants to adopt an even higher standard than the penalties we are going to set in law at the Federal level, then a State clearly ought to have the right to make it even more punitive.

The bill I introduce will basically have two parts. The first part of the legislation is going to set up criminal penalties, both financial and jail time, for unwanted e-mail.

Now, it is not going to catch the unsuspecting person whose post office you cannot trace—in other words, masking their identity because they did not intend it to. It is going to be intentional masking that we are going to stop or else they are going to get heavy fines and/or up to 5 years' jail time.

The second act we are going to prevent is we are not going to let bulk e-mails, which I think is defined in terms of over 10,000 e-mail, falsify information. If they do, they are going to suffer the consequences.

Third, we are going to try to work out some process so that normal commerce will not be impeded but that excessive junk that clutters your e-mail box will be stopped. That is the first part of the bill.

If you violate those three standards, you are going to be subject to prosecution, and the penalty is already in law for fines and/or jail time.

There is a second part to the legislation. We are going to make that first criminal act a component part of the RICO statute. That is the Racketeering Influence and Corruption Organizations Act. It was the statute passed some two decades ago giving prosecutors new tools to go after the criminal enterprise, the enterprise of many different criminal activities which had a pattern of criminal activity that became a criminal business. The prosecutors had a new tool to go after them because they could seize the assets of the criminal enterprise—not just the fine and the jail time.

If we want to be serious about stopping this, we need to get serious about fines and criminal penalties and giving prosecutors the additional tools to stop this terrible invasion of individual privacy by invading an individual's mailbox.

That is the bill I introduce today. Clearly, I have not seen a reaction like this. I mentioned this yesterday to some assembled press when I was in the Tampa office. I am getting all kinds of reaction.

The senior Senator from Virginia has arrived. I have been talking about the Senator's Commonwealth of Virginia. They just passed the strongest antispam legislation in the entire country. Virginia now has the strongest in penalties against those who clutter our consumers' e-mail boxes with unwanted mail, including pornographic stuff.

To the Senator from Virginia I tell of my personal experience in Tampa yesterday and in the Washington office today, the amount of time it takes our staff to delete this unwanted e-mail. It has become such a burden for our consumers.

I yield to the Senator from Virginia, my distinguished chairman of the Armed Services Committee.

Mr. WARNER. Madam President, I came on the floor to see my colleague. I was aware of the Governor's action. The Governor and I have the same name, although we are not related. He has shown great leadership on this issue. We hope for the best.

Virginia has often struck out and led America in the right direction to correct what is perceived as an invasion of privacy and a wrong. I thank the Senator for his remarks.

Mr. NELSON of Florida. I look forward to working with the Senator from Virginia. Clearly, his State will be protected. There are some 27 other States that do not have laws. They are begging the Federal Government to step in and establish a standard that will stop this obnoxious practice.

I yield the floor.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from New Jersey.

Mr. LAUTENBERG. I ask unanimous consent to speak as in morning business.

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

DEBT EXTENSION AND THE TAX CUT

Mr. LAUTENBERG. Madam President, I rise to talk about the legislation we are scheduled to deal with this week, the debt limit extension bill and the tax cut.

The debate over the debt ceiling may seem esoteric to the folks back home, but it is actually a fairly simple issue. The President has decided to borrow more money on our Nation's credit card and now he is asking his credit be enlarged. The President's credit card is very clearly over the limit. He is asking the bankers in this room to approve his credit expansion.

So we are going to talk about it because we want to be sure he can afford to take on this much debt based on the fiscal management he is directing. By the end of this month, the President's card will be revoked because his balance will far exceed the credit card limit. What is that limit? The limit the President cannot comply with is $6.4 trillion. That is the amount of indebtedness we are currently permitted to have.

Now he is asking us, the bankers in this case, the 100 Senators, to extend his limit by another $984 billion. But the President does not have to pay that back. That debt is going to be deferred to future generations, about $3,400 for every man, woman, and child in America.

Right after he gets the extension of the debt limit, the President wants to charge at least another $350 billion on the credit card for a tax cut that goes primarily to the wealthy among us. The best part for the President is that he doesn't have to worry about paying the balance. He will hand the credit card off to someone else in a few years and say: You deal with this. All of us will be stuck with the bill—all of our children, all of our grandchildren. I personally was blessed with the birth of a ninth grandchild last Monday. I did not want to greet him with the news he might be inheriting a debt of $3,400 as he starts life. That will be his part of the deficit we are facing. At the rate President Bush is going, maybe our great grandchildren will participate as well.

The flawed economic budget policies have been nothing short of a disaster. It is a disaster of the administration's own making. Now the President wants to make the situation worse with another bloated, irresponsible tax cut.

I thought it was common knowledge when trapped in a hole you stop digging. Our President wants us to keep on digging and digging until we are in a budgetary canyon.

This chart tells a tale of three administrations and fiscal discipline, between the growing deficits of the two President Bushes, then the Clinton administration. We see the bars go from red deficit to a white surplus in the Clinton administration. And now we are headed back for deep deficits.

We see what has been happening with our fiscal conditioning in the last years. Under the first President Bush we had a fairly rapidly growing mass deficit. And then we had a new President come in with a different view of how we ought to manage our financial affairs. In 8 years, we see an amazing change. From 1992–1993 when President Clinton took over, we see it going rapidly into a surplus.

As a coauthor of the 1997 balanced budget agreement, I was proud to work with President Clinton to attain that surplus. At the signing of the agreement as the official Senate representative, I escorted President Clinton, along with Vice President Gore and Speaker Gingrich, across the White House lawn to permit the entire country to see this historic agreement put into effect—a balanced budget agreement. We made tough choices and they paid off and we put the country's fiscal health back on track.

But shortly after President George W. Bush took over, we saw the downward slide to fiscal irresponsibility. President Bush inherited Bill Clinton's surplus and it was squandered in short order. While there are many factors in such a slide, President Bush's irresponsible 2001 tax cut undid any hope of staying in surplus. Now the President—and this is just an honest policy disagreement—now the President's answer is to borrow more and more. That is why we are talking about expanding the debt with yet another tax cut.

We already passed an irresponsible, bloated tax cut in the last Congress and it has not helped the economy. Circumstances have gotten worse and worse.

Just look at the job situation in America: How people earn their living, pay their bills, take care of their families. Those folks get a heck of a tax cut. Half of the taxpayers of middle income get about $100 a year—basically nothing. If they should lose their jobs, heaven forbid, they will be darned lucky to find new work, and this administration is unwilling to expand their unemployment benefits.

I recently saw President Bush talking about this tax cut plan in front of a board that had written on it: Jobs, growth, jobs, growth—all over it. The White House staff made sure those words would be in every television image, every photograph of the President at that event. But simply printing the words ''jobs'' and ''growth'' on a board will not turn the President's irresponsible tax cut plan into a job creation plan.

No one seriously believes this program will do anything to create jobs anytime soon. Beyond the slogans, the reality is this administration has, unwittingly or otherwise, been a job eliminator. They have done nothing to

stimulate the economy or create jobs. They say, ''Trust us, and if we get more tax cuts, some will surely dribble down to the job market.''

Look at this chart:

If You Want to Keep Your Job, Stay Out of the Bushes.

Unemployment rate grows rapidly under the Presidents Bush. The higher the bars go, the worse the situation is for thousands of working people. After the high unemployment rates of the first President Bush, we saw President Clinton bring the unemployment rate steadily down, all the way to 4 percent. Virtually no economist thought we could get to 4 percent, but we did. Now we look at how President Bush, George W. Bush, has handled employment. We see unemployment rising again. Just this month we hit 6 percent.

The first Bush tax cut was supposed to create jobs, but we haven't seen any. Since January of 2001, the number of unemployed has increased over 45 percent, with 8.8 million Americans out of work. Since the beginning of the Bush administration, 2.7 million private sector jobs have been lost—over 500,000 jobs have been lost in the last 3 months, with 48,000 lost in the month of April just past.

On top of that, the administration has indicated it would like to eliminate 850,000 Federal employee jobs. In historical context, President George W. Bush has had a rather grim picture, the worst job growth record since the Great Depression. What is growing is unemployment.

Just look at this chart: From the highest job growth to the worst job growth in 58 years. That is terrible.

The chart has a certain attractiveness about it. But if you look beyond the colors, you see a very grim picture. All of these people who are presently out of work are struggling—this shows it very graphically—with an almost impossible situation.

The chart shows President Truman on the left. We see job growth in all the administrations except one. That administration is the current Bush administration. This administration is in the red. It is not creating jobs. We are losing 74,000 jobs on average each month.

Compare this administration with either of the two terms of the Clinton administration. We averaged over 200,000 new jobs throughout the Clinton administration. We are losing jobs in this country. But President Bush's preference is to give more huge tax breaks that go primarily to the wealthiest among us. He is addressing the problem with symbols and signs that suggest a rosier future, but it does not happen, and that adds outrage to neglect. In almost every category, these economic policies are failing.

Real GDP growth is another example. Look at this chart. It shows the average annual percent change in real GDP in Clinton's two terms and so far in President Bush's tenure. It is a stark contrast, as you see—the Clinton first and second terms here and the present George W. Bush term. President Clinton had us above 4 percent real GDP growth, and President Bush's average is barely above 1 percent.

President Clinton practiced fiscal discipline and it paid off. Under President Clinton, we attained a budget surplus. Under President Bush, we are back in deficits as far as the eye can see. Just as a reminder, when President Clinton left office we were looking at the prospect of a $5 trillion surplus over a 10-year period. Now it is expected we will have a $2.2 trillion deficit. Look at the change—$7.2 trillion in a period of 10 years. Under President Clinton, tremendous job growth; under President Bush, losing jobs at a record pace.

President Bush's economic policies are not working the way we would like them. I am sure they are not working the way he would like them to either. Our economy and the Federal budget are in real trouble and it is my hope there will be a reexamination of the tax cut plan in front of us. The first Bush tax cut didn't stimulate anything except the wallets of some of the most wealthy among us. Are we going to make the same mistake twice? It seems as if we are on the verge of doing just that.

We should not have to increase our Nation's debt limit. We should not have to pass the irresponsible tax bill we are considering. But the reason we are going to have to increase that debt limit $984 billion is to accommodate another tax cut, a tax cut that will not stimulate the economy, will not reward those who are working hard to make a living, taking care of their families, providing for education and a roof over their heads, health care, all that is essential in this day and age to provide good, responsible leadership for a family. It will not help.

It is alleged that the tax cut will produce something like $2,000 for the middle class, but it is untrue. It is more like $100 or $200. When you get rid of or reduce the tax obligation for the wealthiest among us, there is not enough left to do more than $100, on average, for half of the taxpayers in the country.

So I hope we will take a second look at what we are doing and curb the expansion of debt that this country is going to have to suffer for many years, maybe decades, to come and not proceed with a tax cut that extends, again, the best benefits to the wealthiest among us, people who need it the least.

I have had many conversations with people, and we have heard from distinguished entrepreneurs such as Warren Buffett, who said he would rather not have a tax cut because he knows that if he pays more taxes, he is left with a higher result in his pocket. I think we have to look at it realistically.

With that, Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DORGAN. Madam President, for the remainder of this week we are going to be discussing some very important fiscal policy issues dealing with increasing Federal debt limits and proposals to reduce taxes in our country. We will have a substantial amount of debate about both of those issues. Both of them relate to the question of whether our country's economy is growing or whether it is stagnant, whether it is producing jobs or losing jobs. I want to talk just a bit about that.

In the last couple of weeks, we have heard all of the discussions about our country having lost some 2 million jobs over the last 2½ years. In fact, in the last week or so even Michael Jordan got laid off. It tells you a little something about the state of our economy, I guess.

Some while ago, I was reading about an opening for the Oscar Mayer Wienermobile driving position. They had an opening for a driver for the Oscar Mayer Wienermobile. Most people remember what that is because they have seen it in parades or on television. So they posted this in the newspaper: We have an opening for a driver for the Oscar Mayer Wienermobile. Eight hundred college graduates applied to be the driver for the Wienermobile. That also says a little something about the state of our economy and the state of jobs.

As we discuss these issues of jobs and economic expansion, I think the first place to start is with this understanding: Both political parties in the Senate want the same thing for our country. We want an economy that expands, that provides opportunity and jobs and growth and hope for the American people. That is what we all want. There is no disagreement about the goal here. The question is, What is the menu of policies we can implement in the Congress that might help achieve this goal?

I recall, going back 10 years to the year 1993, when our economy was at that point stagnant, in deep trouble. We had the largest deficits in this country's history at that point.

President Clinton came to office, and he said: I want to put this economy of ours on a different track. I want to change some policies. And they were controversial. They passed the Senate by one vote, and passed the House by one vote, were signed into law by the President, and put this country on a different track altogether. They were not easy to vote for. I voted for them. But the easiest vote was simply to say no.

In the 1990s—as a result of fiscal policy that the American people, that Wall Street, that Main Street, that the

bond market could look at and say: This is a sound policy. It puts the country on the right track. It gets rid of these Federal budget deficits. It makes tough choices—but people had confidence, and that confidence was manifested by doing the things you might not otherwise do.

If you are confident about your job, about your family, about the future, about your security, then you buy a home, buy a car, take a trip, make a purchase, and do the kinds of things that manifest that confidence you have in the future for yourself and your family and your country. And that is the expansion side of the American economy.

In the 1990s, this economy grew and grew and grew. Millions and millions of new jobs were created in the private sector in this economy. But things have changed. We have run into some tough sledding these days. Let me describe some of the circumstances that occurred.

We began to run into an economic slowdown which then became a recession. On top of that recession, we had the terrorist attack in this country on 9/11. We had the bursting of the technology bubble and the pancaking of values in the stock market. We had the largest corporate scandals in American history. Companies such as Enron, Arthur Andersen, Tyco, and others were splashed across the front pages of America's newspapers. We saw some of America's best known executives led away in handcuffs. And we had a range of other circumstances that caused great uncertainty in this country.

As a result, instead of gaining jobs, in the last couple of years we have lost jobs. At the start of this period, President Bush was elected and came to town and said: My policy is, I want a $1.7 trillion tax cut over 10 years. And the reason I want that tax cut, he said, is because I can see surpluses as far as the eye can see. This money belongs to the American people, and we ought to give it back. If we are going to have surpluses for 10 years, let's put in place permanent, deep tax cuts for 10 years.

Some of us said: Well, we support tax cuts, but perhaps we ought to be a bit conservative. What if something happens? What if we run into some tough times? What if we find some white water on these economic waters of ours? What if we find some difficult circumstances?

No, never mind about that, they said. This is about tax cuts right now that are permanent. And they won—by one vote. And the result is long-term, permanent tax cuts. Very shortly thereafter we discovered that we had a recession, and then the terrorist attack, then the war on terrorism, and corporate scandals. And guess what happened. Very quickly, those long-term, big-budget surpluses turned into large projected Federal budget deficits as far as the eye can see.

So things have changed dramatically. What do we do about that? The American people are concerned about the future. They lack the confidence that is necessary to provide a boost for the expansionary phase of the economy. What do we do about that? The President says: I have a recipe. My menu is, let's cut taxes once again.

Let me describe in economic terms where we find ourselves. In fiscal policy, we have this year a budget deficit of over $1 billion a day that we spend more than we take in—over $1 billion a day. That is our deficit, every day, 7 days a week, 365 days in the coming year. It is pretty hard to be more stimulative to the economy than that. You talk about Keynesian; that is Keynesian economics. Those are very large deficits. How can you be more stimulative than that to the economy? That is a huge fiscal policy stimulus.

Monetary policy: The Federal Reserve Board has driven short-term interest rates down about as far as they can go, a percent and a quarter. It is hard to see a monetary policy that is more stimulative than that.

So we have policies in place, both monetary and fiscal policies, that are stimulative. Yet our economy is barely moving. It is not producing new jobs; it is losing jobs. So what do we do about that? The President says: Let's cut taxes again.

What the President has said is that he wants to cut taxes at this moment. I want to show the consequences of that. On page 4 of the Budget Act, the concurrent resolution passed by both the House and the Senate, it says: Debt subject to limit. This is the Federal debt. It says, in fiscal year 2003, it will be $6.7 trillion.

The President says: If I get all that I want from you, Members of Congress, I propose we grow the Federal debt from just over $6 trillion to $12 trillion.

What he is saying is: Adopt my plan and double the Federal debt in 10 years.

I don't know, I come from a really small town, but that doesn't seem to me like it is moving forward. It seems to me like this is losing ground. We have lost 2 million jobs. We are proposing to double the Federal debt in the next 10 years. I just don't understand how this inspires confidence in the American people that we somehow have our fiscal house in order.

I don't understand where conservatives are hiding. I thought being a conservative was to say: Let's be a bit conservative in the way we deal with this. Let's make sure we will have a sound dollar in the future. Let's make sure we have our fundamentals right. Let's make sure we are moving towards some balance in the budget. And let's make sure we are investing in things that produce big dividends for the people.

Let me say what the President has talked about. He says his dividend for the American people is to cut taxes. That all sounds good. The easiest lifting in American politics by far is for any politician to say: My proposal is to cut taxes.

I guarantee you, that makes you popular.

How about the alternative that says: My proposal is to double the Federal debt? The President is not going to say that, but that is what he is proposing. He won't get on Air Force One and go to Indianapolis to say: I have a great proposal for the people; I propose we double the Federal debt to $12 trillion.

I would just like to hear it once because here it is. It is in black and white. It is not me saying it. It is the President proposing it here on this document. That is the end result of this fiscal policy. Will that inspire confidence about the future? It will not.

So we will have a debate this week on these proposals, and these proposals will be to increase the Federal debt limit by nearly $1 trillion. Let's make sure we understand that. It is actually just $984 billion. It is hard to keep billions and trillions separate in the Congress some days. They have constructed this debt ceiling increase so that it is just under $1 trillion.

So let's understand what this means. We will vote this week to increase the debt ceiling by nearly $1 trillion. I want to tell you how many times we will do that again in order to meet what the President proposes to happen with this fiscal policy. We will increase it $1 trillion now, $1 trillion later, $1 trillion after that, another $1 trillion later, another $1 trillion, and finally another $1 trillion. Those debt ceiling increases will all be necessary in order to meet the President's objective with a fiscal policy that results in doubling the Federal debt from $6 trillion to $12 trillion.

Is that putting this country on track? Is that making tough choices? In McCullough's book I have mentioned previously, John Adams writes to Abigail frequently, as he is serving his country in France and England. He writes to Abigail plaintively asking, in different words: Where is the leadership going to come from? Where on Earth, he asks 200 years ago, will the leadership come from to help create this new country of ours? Who will provide it?

He laments: There is only us. There is myself, George Washington, Ben Franklin, Mason, Madison, Thomas Jefferson. There is only us.

Of course, we understand now, with the hindsight of two centuries, we had some of the greatest talent in human history thinking through how to put this country of ours together. But it seems to me that it is important to constantly ask the question: Where is the leadership going to come from?—in this case on fiscal policy.

We have good people on all sides of the political aisle. The President is a good person. Members of the Senate, Republican and Democrat, come here because they have a passion in their heart to want to do good things for the country. They all share the same goal. They want this country to expand and provide opportunity and jobs and prosperity.

The fact is, they have different visions about how to approach the goal. Some believe this economic engine runs because you put something in at the top and somehow it trickles down; that which is put in at the top one day will benefit everyone. There are others who believe you give everyone a little something to work with, jobs, especially for working people, and things percolate up, and this engine runs best that way. We have had plenty of opportunities to test those theories.

Let me submit that the test in recent years has been quite clear: Put your economic house in order. Give people some confidence that you are making tough choices, that you will carve out a future for their children and grandchildren that is one we can be proud of, and have them inherit a growing economy rather than be saddled with the burden of debt. If we do that, it is quite clear that people will do what is necessary to expand this economy. If we don't, the economy languishes and contracts.

I will offer some amendments to the tax bill. I don't intend to vote for a large permanent tax cut on top of what we did in 2001. I don't intend to vote for it because every single dollar that is used for this tax cut—most of which will go to upper income people—is going to come from the Social Security trust funds. Let me use Donald Trump's name because he doesn't mind. Donald Trump puts his name on everything, and I am sure he doesn't mind. He is a very successful American businessman. Assume that a successful American businessman makes $1 million a year in net income. My assumption is that Donald Trump does much better than that. But assume he made $1 million a year in income. Under the President's plan, he will get a $90,000-a-year tax cut. Now, I have just described to you that this process is going to double the Federal debt. You know and I know and everyone in the Chamber knows it is going to make it much more difficult to fund Medicare and Social Security. This plan is going to use the trust funds that we were supposed to save for Social Security. My Aunt Blanche is dependent upon Social Security. And Aunt Blanche is not going to like it when she discovers that Congress has decided to use the trust fund surpluses to provide a tax cut to people at the top of the income ladder. That is just not something she and many other senior citizens want to have happen in this country. It is not something they expect the Congress or the Government to do; yet, we are just hours away from making that mistake.

Let me try to describe a couple of amendments I am going to offer as we go through this process. There is a $323 million expenditure included in the large tax cut legislation that will be coming to us from the Senate Finance Committee that is interesting and troubling to me as well. Do you know what it is for? It is to have the IRS go out and hire private collection companies to collect Federal tax bills. I will say that again. In this bill is $323 million, I believe, to have the Internal Revenue Service go out and hire private collection agencies to collect taxes. That is quite a departure. We spend a lot of money on the IRS. They want to hire—the Finance Committee and those in Congress who support this—private collection agencies.

Let me give you an example of what happened. They did a pilot project of this in 1996, a test. I didn't support it then and I don't support it now. I will offer an amendment to strike this. They did a little test in which they hired private collection agencies to collect tax debt. The test was a failure. Among other things, an IRS internal audit found some collectors violated their contracts with the IRS by placing telephone calls outside the time frames specified by the Fair Debt Collection Practices Act. In this little test, there were 294 calls placed before 8 a.m., or after 9 p.m. The earliest call was received at 4:19 a.m. How would you like to get a call from a debt collection agency at 4:19 in the morning about a tax bill?

I don't support that at all. The IRS ought to collect their own receivables. They ought not turn them over to private collection agencies. This is, after all, the most sensitive of people's financial information. That test also discovered problems with the safeguarding of that information. I am going to offer an amendment that will strike that provision. I don't know whether it will prevail, but it is a terrible idea to suggest we ought to spend hundreds of millions of dollars turning some of the Internal Revenue Service collection rolls over to private collection agencies.

I will, with my colleague, Senator REID, offer an amendment dealing with the issue of concurrent receipt for retired military personnel. At the moment, as most in this Chamber know, if somebody served our country for 20 years in the armed services and they were disabled during that period, they cannot receive both their full military retirement pension as well as veterans' disability compensation. That is outrageous and that ought to be changed. Of all the things to do to disabled veterans, this makes no sense at all. We tried to fix this last year and the President blocked it by threatening to veto the Defense Authorization bill. I hope to offer an amendment with Senator REID to solve this problem..

I also intend to offer an amendment that will provide a trigger, and perhaps some other colleagues will. If they do, I will probably not offer this. But there needs to be an amendment that decides that we will have these tax cuts, provided we have the capability to offer them. If the on-budget deficit exceeds a certain amount, or the Secretary of the Treasury cannot certify that it such deficit doesn't exceed a certain amount, two things would happen: One, we would freeze some of the tax cuts and, two, we would identify the spending in Federal agencies that represents overhead burden and cut that spending by 5 percent at the same time. So you have a combination of both delaying a tax cut and also cutting some Federal spending.

I believe also the income tax increase on Social Security benefits that occurred in 1993 should be repealed. It seems to me the question is, what has more priority, dividend exclusion for those at the upper income level, or dealing with this Social Security tax increase? I will submit an amendment to repeal the 1993 income tax increase on Social Security payments. These and other things, I think, represent a number of approaches we ought to take.

Also, this week when we deal with the increase in the debt limit, we are going to increase that by nearly $1 trillion—but not with my vote, because I didn't vote for the fiscal policy that creates this. But for those who support it, have at it. You really ought to vote for this increased debt limit.

I am going to also propose an trade deficit amendment. The structure is not complete, but I will make this point. We have a debt limit with respect to fiscal policy in this country. When you reach that limit, bump up against it, you either have to extend it, or cut back in certain areas, or freeze spending. The fact is, there is no similar limit with respect to the trade debt.

The trade deficit on an annual basis is $470 billion at the moment and growing rapidly. It is Katie bar the door, whatever it is, it is; nobody has to approve it, nobody has to do anything about it. The President and the trade ambassador and the Congress can sleep through it and never utter a sentence, knowing that all their newspaper friends—the major daily newspapers, friends of the Republicans and Democrats who support this trade policy—will never say a critical word about the trade deficit threatening to undermine this country's economy as well. I will offer an amendment that deals with that.

I will finish by saying this. What most American families want from their Government is pretty simple. It is what they sit around the supper table and talk about. There are very simple questions they ask each other. The questions are: Do I have a decent job? Does my job pay well? Do I have job security? Do I have decent benefits on my job? Are we sending our kids to schools we are proud of? Do we live in a safe neighborhood? Do Grandpa and Grandma have access to good health care when they reach their limited income years? Are we treating our two uncles who served this country in the Second World War fairly on veterans' health care? All of these are issues families ask about every day. It is what matters to them. It is what makes a difference in their lives.

The answers to these questions, in many cases, are what has made this a

great country. Just go around the globe and you will see the same green places where there are trees and grass, and you will see the same ground where there is sand and you will see a world that looks pretty much the same. But there is one spot that is dramatically different, and that is this great country of ours. We are lucky to be Americans and lucky to be alive now. We have inherited an obligation for us not to just think about today, but to think about our kids and about tomorrow. The one thing that has made this country, I think, really a remarkable, unique country is that we decided two centuries ago that every child in the country shall be able to become whatever their God-given talents allow them to become. We are not going to separate kids in the education process and say you are going to go to this school, or you will go to trade school and you will go to college. We don't do that. We say every kid who enters a classroom has the opportunity to be whatever their God-given talent allows. It is a wonderful thing. This notion of universal education is a wonderful thing for our country.

I told this story before. I will do it again. When I came to Congress, the oldest member was Claude Pepper from the State of Florida. He had, behind his desk, above his chair, two pictures I have never forgotten that were autographed to him. One picture was of Orville and Wilbur Wright making the first airplane flight. It was autographed to Congressman Claude Pepper with admiration from Orville Wright. Before he died, he apparently autographed a picture for Claude Pepper. And Claude Pepper had an autographed picture of Neil Armstrong setting foot on the Moon. One human being in a picture of the first person to fly and leave the Earth, and the first person to walk on the Moon.

What is the difference between those two autographed pictures in one person's lifetime? The distance is education—the science, the math, and the learning that allows us as a country to produce men and women who learned to fly and then take off and fly to the Moon. That is how important education is. It is about progress in this country.

The question for us, it seems to me, as we consider this issue of fiscal policy and tax cuts, is about choices. What is it in the choices we make in public policy in America that strengthens our country? What produces dividends, growth, opportunity, and hope in our country? What makes our country unique?

Those are the choices we have to make, and part of that, in my judgment, has always been we have been willing to choose the kinds of things that give people an opportunity. Education is about opportunity. Education, health care—one can think of a whole series of these policies that we have over many years said: Let's set these policies in place to give people opportunity.

The policies we see today coming from the Finance Committee and from the White House are to say the choice for us in every circumstance, whether it is tax cuts versus Medicare for the elderly, tax cuts versus Social Security, tax cuts versus education, tax cuts versus veterans' health care, you name it, the choice for us is tax cuts.

I know there are some in this country who say that is a pretty logical choice because, frankly, we pay too much in taxes. The fact is, with these tax cuts, we will inherit a deficit that will burden our children and their children.

The President often says: This is your money; people should be able to keep more of their money. That is certainly true. It is also the case that this is your debt, and when this $6 trillion debt turns to a $12 trillion debt, the question is, Isn't this debt something with which we are saddling America's children and grandchildren, and is that sound public policy? Is that the seedbed for economic growth? Does that produce and inspire confidence in the American people about the future of this economy?

The answer clearly is no. That is why my hope would be, in the coming days at least, that we could find some common ground. Perhaps there is an appetite for tax cuts that says we have to do this unabated under any circumstance, but there is perhaps another appetite by people who say: Let's do a series of things. Let's together both deal with Federal spending and Federal taxes and also the choices of investment in education, health care, and other issues. Let's do it in a way that represents sound thinking, sober thinking; in a way that gives people confidence and inspires them that we are going to have a better future.

I do not know how this is going to come out this week. I worry a great deal that we have a viewpoint that has been expressed that says: There is only one way and that is our way. It is tax cuts, tax cuts, tax cuts. You have big surpluses, then tax cuts. Big deficits, tax cuts. The economy is doing well, tax cuts. The economy is in the tank, tax cuts.

It seems to me that for every politician who ever has run for public office, the instinctive reaction to understanding how to be popular is to propose tax cuts. The American people, in my judgment, deserve better than that. They deserve an answer to the question John Adams kept asking: Where is the leadership going to come from to make tough choices; choices that may not be so popular, not so attractive in the short run but, in the long run, will produce opportunity, economic growth, and new jobs?

Those sometimes are choices that we are required to make in public service. I think this is one of those times.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

HONORING OUR ARMED FORCES

Mr. DASCHLE. Madam President, it is with a heavy heart that I stand before the Senate today to pay tribute to the life of CWO Hans Gukeisen.

Just before 8 p.m. on Friday, May 9, Hans was sitting in the copilot seat of an Army UH–60 air medical helicopter somewhere near Smarrah in northern Iraq. Gukeisen and his crewmembers were involved in the rescue of an Iraqi child injured by a landmine when they came upon hostile fire.

While the circumstances remain unclear, the helicopter crashed in the Tigris River killing three crewmembers. The wounded child was riding in another helicopter.

Chief Warrant Officer Gukeisen, 31, became the first South Dakota casualty of the war in Iraq, and he will be sorely missed. His mother Margaret of Hill City and his father, Terry of Lead remember their son as a considerate and easygoing young man who enjoyed hunting, fishing, and stock car racing. A member of a proud military family, Hans was dedicated to the military and had dreamed of becoming a warrant officer and helicopter pilot. He is survived by his brother Ray, a Special Forces instructor at Fort Bragg.

I offer my deepest condolences to the Gukeisens. Their son has made the supreme sacrifice while working to protect an innocent child.

I join with every South Dakotan and every American in expressing my heartfelt gratitude to Hans and his family for his years of brave and dedicated service on behalf of our country and its ideals. We grieve his death but celebrate the life he chose to lead.

DEBT LIMIT

Madam President, I come to the floor, in addition to speaking of this very tragic moment in the life of the Gukeisen family, to talk about an issue of great concern that will be the subject of significant debate later on this week. I will take a minute, while we are waiting for others to come to the Senate floor, to talk about the issue of the debt limit.

Last June, Congress was forced to raise the national debt limit by $450 billion to avoid defaulting on our loan obligations for the first time in American history.

Now the administration informs us that we must raise our Nation's debt limit again. House Republicans have already acted to raise the debt ceiling by nearly $1 trillion, the largest increase in debt in our Nation's history. If the Senate follows their lead, our national debt will increase by $1.4 trillion in less than 12 months, by far the largest 1-year increase in debt in our Nation's history.

The debt figures by themselves are shocking, but even more shocking is

the fact that at the same time there are many who, while requesting the American people take on this record new debt, but also insist on another massive round of new tax breaks that would increase the national debt by another trillion dollars or more over the next decade.

Supporters of these new tax breaks insist that they will pay for themselves. The Republican request for another nearly $1 trillion increase in the Nation's debt limit shows that that is not so.

There are no free lunches. And there are no cost-free tax cuts.

War, recession, and terrorism have all taken a toll on America's economy over the last 2 years. But they are not the only reasons we are being forced to consider raising the national debt limit. Another major reason is the massive tax cut of 2001.

Republican economic policies are undermining the fiscal strength of the United States.

Before the 2001 tax cut, we had not had to raise the debt limit once in nearly 4 years. Now we are being asked to raise the debt limit twice in one year, for a total of $1.4 trillion in new debt.

In 2 years, we have gone from record surpluses to record deficits.

Late last week, the Congressional Budget Office announced that the deficit this year is likely to exceed $300 billion—an all-time high. That is without any new tax cuts, so the actual deficit this year is likely to be even higher. Many private economic forecasters warn that it could exceed $400 billion.

Deficits and debt do matter.

The national debt clock is in the Capitol today. It shows that every man, woman and child in America already owes more than $22,260 toward our national debt.

Last year, Americans paid $332,536,958,599.42 just in interest on the national debt. That is money that cannot be used to educate one child, cure one illness, build one tank, or make America one bit safer.

Bigger deficits and a larger national debt also hurt America's families by driving up interest rates, which will make it more expensive for consumers to buy homes and cars and pay their credit card bills.

Yet instead of reducing the deficit—or even just slowing its growth—the administration is insisting that the American people take on more debt.

The tax and spending plans proposed by the administration will add another $2.7 trillion in deficits to the national debt over the next decade. Just the interest on that new debt would cost taxpayers an extra $500 billion.

Actions have consequences. Tax cuts have costs. And those costs have a real impact on the fiscal strength of our Nation and on the economic well-being of working families in my State of South Dakota and all across America.

For that reason, we sought consent yesterday, and again today, that the Senate take up and consider the Republican request to raise America's debt limit by another nearly $1 trillion today—before we vote on the administration's request for another trillion-plus dollars in new tax breaks and additional debt.

America has lost more than 2.7 million jobs since January 2001, nearly 100,000 jobs a month. A half-million jobs were lost in the last 3 months alone.

We are proposing a plan to get America back to work and put the Federal Government back on the path to fiscal discipline.

Our plan will create jobs, opportunity and prosperity for all Americans. It will create twice as many jobs as the Republican plan, at a fraction of the cost. It will also provide a tax cut to every working American this year, when our economy needs the boost.

We look forward to making a strong case for our plan on the Senate floor.

Before we move to that debate, however, the Senate should level with the American people about the costs and consequences of the Republican economic policies. We should admit that the Republican plan for even more tax breaks for the elite will be paid for the same way the first round is being paid for: by heaping even more debt on America's families.

Mr. REID. Will the leader yield before he leaves the floor?

Mr. DASCHLE. I will be happy to yield.

Mr. REID. The distinguished Democratic leader, I am certain, is aware of the fact that during the last 3 years of the Clinton administration there was an actual paydown of the national debt. Is the leader aware of that?

Mr. DASCHLE. The Senator is absolutely right. The record is very clear. In those years, we had surpluses for the first time in almost 40 years. We were able to begin paying down the debt some $600 billion totally, and if the Senator will recall, there was even debate by those who were concerned we were paying down the debt too quickly. It sounds almost too hard to believe, but that indeed was part of the discussion.

Mr. REID. I ask the distinguished Senator from South Dakota if he is as concerned as I am about there being no concern as to the unbalanced budget we now have. I have in front of me statements made by Republican leaders in years past where they said, among other things:

> The real threat to Social Security is the national debt. If we do not act to balance the budget and stop adding to the debt, then we are truly placing the future of Social Security in jeopardy.

That is a direct quote from a Republican leader in 1997. I have several pages of quotes about the Republicans feeling the importance of balancing the budget. Is the Senator as concerned as I am that they no longer are concerned about balancing the budget?

Mr. DASCHLE. Well, there are those who appear to argue that not only do they not want a balanced budget but they are using the deficits to shrink the Government—a very crass, clumsy, and dangerous way of reducing Government expenditures. The majority leader in the House even argued a few weeks ago that tax cuts are the most important matter before the country, even more important than war, he argued. So clearly tax cuts have a special place in the minds of many on the other side, but as the Senator says, I do not think there is the same degree of interest or commitment to fiscal responsibility.

I was on Wall Street yesterday, and I was taken aback by the extraordinary concern expressed to me by so many people in the financial community, people who are concerned about what message we are sending about fiscal responsibility and what international investors are saying about our position. The euro continues to increase in strength against the dollar, in part because in some circles people have more confidence in the euro today than they do the dollar. Why is that the case? Because they are very concerned about the implications of U.S. fiscal policy today.

So I believe that whether it is our fiscal policy, our trade policy, our long-term circumstances with regard to the budget in particular, we are going to pay dearly for the consequences of what some have proposed in tax cuts this week.

Mr. REID. I listened to a speech just delivered, and the leader indicated we are going to be asked in the next few days to increase the national debt by almost a trillion dollars—not a billion, almost a trillion dollars. Is that what the leader said?

Mr. DASCHLE. Well, unfortunately, the request by the administration is to increase the debt by $984 billion. That is the single biggest increase in our Nation's history. Never before has there been a request of that kind.

I would add, as I did just a moment ago, that that is in addition to the $425 billion request that was made less than a year ago—last summer. We were told then that that increase in the debt limit would last for some time. Unfortunately, those predictions were erroneous. So now we are back again, in large measure because of the consequences of the tax cuts of 2001. So it is all the more ironic that in the very week we are going to be passing this increase in the debt limit by close to a trillion dollars, we are going to be passing the first installment of yet another trillion-dollar tax cut that will be enacted, if the Republicans have their way, before the end of this year.

Mr. REID. Mr. President, I ask unanimous consent that the statements of five Republican Senate leaders regarding their beliefs in years past about balancing the budget be printed in the RECORD.

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

IN THEIR OWN WORDS—SENATE REPUBLICANS ON THE IMPORTANCE OF BALANCED BUDGET

SENATE MAJORITY LEADER BILL FRIST

We have a moral obligation to balance the budget . . . I'm very hopeful that we're going to see that.—[Chattanooga Free Press, 1/5/96]

SENATOR RICK SANTORUM

The American people are sick and tired of excuses for inaction to balance the budget. The public wants us to stay the course towards a balanced budget, and we take that obligation quite seriously.—[Pittsburgh Post Gazette, 11/15/95]

SENATOR TRENT LOTT

I think the most important thing really does involve the budget, keeping a balanced budget, not dipping into Social Security, and continuing to reduce the national debt.—[Chattanooga Free Press, 1/27/02]

SENATOR CHUCK HAGEL

The real threat to Social Security is the national debt. If we don't act to balance the budget and stop adding to the debt, then we are truly placing the future of Social Security in jeopardy.—[Omaha World Herald, 2/6/97]

SENATOR JUDD GREGG

As long as we have a Republican Congress, we're going to have a balanced budget, and if we can get a Republican President, we can start paying down the debt on the Federal government.—[New Hampshire Sunday News, 2/1/98]

Mr. DASCHLE. I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from California.

AMENDMENT NO. 542 WITHDRAWN

Mrs. FEINSTEIN. Earlier this morning I sent to the desk my amendment numbered 542. There is no unanimous consent agreement. I withdraw that amendment at this time because it is scheduled for a vote at 7:30 tonight and Members are not yet returned from the codel. Therefore, they would have no advance warning of the amendment. I will do it at another time. Therefore, I withdraw amendment No. 542.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TALENT). Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business.

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

RECOGNIZING DON WILLIAMS

Mr. MCCONNELL. Mr. President, I rise today to honor a great American: Retired Colonel Don Williams, who is stepping down as Executive Director of the CORE Committee of Fort Knox on May 31, 2003. Since retiring from the Army in 1990 as Chief of Staff at Fort Knox, Kentucky, Don has remained in Kentucky and tirelessly fought for that installation and the community surrounding Fort Knox.

For nearly as long as I have been a Senator, Don has been a valuable source of expertise for both me and my staff. I am grateful for his friendship and his tremendous assistance on Army and Fort Knox matters throughout the years. Although Don will be retiring from his position as Executive Director, I am heartened that he will remain an active member of the CORE Committee, and will continue to be an eloquent and influential advocate for Fort Knox.

Don's efforts as Executive Director of the Fort Knox CORE Committee, Vice Chairman of the Kentucky Commission on Military Affairs, Chairman for Legislative Affairs of the Fort Knox Chapter of AUSA, Vice President of the Board of Directors of the Patton Museum, and Executive Committee Member of the Armor and Cavalry Association illustrate the extent of his dedication to the Commonwealth of Kentucky. Don's contributions to Fort Knox and Kentucky are lasting, and I will continue to support federal funding for Fort Knox projects that live up to Don's vision of Fort Knox's central role in the future of the Army.

Many of the tremendous high-tech assets at Fort Knox for which I have worked to provide Federal funding came to my attention through the efforts of Don Williams. Don deserves credit for highlighting the importance of projects such as the Zussman Mounted Urban Combat Trainer site and the high-tech research at the Mounted Maneuver Battle Lab to the Congressional Delegation. These assets have allowed Fort Knox to play an important role in training our soldiers for urban combat and designing the requirements for the Army of the Future. I will always view these important assets as just a couple of Don's legacies.

INTELLIGENCE AUTHORIZATION

Mr. WYDEN. Mr. President, I wish to inform my colleagues about why I would object to a unanimous consent request to proceed to the intelligence authorization bill or any other legislation that may contain a provision undoing or modifying a straightforward law establishing congressional accountability for the Total Information Awareness Program.

Just this past February, as part of the fiscal year 2003 supplemental appropriations bill, the Senate considered, debated and adopted unanimously an amendment sponsored by myself and Senators FEINSTEIN, REID, BOXER, CORZINE, LEAHY, CANTWELL, HARKIN, LEVIN, DURBIN, BIDEN, DASCHLE, and CLINTON. That amendment requires specific congressional approval for any deployment of technology developed by the Defense Department's Total Information Awareness Program; the Defense Department must seek authorization and appropriation for any deployment of the TIA technology to another agency or department. DARPA may continue to research and develop TIA technology as long as it submits a report required by the amendment. The report is due May 20, 2003, and it requires an explanation of the intended and actual use of funds for each project and activity of the TIA Program, the schedule for proposed research and development of each project and activity and target dates for the deployment of each project and activity. The report will also address the efficacy of systems such as TIA in predictive assessments of terrorist capabilities and plans, the likely impact of the TIA Program on privacy and civil liberties, the laws that will require modification to use the TIA Program and recommendations for eliminating or minimizing the adverse effects of the TIA Program on privacy and other civil liberties.

The TIA technology will give the Federal Government the capability to operate the most massive domestic surveillance program in the history of our country. It will put the financial, medical and other details of America's private lives at the fingerprints of tens of thousands of bureaucrats. The American people have the right to know if the federal Government intends to deploy this technology against them, when it will do and how, and Congress should preserve its oversight over the program. The amendment enacted in February provides that accountability.

Just last week the American people got a painful reminder about the shameful abuse of power and secrecy in the McCarthy era, and are rightfully wary about the protection of their privacy. In fact, although some in the Defense Department and elsewhere claim they are only interested in mining ''lawfully-collected'' information, just about any piece of information about any U.S. citizen can be ''lawfully'' collected or obtained by the federal government. It is for these reasons that I will object to any motion to proceed to any legislation affecting the Total Information Awareness Program unless and until I have fully reviewed it to guarantee that the accountability in the TIA amendment is preserved.

CHANGES TO COMMITTEE ALLOCATIONS AND BUDGETARY AGGREGATES

Mr. NICKLES. Mr. President, section 310(c)(2) of the Congressional Budget Act, as amended, provides the chairman of the Senate Budget Committee with authority to revise committee allocations, functional levels, and budgetary aggregates for a reconciliation bill which fulfills an instruction with respect to both outlays and revenues. The chairman's authority under 310(c)

may be exercised if the following conditions have been satisfied:

One, the reconciled committee reports a bill which changes the mix of the instructed revenue and outlay changes by not more than 20 percent of the sum of the components of the instruction, and,

Two, the reconciled committee still complies with the overall reconciliation instruction.

I find that the Jobs and Growth Tax Relief Reconciliation Act of 2003, as reported by the Senate Finance Committee on May 13, 2003, satisfies the two conditions above and, in addition, satisfies the condition imposed by section 202 of H. Con. Res. 95, which limits the cost of a reconciliation bill initially considered by the Senate to no more than $350 billion over the 2003–2013 period. Pursuant to my authority under section 310(c), I hereby submit revisions to H. Con. Res. 95, the 2004 Budget Resolution. The attached tables show the revised committee allocations and budgetary aggregates.

I ask unanimous consent they be printed in the RECORD.

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

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2004—H. CON. RES. 95 REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 310(c)(2)(A) FOR THE JOBS AND GROWTH TAX RELIEF RECONCILIATION ACT OF 2003, AS REPORTED

[In billions of dollars]

Section 101

(1)(A) Revenues (on-budget):

FY 2003	1313.806
FY 2004	1334.787
FY 2005	1494.144
FY 2006	1656.090
FY 2007	1788.688
FY 2008	1900.567
FY 2009	2053.762
FY 2010	2167.937
FY 2011	2270.540
FY 2012	2403.572
FY 2013	2547.546

(1)(B) Changes in Federal Revenues:

FY 2003	−46.028
FY 2004	−131.583
FY 2005	−122.882
FY 2006	−84.582
FY 2007	−64.478
FY 2008	−62.410
FY 2009	−24.568

(1)(B) Changes in Federal Revenues:—Continued

FY 2010	−25.105
FY 2011	−156.956
FY 2012	−246.207
FY 2013	−256.664

(2) Budget Authority (on-budget):

FY 2003	1887.701
FY 2004	1861.333
FY 2005	1990.898
FY 2006	2121.349
FY 2007	2231.820
FY 2008	2348.223
FY 2009	2454.814
FY 2010	2555.986
FY 2011	2669.845
FY 2012	2748.409
FY 2013	2868.449

(3) Budget Outlays (on-budget):

FY 2003	1829.860
FY 2004	1893.615
FY 2005	1982.264
FY 2006	2088.471
FY 2007	2189.415
FY 2008	2306.360
FY 2009	2420.227
FY 2010	2528.260
FY 2011	2651.603
FY 2012	2718.337
FY 2013	2849.475

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT, BUDGET YEAR TOTAL 2003

[In millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations:				
General Purpose Discretionary	843,550	808,891	0	0
Memo:				
on-budget	839,738	805,053		
off-budget	3,812	3,838		
Highways	0	31,264	0	0
Mass Transit	1,436	6,551	0	0
Mandatory	391,344	378,717	0	0
Total	1,236,330	1,225,423	0	0
Agriculture, Nutrition, and Forestry	19,359	14,964	52,763	40,712
Armed Services	73,996	73,473	275	233
Banking, Housing and Urban Affairs	12,558	1,599	118	16
Commerce, Science, and Transportation	10,590	7,255	885	814
Energy and Natural Resources	2,879	2,539	48	63
Environment and Public Works	30,830	2,372	0	0
Finance	780,419	774,190	286,512	286,509
Foreign Relations	13,595	11,366	183	183
Governmental Affairs	66,931	65,426	16,564	16,564
Judiciary	6,509	6,441	534	527
Health, Education, Labor, and Pensions	5,328	4,805	2,814	2,801
Rules and Administration	82	85	104	103
Intelligence	0	0	223	223
Veterans' Affairs	1,171	1,109	30,321	29,969
Indian Affairs	456	444	0	0
Small Business	864	769	0	0
Unassigned to Committee	(371,644)	(358,647)	0	0
Total	1,890,253	1,833,613	391,344	378,717

Revisions Pursuant to Section 310(c)(2)(A) of the Congressional Budget Act for the Jobs and Growth Tax Relief Reconciliation Act of 2003, as reported.

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT, BUDGET YEAR TOTAL 2004

[In millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations:				
General Purpose Discretionary	783,214	822,895	0	0
Memo:.				
on-budget	778,957	818,688		
off-budget	4,257	4,207		
Highways	0	31,555	0	0
Mass Transit	1,461	6,634	0	0
Mandatory	426,949	410,619	0	0
Total	1,211,624	1,271,703	0	0
Agriculture, Nutrition, and Forestry	20,801	16,826	55,536	39,472
Armed Services	77,560	77,326	357	376
Banking, Housing and Urban Affairs	13,946	2,251	120	12
Commerce, Science, and Transportation	10,908	6,518	827	843
Energy and Natural Resources	2,669	2,390	64	70
Environment and Public Works	35,654	2,312	0	0
Finance	757,720	770,377	315,856	315,780
Foreign Relations	9,787	11,689	179	179
Governmental Affairs	68,533	67,000	17,362	17,362
Judiciary	7,883	7,230	511	523

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT, BUDGET YEAR TOTAL 2004—Continued

[In millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Health, Education, Labor, and Pensions	5,232	4,439	2,888	2,872
Rules and Administration	82	246	109	109
Intelligence	0	0	226	226
Veterans' Affairs	1,311	1,260	32,914	32,795
Indian Affairs	475	472	0	0
Small Business	3	(23)	0	0
Unassigned to Committee	(371,280)	(355,315)	0	0
Total	1,852,908	1,886,701	426,949	410,619

Revisions Pursuant to Section 310(c)(2)(A) of the Congressional Budget Act for the Jobs and Growth Tax Reconciliation Act of 2003, as reported.

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT, 5-YEAR TOTAL: 2004–2008

[In millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations act	
	Budget authority	Outlays	Budget authority	Outlays
Agriculture, Nutrition, and Forestry	109,330	91,951	288,857	206,256
Armed Services	417,330	416,461	2,992	3,047
Banking, Housing and Urban Affairs	71,267	7,231	626	(104)
Commerce, Science, and Transportation	60,492	38,575	4,538	4,541
Energy and Natural Resources	11,991	10,905	320	333
Environment and Public Works	190,317	10,561	0	0
Finance	4,499,105	4,517,039	1,824,189	1,823,275
Foreign Relations	59,034	55,412	876	876
Governmental Affairs	372,971	365,695	93,701	93,701
Judiciary	25,585	25,756	2,629	2,640
Health, Education, Labor, and Pensions	32,738	29,056	15,226	15,126
Rules and Administration	408	574	588	588
Intelligence	0	0	1,330	1,230
Veterans' Affairs	6,561	6,382	176,815	176,196
Indian Affairs	2,587	2,569	0	0
Small Business	6	(59)	0	0

Revisions Pursuant to Section 310(c)(2)(A) of the Congressional Budget Act for the Jobs and Growth Tax Relief Reconciliation Act of 2003, as reported.

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT, 10-YEAR TOTAL: 2004–2013,

[In millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Agriculture, Nutrition, and Forestry	209,130	178,892	600,618	446,118
Armed Services	919,879	909,159	7,129	7,273
Banking, Housing and Urban Affairs	141,433	1,859	1,318	(176)
Commerce, Science, and Transportation	113,446	69,687	10,252	10,232
Energy and Natural Resources	22,263	20,458	640	653
Environment and Public Works	393,698	19,403	0	0
Finance	10,579,414	10,604,048	4,487,111	4,485,223
Foreign Relations	127,160	116,399	1,733	1,733
Governmental Affairs	833,756	819,817	206,453	206,453
Judiciary	42,068	41,692	5,459	5,455
Health, Education, Labor, and Pensions	71,126	64,104	32,601	32,468
Rules and Administration	803	1,025	1,309	1,309
Intelligence	0	0	2,648	2,648
Veterans' Affairs	12,781	12,501	373,770	372,651
Indian Affairs	5,805	5,765	0	0
Small Business	6	(76)	0	0

Revisions Pursuant to Section 310(c)(2)(A) of the Congressional Budget Act for the Jobs and Growth Tax Relief Reconciliation Act of 2003, as reported.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred on September 15, 2001, in Houston, TX. Upon leaving a nightclub in southwest Houston, a Hispanic man was confronted by a group of nine men. The group assaulted and beat the man while shouting racial epithets and comments about Osama bin Laden.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

NATIONAL TEACHER APPRECIATION WEEK

Mr. SARBANES. Mr. President, in 1985 the National PTA and the National Education Association announced the creation of Teacher Appreciation Week to be celebrated during the first week of May. This year that celebration occurred from May 4 to 10. I want to add my voice to those who have come to the floor of the United States Senate to recognize this special occasion.

While every society places a premium on education in terms of developing a skilled and trained workforce in the next generation, education in America also represents a ladder of opportunity. We take great pride in being an open society in which people can move up and forward. Education provides a path by which our young people can improve themselves and develop their full potential. And, of course, teachers are at the forefront of this critical effort.

My own admiration and respect for the teaching profession began at an early age. Both of my parents were Greek immigrants and, while there were no diplomas on their walls at home, they understood the importance of hard work and the value of education. After putting in countless hours at our family restaurant in Salisbury, MD, my father would come home at night, tired and weary. Yet, I remember watching him night after night taking down books and reading them late into the evening, a lesson I have never forgotten.

And, of course, I have a deep personal connection to the teaching profession. My wife Christine was a teacher in Baltimore for many years and my brother

Tony was a school administrator in Wicomico County, MD. His daughter Beth Sheller is currently a public school teacher in Wicomico County. Few other professionals are able to touch so many people in such a lasting way as do teachers. I have been privileged to witness this first hand through the experiences of my family members who have spent their careers in the education profession.

Today's teachers are in the midst of incredible struggles. Being a teacher has never been easy, but our modern society has only increased the challenges. Today, our teachers face the task of educating children with limited English skills, meeting the requirements of the recently enacted No Child Left Behind Act and the Individuals with Disabilities Education Act, staying abreast of new technology, and doing so in aging schools that are in need of extensive repairs and updating. With so many schoolchildren living in families with both parents working or in single-parent homes, our schools and teachers are being asked to assume much of the responsibility for after school care as well.

Compared with many professions, our Nation's teachers are overwhelmed and underpaid, shouldering major responsibilities that often go unappreciated. Our citizens are considered to be among the best educated in the world and for that we have our teachers to thank. While we frequently hear tales of failing schools, many success stories are overlooked. This week is a fitting time to tell the stories of the many caring, dedicated and talented educators who perform their jobs with excellence every day. Their successes motivate children and other teachers and increase our confidence in our education system. We need to hear more about teachers like Robin Nussbaum, this year's winner of the Agnes Meyer Outstanding Teacher Award for Howard County. Ms. Nussbaum is a special education teacher at Cedar Lane School in Columbia, MD. Her students and their families acknowledge it is her tireless work in and out of the classroom, coupled with her deep concern for student success that make her an extraordinary educator.

I would like to read for the RECORD a list of the 2002–2003 Maryland Teachers of the Year from all 23 Maryland counties and Baltimore City. These professionals have demonstrated incredibly high performance in their fields in a very challenging time.

2002–2003 MARYLAND TEACHERS OF THE YEAR

Allegany, Heather Michele Morgan, Parkside Elem., Kindergarten
Anne Arundel, Mattie A. Procaccini, Old Mill HS, English 9, 10
Baltimore City, Sara Lawlyes, Westport Academy, Kindergarten
Baltimore County, Cheryl Bost, Mars Estates Elem., Reading/Language
Calvert, James R. Seawell, Plum Point MS, Science 7, 8
Caroline, Catherine L. Knight, Lockerman MS, Science 8
Carroll, Susan H. Adami, Hampstead Elem., Grades 4, 5
Cecil, Charlotte E. Mehosky, Gilpin Manor Elem., Pre-primary/Special Education
Charles, Joan Withers, La Plata HS, English 10, 12
Dorchester, Terri Lynn Wright, North Dorchester HS, Phys. Ed./Health
Frederick, Darren Ray Hornbeck, Linganore HS, Social Studies 11, 12
Garrett, Elizabeth Rees Gilbert, Swan Meadow, Science/Lang./S.S.
Harford, Howard E. Eakes, Fountain Green Elem., Grade 5
Howard, Michele Zurad, Burleigh Manor MS, Math 6
Kent, Sue Dorsey, Millington Elem., Math, Science 3
Montgomery, Arlene Barte-Lowe, Takoma Park MS, Reading, Math 6
Prince George's, Vanessa Hill, Dwight D. Eisenhower MS
Queen Anne's, Darryl C. Calloway, Sudlersville MS, Social Studies 6
St. Mary's, Larry Brabec, James A. Forrest, Sheet Metal 10, 12 Career and Tech Center
Somerset, Glen N. Ennis, Greenwood MS, Grade 6 & Tech Ed.
Talbot, Thomas M. Callahan, Easton HS, Social Studies 9–12
Washington, Vicki Follett, Bester Elem., Grades 1, 2
Wicomico, Beth S. Sheller, West Salisbury Elem., Grades Pre-K - 2
Worcester, Sandy Coates, West Showell Elem., Grade 2

If you ask many people the name of the winner of the Academy Awards Best Picture Award 20 years ago, or the NBA Most Valuable Player from 10 years ago, few would be able to remember. However, ask any individual to name his or her favorite teacher, and it is usually an easy task. Not only can they recall the name, but also how that teacher positively affected their lives. Today, I want hard working teachers everywhere to know that they are appreciated. We know they make a difference and we should all thank them for their commitment and hard work.

HONORING THE MEMBERS OF THE 28th BOMB WING

Mr. JOHNSON. Mr. President, I rise today to welcome home the members of the 28th Bomb Wing stationed at Ellsworth Air Force Base.

The B–1 bombers and crews of the 28th Bomb Wing are returning home today, and over the next few weeks, from their service in Operation Iraqi Freedom. As they did in Kosovo and Afghanistan, the B–1 bombers performed superbly in the war in Iraq. They have once again demonstrated that they are the backbone of America's bomber fleet. The B–1's unique ability to linger over the battlefield and provide responsive firepower at the time and place required by military commanders was an integral part of our victory in Iraq.

I want to specifically honor four members of a B–1 crew stationed at Ellsworth Air Force Base who were acknowledged for their service during the war. CPT Chris Wachter, LTC Fred Swan, CPT Sloan Hollis, and 1LT Joe Runci were each awarded the Distinguished Flying Cross medal for their April 7 attack on a suspected hideout of Saddam Hussein.

While in the course of another assigned mission, this four-member B–1 crew was tasked with striking a building in which current intelligence indicated Saddam Hussein was meeting with top Iraqi officials. This information was relayed to the B–1 crew which confirmed the coordinates, flew to the target, and accurately released four 2,000-pound bunker-buster bombs. This all occurred within 12 minutes. Having successfully hit this leadership target, the B–1 and her crew went on to strike an additional 17 targets in two separate locations.

Although B–1s flew fewer than 2 percent of the combat sorties in Operation Iraqi Freedom, they dropped more than half the satellite-guided Air Force Joint Direct Attack Munitions, JDAMs. The B–1s were tasked against the full spectrum of potential targets in Iraq, including command and control facilities, bunkers, tanks, armored personnel carriers, and surface-to-air missile sites. They also provided close air support for U.S. forces engaged in the field. The bombers and crews accomplished all of this while maintaining over an 80 percent mission capable rate. This record of success proves B–1 is a vital, versatile, and potent component of our military force structure.

Like all South Dakotans, I am proud of the men and women who are stationed at Ellsworth Air Force Base. They are an essential part of our South Dakota community, and are doing their duty to keep our Nation safe. I am pleased CPT Wachter, LTC Swan, CPT Hollis, and 1LT Runci were each recognized for their remarkable actions during Operation Iraqi Freedom. But I want to take this opportunity to acknowledge all the men and women at Ellsworth who keep the B–1s in the air and ready to respond. It is the work of all the crews and all the support teams that keep the B–1 at the forefront of our military.

Once again, I want to welcome home the members of the 28th Bomb Wing, and thank them for their service to our Nation.

NOMINATION OF LEWIS J. BUCKLEY

Mr. DODD. Mr. President, last Friday, my Senate colleagues and I voted unanimously to confirm the nomination of Lewis J. Buckley to the rank of captain in the United States Coast Guard. This confirmation is well-deserved and bears a particular significance to the United States Coast Guard.

Captain-Select Buckley is the conductor of the Nation's Coast Guard Band. Since its formation in 1925, this organization has developed an international reputation as one of the finest professional concert bands in the world. And since 1965, the Coast Guard Band has been the permanent, official musical representative of the nation's oldest maritime service.

However, unlike its counterparts in the nation's four other military services, the Coast Guard Band has never been led by an officer over the military grade of O–5. Captain-Select Buckley's promotion demonstrates the ascendance of an institution with a laudable and grand tradition. Once regarded as the Coast Guard Academy's local music ensemble, the Coast Guard Band now routinely tours throughout the United States. It also often represents the Coast Guard around the world and will certainly promote a distinguished image of the country's new Department of Homeland Security.

The Coast Guard could not have found a finer leader to oversee the ongoing evolution of this important institution. Captain-Select Buckley is an accomplished jazz trumpeter as well as music composer, arranger, and director. He is the recipient of the American Legion's Distinguished Service Citation and two Meritorious Service Medals.

Since his appointment as conductor of the Band in 1975, Captain-Select Buckley has led the Coast Guard Band to play more concerts on air on National Public Radio than any other wind band, military or civilian—a fine testament to his able leadership and to the musical talent of the Coast Guard Band's men and women.

Mr. President, I am proud that my colleagues acted to confirm this nomination, to honor my constituent, Captain-Select Lewis J. Buckley, and to pay tribute to an historic musical institution, headquartered in New London, Connecticut.

PUBLIC SAFETY OFFICERS

Mr. KOHL. Mr. President, I rise today to recognize the dedication and sacrifice of the men and women who have lost their lives while serving as public safety officers.

Tonight, in a candlelight vigil, the names of 56 officers who lost their lives last year will be added to the National Law Enforcement Officers Memorial here in Washington, DC. This is a somber time to remember the perilous duties that law enforcement officers take on each and every day to protect our communities. The Memorial is a fitting tribute to honor those we have lost in the line of duty.

Sadly, Wisconsin owes three officers a special tribute for their service. I would like to honor them by placing their names in the RECORD along with the date of their untimely passing.

Officer Robert Etter, Hobart-Lawrence, July 22, 2002; Officer Stephanie Markins, Hobart-Lawrence, July 22, 2002; Deputy Melvin Sharpless of Waushara County, December 16, 2002.

I hope that these moments of recognition bring some solace to the officers' families and express our appreciation for their service. We are forever in their debt.

ADDITIONAL STATEMENTS

PLANNED PARENTHOOD: SHASTA-DIABLO'S 40TH ANNIVERSARY

● Mrs. BOXER. Mr. President, I take this opportunity to share with my colleagues my thoughts on the 40th anniversary of Planned Parenthood: Shasta-Diablo, located in my home State of California.

It is my great honor to recognize the extraordinary contributions of Planned Parenthood: Shasta-Diablo, PPSD, as it celebrates its 40th anniversary. The Planned Parenthood Federation of America was founded in 1916 by visionary social reformer Margaret Sanger. In 1962, PPSD began serving Contra Costa County and now provides essential reproductive health care and public education to more than 100,000 women, men, and teenagers in 13 northern California counties. During these 40 years, PPSD has shown an unwavering commitment to providing the highest quality reproductive health services, regardless of income. For many low-income residents in these 13 counties, PPSD may be their only source of health care.

PPSD's dedication and leadership place it at the cutting edge of Planned Parenthood affiliates. PPSD has the distinction of having the largest education department of any Planned Parenthood affiliate in the United States. PPSD has been at the forefront of the fight against the spread of HIV/AIDS because it was the first Planned Parenthood affiliate in the United States to provide HIV testing in 1987. In 1990, PPSD was also one of the first affiliates to begin providing prenatal services. PPSD recognized that it is critically important to the health of a woman and her baby that she receive health care as early as possible in the pregnancy.

In addition to providing services at traditional health centers, PPSD has the largest number of express sites in the United States. At these express sites, PPSD partners with a wide range community groups to provide birth control, including emergency contraception. Through the express sites, PPSD is able to serve high schools and colleges, homeless shelters, social service offices, and rural health departments. Underserved populations are able to get lifesaving services that might not otherwise be available to them. And high-risk youth are well served by PPSD's express sites and teen peer educators who offer advice that youth can really relate to.

Planned Parenthood: Shasta-Diablo would not have reached its 40th anniversary without the outstanding and exemplary leadership of two very special women. It is my pleasure to recognize Rosalie Ross, who served as executive director of PPSD for 10 years, and current president and CEO Heather Saunders Estes. Their dedication, foresight, and compassion are extraordinary and inspirational.

PPSD is ''Celebrating Our Past, Protecting Our Future: 40 Years of Service, 30 Years of Choice'' because this year we also commemorate the 30th anniversary of Roe v. Wade. The Roe decision saved countless lives by getting women out of the back alleys and into clean and safe facilities. The Roe decision has kept women from being forced to continue pregnancies that could endanger their health or render them infertile. The 30th anniversary of Roe commemorates not an isolated event, but a long and unending struggle for women's equality.

PPSD is an important part of that struggle. For the past 20 years, I have been fighting in Congress for reproductive rights. PPSD has stood by me, working hand in hands to protect a woman's right to choose. Planned Parenthood: Shasta-Diablo has been there for women, men, and teens for 40 years and I wish them another 40 years of success.●

HONORING DEVELOPMENT OF SISTER CITIES

● Mr. JOHNSON. Mr. President, I rise today to recognize two communities that will become ''sister cities'' on May 31, 2003. This association began in 1986, by chance, between the communities of Webster, SD and the borough of Dewangen Germany, in the town of Aalen. Their friendship arose when the Dewangen wrestling team and their coach, Tony Abele, visited the city of Webster for one week. This ''match'' has grown and flourished through the efforts of several members of the Webster community and their Mayor, Mike Grosek.

The Contract of Friendship will improve the mutual understanding between the people of these two nations, with the exchange of information to include sportive, cultural and municipal events. It will focus, above all, on the young people of both communities, imparting to them the understanding of each other's world view, problems and achievements and the importance of mutual responsibility for a peaceful coexistence.

Both communities and their elected representatives have entered into this contract of friendship in the name of their respective citizens. It is their request to accept and honor the joint responsibility for global peace and environment; to support exchanges in the field of culture, sports and economy, and to deepen the good relations based on friendship and common understanding.

I commend the city of Webster for its diligence in pursuing this contract of friendship, and I welcome the citizens of Dewangen, Germany to the great State of South Dakota.●

CONGRATULATING THE KAHUKU HIGH AND INTERMEDIATE SCHOOL

● Mr. AKAKA. Mr. President, I rise to congratulate the team of students from

Kahuku High and Intermediate School of Kahuku, HI, on logging yet another bright performance for their school at the ''We the People . . . the Citizen and the Constitution'' national competition recently held here in our Nation's Capital. The team traveled over 5,000 miles to represent Hawaii in this competition, and won the Unit 3 award, ''How the Values and Principles Embodied in the Constitution Shaped American Institutions and Practices,'' for the second consecutive year. On behalf of the people of Hawaii, I am proud to congratulate the Kahuku team.

As my colleagues are familiar, the We the People competition, administered by the Center for Civic Education, is a comprehensive program that assists students in understanding the history and principles of the U.S. Constitution and Bill of Rights. The academic competition simulates a congressional hearing where students, acting as expert witnesses, testify before a panel of prominent professionals from across the country to demonstrate their knowledge of constitutional issues. The program provides an excellent opportunity for students to gain an appreciation of the significance of our Constitution and its place in history and our lives today. As a former teacher, it heartens me to see our young people taking interest in learning about the sacred document which we in this Chamber work to uphold and defend, every day. It is only through the understanding of our Constitution and the Bill of Rights that we are able to perpetuate the democratic foundation upon which this great Nation was built. I applaud all students who participate in this competition for their hard work and dedication to civic education. We might well have future Senators and Members of Congress who are encouraged to enter public service because of their experiences in the We the People competition.

I am pleased to enter the names of the Kahuku team members for the record: Adriana Alghussein, Daniel Allen, Dexter Bacon, Nicole Cameron, Ariane Cameros, Li Shieh Chen, Anthony Ching, William Ellis, Brooke Jones, Shantel Kaululaau, April Kekaula, Helene Keys, Malia Love, Leilani Miller, Andrew Savini, Jessica Schiaretti, Kristen Sickler, Bethany Smith, Ericka Staples, and Elizabeth Torres. I also take this opportunity to recognize their teacher Sandra Cashman, State Coordinator Lyla Berg, and District Coordinator Sharon Kaohi for all of their contributions in helping the Kahuku team prepare for the national competition.

Again, I congratulate the students and the faculty of Kahuku High and Intermediate School for their outstanding achievements. I am pleased to note that a team from this school has represented Hawaii in 9 of the past 11 national competitions. I join the people of Hawaii in expressing my pride in their impressive achievement.●

GRUNDY CENTER RECEIVES PE4LIFE ACHIEVEMENT AWARD

● Mr. HARKIN. Mr. President, I rise today to congratulate the people of Grundy Center, Iowa for their hard work and success in developing one of the Nation's best-all around physical education programs, in their schools and in the entire community. As a result of their leadership and dedication to physical fitness, Grundy Center has been selected to receive the PE4LIFE Community Achievement Award. In addition, the community will now serve other Iowans and the rest of the Nation as the second PE4LIFE Institute.

This is a great achievement, thanks in large part to Beth Kirkpatrick and Rick Schupbach, who for 15 years have served this community and dedicated themselves to building an innovative physical education program. The PE4LIFE program effectively reaches and inspires every student, regardless of athletic ability or experience, to become physically active for a lifetime. It is the kind of inclusive approach that will make a difference in Iowa and throughout the country. The need for what Rick and Beth will do as codirectors of the new PE4LIFE Institute has never been greater.

Obesity has become our Nation's fastest rising public health threat. The number of overweight and obese Americans has more than doubled in the last 30 years. The problem is especially serious for children; the number of overweight children is growing at a rate faster than the number of adults. If we don't do something to halt and reverse the trend, we will face a significant health care crisis. If we don't do something, our children, as they grow into adults, will face greater threats from diabetes, heart disease and other serious maladies related to being out of shape and overweight. It is now estimated that the annual cost of treating obesity related diseases is over $100 billion per year.

Unfortunately, the solution is getting away from us. Physical education in our Nation's schools has declined. In 1991, only 42 percent of our Nation's students had daily physical education. Today that number is around 29 percent.

Physical education and daily physical activity go a long way to improving the overall health of our children. We need to improve on cardiovascular endurance, muscle strength, flexibility, help with weight regulation, bone development and posture. Teaching active lifestyle habits to children will go a long way to helping our children grow up to be active and healthy adults. An active lifestyle also promotes the constructive use of leisure time. Improving physical education in our schools is a sure way to influence these behavior patterns in our children.

Our kids are not in shape. They spend too much time in front of the TV, playing video games or working on their computers. The best way to get them back on their feet is to improve the physical education they receive while they are in school. Programs like the new PE4LIFE Institute in Grundy Center are critically important to tackling this problem.

Before he was inaugurated, President-elect John F. Kennedy wrote an article for Sports Illustrated entitled, ''The Soft American.'' He wrote:

> For physical fitness is not only one of the most important keys to a healthy body: it is the basis of dynamic and creative intellectual activity. The relationship between the soundness of the body and the activities of the mind is subtle and complex. Much is not yet understood. But we do know what the Greeks know: that intelligence and skill can only function at the peak of their capacity when the body is healthy and strong: that hardy spirits and tough minds usually inhabit sound bodies.

President Kennedy would have been impressed by the people of Grundy Center. We are proud of their accomplishments, and we look forward to working with them in the future as they help Iowa and the rest of the Nation become more physically fit.●

TRIBUTE TO THOMAS SHEPARDSON

● Mrs. CLINTON. Mr. President, on February 18, New York lost one of its finest citizens. Thomas Shepardson was a Syracuse funeral director who helped change the way our Nation responds to incidents of mass fatality.

The Disaster Mortuary Operational Rescue Team, D-MORT, plan was created because Mr. Shepardson was disturbed by news reports of the exploitation of victims' families after a Texas air disaster in 1986. He convened a group of local morticians, first responders, and medical professionals to create a strategy that would be humane and team-oriented. Fortunately, the plan would never be used locally, but State officials would enlist Shepardson to devise a similar plan for the State of New York. He subsequently worked with FEMA and other government agencies to incorporate the D-MORT model into our national disaster medical system.

Tom Shepardson responded to the major disasters of the last decade including the Oklahoma City bombing. On September 11, 2001, he oversaw the national D-MORT response in New York, Pennsylvania and the Pentagon. Tom Shepardson was described by Gary Moore, deputy director of the Federal Office of Emergency Response, as ''a man who spent his whole life working to help everyone . . . He was a one-man show who brought so much energy and commitment to this that it now involves about 5,000 people nationwide and made him known all around the world.'' I am grateful for Tom Shepardson's legacy of personal sacrifice and leadership.●

TRIBUTE TO FRED TAYLOR

● Mr. LOTT. Mr. President, I would like to take this opportunity to recognize and honor an outstanding citizen of Mississippi. Mr. Fred Taylor of Oxford, MS has recently retired from the Board of Directors of First National Bank. Mr. Taylor and his wife of 70 years, Jewett, have served the Oxford and Lafayette County community for 45 years.

Fred Taylor has a history of outstanding achievements that can be traced back to his high school days in Gallman, MS. Mr. Taylor was a standout in football, basketball, and baseball at Copiah-Lincoln Agricultural High School and, for his ability, was inducted into the Copiah-Lincoln Athletic Hall of Fame in 1989. After high school Mr. Taylor attended Mississippi State University before transferring to Transylvania University in Lexington, KY, where he lettered in football and basketball and received a degree in economics.

In his professional career, Mr. Taylor has spent time in a variety of jobs, from coaching high school football and basketball, to selling insurance, to operating his 600-acre cattle farm in Oxford, Mississippi. He has also served as the Commissioner for the Lafayette County Soil and Water Conservation District, Director of the State Soil and Water Conservation Commissioners, President of the Mississippi Cattlemen's Association, Director of the Oxford/Lafayette County Chamber of Commerce, and numerous other prestigious positions of public service.

During these years, Mr. Taylor has been recognized numerous times by his colleagues and peers for excellence in his work and dedication to his community. In 1984 he was inducted into the Mississippi Agriculture and Forestry Museum Hall of Fame. He has also been the recipient of the Citizen of the Year Award given by the Oxford-Lafayette Chamber of Commerce, as well as numerous agricultural, soil, and conservation awards.

As I am sure you can see, Mr. Taylor has distinguished himself both personally and professionally, and he has been a valued asset to Mississippi. His record of service is not only a testament to his abilities, but also to the quality of his personal character. Oxford and Lafayette County have been well served by his commitment, guidance, and leadership and would not have been the same if it were not for his direction. It is for these reasons that I feel the need to pay tribute to him and to share his record of contributions to Mississippi with all of you here today.●

LETTER FROM DAVID A. HARRIS

● Mrs. CLINTON. Mr. President, I ask that the following letter be printed in the RECORD. The letter follows.

LETTER FROM AN ENDANGERED SPECIES, BY DAVID A. HARRIS, EXECUTIVE DIRECTOR, AMERICAN JEWISH COMMITTEE, JANUARY 10, 2003

Let me put my cards on the table right up front.

I consider myself a potentially endangered species. I am—gasp!—a committed transatlanticist. Until just a short time ago that was a rather unexceptional thing to be; most people I knew on both sides of the Atlantic were, to varying degrees, in the same club. Now, in some places, it could get my picture on a ''Wanted'' poster.

Seemingly overnight, significant swaths of European public opinion—most strikingly in Germany, but in other countries as well—appear to have concluded that the Bush administration is hell-bent on imposing its ''imperialist'' vision on the world, that the American ''infatuation'' with the use of force as a solution to global challenges is downright hazardous, and that America pays little more than lip service to its European allies, with the possible exception of Britain, while single-mindedly pursuing a unilateralist agenda.

According to this line of thinking—often promoted by opinion molders, including, in the recent German elections, a few leading politicians—America is run by a group of modern-day ''cowboys,'' with precious little sophistication in the ways of the world, determined to use their unchallenged superpower status to get their way on everything, be it Iraq, global warming, the International Criminal Court, or genetically modified foods, and let the rest of the world be damned if they don't like it. In response, Europe must draw appropriate conclusions and rise up essentially as a counterweight to otherwise unchecked American global domination.

This disparaging and distrustful view extends beyond politics. A new American Jewish Committee survey in Germany found that only 36 percent of the respondents rated America's cultural achievement as ''very substantial or substantial,'' while 48 percent thought it either ''hardly substantial'' or ''insubstantial,'' and 16 percent had no opinion.

And a recent grisly case involving the Internet, cannibalism, and homicide in Germany produced a telling comment from the influential Munich newspaper Suddeutsche Zeitung, as reported in the International Herald Tribune (December 19): ''It is all so unreal. So haunting that one thinks such a case would only happen in the movies, perhaps in America, but not in Germany. . . .'' Yes, America, of course, is capable of such bestial violence, but Germany never, we are led to believe.

Meanwhile, new generations of Europeans, increasingly fed this diet of overtly or subtly anti-American thinking, too often lose sight of the larger picture. They cannot relate easily to the backdrop of history.

That America came to Europe's rescue in two world wars of Europe's making, that America became history's most benign occupier in postwar Germany, that the U.S.-funded Marshall Plan was a key to Western Europe's astonishing reconstruction efforts, that American-led resolve and strength prevailed in the Cold War and contributed to the unification not only of Germany but of all Europe, and that America prodded a largely paralyzed Europe into decisive action against ethnic cleansing (on European soil) in the Balkans, may at best have an abstract hold on younger people's thinking, but little more.

Like their American counterparts, younger Europeans are largely focused on the here and now. They may relate to American music, fashion, idiom, or, heaven forbid, fast food, but have an increasingly jaundiced view of America's larger place in global affairs.

At the same time, on too many levels, America largely ignores Europe, even as some voices emphasize the oceanic divide.

Perhaps the most talked-about recent essay on the subject was Robert Kagan's ''Power and Weakness,'' which appeared in the June & July 2002 issue of Policy Review. It is a provocative piece well worth reading. Here's a brief excerpt:

''It is time to stop pretending that Europeans and Americans share a common view of the world, or even that they occupy the same world. On the all-important question of power—the efficacy of power, the morality of power, the desirability of power—American and European perspectives are diverging. Europe is turning away from power, or to put it a little differently, it is moving beyond power into a self-contained world of laws and rules and transnational negotiation and cooperation. It is entering a post-historical paradise of peace and relative prosperity, the realization of Kant's 'Perpetual Peace.'

''The United States, meanwhile, remains mired in history, exercising power in the anarchic Hobbesian world where international laws and rules are unreliable and where true security and the defense and promotion of a liberal order still depend on the possession and use of military might.

''That is why on major strategic and international questions today, Americans are from Mars and Europeans are from Venus.''

And noting the wide gap in perceptions of America between Eastern and Western Europe, columnist Charles Krauthammer suggested jokingly—I think—in the Weekly Standard (August 26) that had America let Western Europe fall under the sway of the Kremlin for a few decades, perhaps, like the nations of Eastern Europe today, it would be far more appreciative of America's world role.

In essence, the caricatured image of America in Europe has its counterpart here.

Europeans are seen as sanctimonious, self-adulatory, and wobbly at the knees. Rather than display a willingness to confront evil—that is, if they can even recognize it these days—they all too frequently seek to engage it through rationalization, negotiation, and, if necessary, appeasement via one Faustian bargain or another, all in the name, however it may be packaged, of realpolitik.

Look, the critics point out, at the European Union's so-called ''critical dialogue'' with Iran, which has been much longer on dialogue than on criticism.

Or the French flirtation with Iraq, going back to the 1970s when Jacques Chirac, as prime minister, negotiated the Osirak nuclear deal with Baghdad. Apropos, according to the Wall Street Journal, the last foreign country Saddam Hussein visited was France, in 1979.

Or the quiet deals several European countries, most notably France and Italy, sought to make with Palestinian terrorist groups to avoid being targeted by them.

Or the EU's unwillingness, even post-9/11, to agree on classifying Hizballah as a terrorist organization on the ostensible grounds that the group is also a ''legitimate'' political party in Lebanon, but actually motivated by a desire to avoid offending Syria and its satellite, Lebanon.

Or the state visits accorded to the Syrian president in London last month, complete with an audience with Queen Elizabeth, no less, or previously in Paris, Madrid, and other European capitals, while Syria illegally occupies neighboring Lebanon and cossets terrorist groups bent on Israel's total destruction.

Or the EU's stance on Israel-related UN resolutions, almost always opting to work out ''acceptable'' final language with the Arab bloc rather than joining the United States in opposing outright those objectionable texts that inevitably end up condemning Israel, regardless of the facts on the ground.

Some Americans believe that, left to their own devices, many Europeans would, in Churchill's memorable words, be ''resolved to be irresolute'' when faced with the likes of Saddam Hussein, the mullahs of Tehran, or, for the matter, Slobodan Milosevic. And, ironically, the Europeans can get away with it because they know that, at the end of the day, there is an America that has both the will and capacity to lead the fight when no other option is available.

Observing these issues being played out from both sides of the Atlantic, I wouldn't for a moment underestimate the current chasm. It is real, if not always as wide as it may seem at first glance. Still, we can't ever afford to lose sight of what unites us.

Call me hopelessly, irredeemably naive, but I remain convinced that Americans and Europeans are umbillically bound by common foundational values and common existential threats, and thus, ipso facto, a common agenda.

Those common values emanate from the very essence of our respective societies: democracy, the rule of law, and respect for the dignity of the individual.

Even a brief glance at international socioeconomic indices reveals the striking fact that the democratic nations, as a group, rank highest in personal freedoms, per capita income, life expectancy, levels of educational attainment, and overall standards of living, and lowest in infant mortality and corruption rates.

No less importantly, the democratic nations have renounced war as an instrument of resolving policy disputes among themselves.

The ties that link this precious fraternity of kindred nations must never be permitted to fray, for they represent the best—indeed, I would argue that only—hope for the ultimate realization of a peaceful and prosperous world.

And the threats are transnational.

Just as democratic nations were at risk during World War II and again during the Cold War, today those democratic nations are in the crosshairs of the radical Islamic terrorist network.

True, some European countries initially convinced themselves that this threat was about America and not them.

But as Islamic terrorist cells have been uncovered in Britain, Spain, Italy, France, Belgium, the Netherlands, Germany, and elsewhere in Europe, there is a growing realization that we are all in this together. The targets are not just specific countries, but the overarching values of freedom, secularism, religious tolerance, pluralism, women's rights, and openness that are enshrined in every democratic society.

The threat from terrorist groups and their supporters operating in just about every Western country is heightened by the prospect of increasingly available weapons of mass destruction.

Even at the risk of stating the obvious, the United States and Europe need each other, as much now as ever, in the face of this worldwide, long-term menace.

We must maintain full cooperation in the gathering and sharing of intelligence and a hundred other fields if we are to emerge on tops in this daunting conflict.

We have to do a better job of coordinating policy, not only on terrorist groups, but also on those nations that help and harbor these groups. Can we afford to let such nations continue to play us off one against the other, as they so often have in the past?

And if I could be permitted to dream for just a moment, imagine our collaborating on developing alternative energy sources that would eventually wean us all off Middle East oil and gas—and, perhaps way down the road, fossil fuels in general—and do something good for Planet Earth in the process.

In the final analysis, this struggle against the radicals also entails strengthening the moderates in the Islamic world, and, here again, the United States and Europe, working together, increase the odds of success.

Put another way, we must win two epic battles, not one. We must win the war, and we must win the peace. Winning one without the other will eventually prove a Pyrrhic victory. The United States cannot go it alone on both fronts and hope to prevail. Nor can Europe.

Both of us have a profound stake in finding constructive ways to encourage the forces of democratization, civil society, and greater openness in countries that by and large have been remarkably resistant to the political and economic revolutions of recent times. Otherwise, further regression will take place, with still greater division between their world and ours, and all the attendant implications for conflict, terrorism, and the spread of fundamentalism.

Take, as an example, the case of Pakistan. Imagine for a moment the catastrophic global consequences if it descended into civil war or fell into the hands of the Islamists.

Here's a turbulent country of 150 million, twice the size of California, with 40 percent of its population under the age of 15. Not only does Pakistan have weapons of mass destruction, but the world was on edge recently when India and Pakistan engaged in nuclear brinkmanship.

Moreover, there are nearly one million youngsters studying full-time in Muslim religious schools, where the Koran and jihad, and not civics and biology, are the principal educational fare, and Osama bin Laden could win his share of popularity contests. What's the future for these young people, and how will their future impact on us?

The unraveling of Pakistan would hit the jackpot on the political Richter scale and send massive shock waves through its neighbors—Afghanistan, a country that has just been brought back from the edge but remains far from secure, China, India, and Iran. It would also have staggering geopolitical, strategic, and economic implications for both Europe and the United States.

Once again, therefore, we have a common agenda.

So, too, with Turkey.

Mustafa Kemal Ataturk was one of the most influential statesmen of the twentieth century. He established the modern Turkish Republic on the rubble of the collapsed Ottoman Empire, courageously separated religion from state, and recognized that the nation's future belonged squarely with Europe. Eighty years later, Turkey is closer to that goal than ever before, but the outcome is by no means certain.

Whether to admit Turkey to the European Union is a European, not an American, decision. While the United States has a profound interest in seeing this happen, it must exert its influence without overplaying its hand and infuriating the Europeans, as it managed to do last month in the run-up to the Copenhagen summit of EU leaders. Close cooperation between the United States and Europe can encourage Turkey to take the additional steps necessary to persuade Brussels that Ankara is a truly viable candidate for EU membership, and thereby outflank its European opponents.

(Valéry Giscard d'Estaing, the former French president, expressed this opposition most bluntly when, in November, he declared in the French daily Le Monde that Turkey ''is not a European country'' and inviting it into the EU would mean ''the end of Europe.'')

The challenges of integrating Turkey into the EU should not be minimized. At the time of accession, a decade or more from now, it would almost certainly be the single most populous—and, by far, poorest—EU member country. Further, it would extend the EU's boundaries to the turbulent Middle East. Turkey shares borders with, among others, Syria, Iran, and Iraq. And, in the process, Europe would inherit an unknown percentage of the Turkish population that is Muslim fundamentalist, adding to Europe's already considerable challenges in this regard.

Even so, the successful integration of Turkey into the European Union could create a powerful and perhaps contagious role model for other Muslim countries, beginning with those Central Asian nations in the Turkish sphere of interest, such as Azerbaijan and Uzbekistan, and extending far beyond.

The United States and Europe should have a similar interest in extending the reach of genuine democracy, especially in the Arab world, much of which is located practically at Europe's doorstep. Here, too, there's room for collaboration driven by the common overall objective of stabilizing the region and increasing prospects for peace and regional cooperation.

The United States, by dint of its size, influence, and global reach, has a great deal to offer. So does the European Union.

Let me digress for a moment. I am a longtime admirer of the European Union. The more I understand the inventive genius of Jean Monnet, the Frenchman called upon by Robert Schuman, the postwar French foreign minister, to conceptualize a structure that would prevent future wars with Germany, the more in awe I am and the more I appreciate the need for similarly bold thinking today.

(And it should be pointed out that such a structure, envisioned to fully integrate a rebuilding Germany, was a far cry from 1944 Morgenthau Plan, named after President Roosevelt's secretary of the treasury, which would have converted a defeated Germany into a primarily pastoral country.)

Indeed, following Monnet's recommendations, the six-nation European Coal and Steel Community was formally established in 1952, once the member countries—Belgium, France, Italy, Luxembourg, the Netherlands, and West Germany—ratified the Treaty of Paris. Along the way, on May 9, 1950, Schuman publicly declared:

''It is no longer a time for vain words, but for a bold, constructive act. France has acted, and the consequences of her action may be immense. We hope they will. She has acted essentially in the cause of peace. For peace to have a chance, there must first be a Europe. Nearly 5 years to the day after the unconditional surrender of Germany, France is now taking the first decisive step toward the construction of Europe and is associating Germany in this venture. It is something which must completely change things in Europe and permit other joint actions which were hitherto impossible. Out of all this will come forth Europe, a solid and united Europe. A Europe in which the standard of living will rise. . . .''

The European Union's evolution over the past 50 years has been nothing short of breathtaking.

It is a remarkable case study in the emergence of a democratic and ever-more prosperous grouping based on the vision of political giants, with the core objective of preventing future wars. A European Union of 15

nations, soon to be 25, with Bulgaria and Romania poised to join a few years hence, has much to teach other regions, most notably the Arab world, about institution-building and integration.

This sounds, I realize, like the stuff of distant, perhaps impossible, dreams. Many reasons can be offered why the European experience cannot take root in the Arab world. There are, needless to say, countless political, cultural, historic, and economic differences between Europe and the Arab bloc.

Still, I refuse to abandon hope because there is no more promising alternative, certainly not over the long term, and I am unwilling to accept the proposition that the Arab people have no choice for the future but to live under corrupt, autocratic, stifling filial dynasties.

Here, too, the United States and Europe, working in concert, can help lead the way and reap the benefits of their efforts.

And while it may seem far-fetched today, it is entirely conceivable that the United States and Europe could one day be talking about Israel's entry into the European Union, and perhaps even NATO, as part of a comprehensive solution to the Arab-Israeli conflict.

In short—and I've only skimmed the surface—leaders on both sides of the Atlantic Ocean need to stress constantly our common values, common threats, and common goals.

To be sure, there are, and inevitably will always be, differences between Europe and the United States rooted in political rivalry, economic competition, divergent interests, and the like. In the larger scheme of things, however, these differences however, ought to be quite manageable and, in any case, must never be permitted to overshadow the commonalities.

The American Jewish Committee has long been in the business of building bridges between Europe and the United States, precisely because it understands what is at stake. At turbulent moments such as this, the work becomes only more important.

For us, it means recognizing that Europe, given its size and significance, cannot easily be ignored or dismissed even when we don't like what we see; rather, it must be engaged with skill, sophistication, and sensitivity, with ever more points of contact established.

Moreover, it means never losing sight of the larger picture of Europe and America as the likeliest of strategic allies, even we raise tough issues with our European interlocutors, as we at AJC do regularly in Berlin, Paris, Madrid, Brussels, and other centers of power.

Among these issues currently are: (a) the slow and stumbling reaction of too many Europeans to the indisputable rise in anti-Semitism during the past 2 years; (b) the unacceptable moral equivalence (or worse) with which a number of European governments view the Israeli-Palestinian conflict; (c) the political expediency all too evident in molding relations with dictatorial regimes in the Arab world (and Iran); (d) the rapidly declining impact of the Shoah on European attitudes toward Israel and the Jewish people; and (e) the growing anti-Americanism that too often goes unchecked.

On a lighter but related note, I had a good laugh when I saw a cartoon in the New Yorker (October 28, 2002) which showed a hostess at a cocktail party introducing two men to each other. The caption read: ''Francophobe, meet Francophile.'' In my case, though, I sometimes feel that both individuals are living within me. No European country attracts me more culturally, or exasperates me more diplomatically, than France.

At the same time, I fully understand that generalizations can be dangerous.

Not all of Europe is anti-American, anti-Israel, or anti-Semitic, far from it. Britain, Denmark, Italy, and Spain are today very close to Washington; Germany, Britain, and the Netherlands are the EU countries most sympathetic to Israel; and there are some European nations that have experienced few, if any, anti-Semitic incidents in recent years.

Even in France, described by proche-orient.info (the principal French-language source for balanced Middle East coverage) as the country that ''takes the lead in the European Union's anti-Israel policies,'' roughly 20 percent of the parliamentarians in the National Assembly belong to the France-Israel Caucus. That may not be a sufficient critical mass to sway a nation, but it's still a rather impressive number to work with.

Moreover, though often overlooked, the situation in Central and Eastern Europe is actually quite encouraging. By and large, these countries are pro-American—Poland, Bulgaria, and Romania being three outstanding examples; they have close links with Israel, and, for a variety of reasons, have reached out to world Jewry in the past decade in a way that offers real hope for the future.

To sum it up, it would be well to revisit the eloquent words expressed by President Bush at the NATO summit in Prague 6 weeks ago. The American head of state said:

''The trans-Atlantic ties of Europe and America have met every test of history, and we intend to again. U-boats could not divide us. The threats and standoffs of the Cold War did not make us weary. The commitment of my nation to Europe is found in the carefully tended graves of young Americans who died for this continent's freedom. That commitment is shown by the thousands in uniforms still serving here, from the Balkans to Bavaria, still willing to make the ultimate sacrifice for this continent's future.

''For a hundred years, place names of Europe have often stood for conflict and tragedy and loss. Single words evoke sad and bitter experience—Verdun, Munich, Stalingrad, Dresden, Nuremberg, and Yalta. We have no power to rewrite history. We do have the power to write a different story for our time. . . .

''In Prague, young democracies will gain new security, a grand alliance will gather strength and find new purpose, and America and Europe will renew the historic friendship that still keeps the peace of the world.''

These stirring words—and their policy implications—deserve a long life span, as well as permanent top-priority status, on both sides of the Atlantic Ocean. The question, of course, is whether they will get it.

Given the global challenges piling up one on top of another, from Iraq to North Korea, it's safe to say that we should have a pretty good idea quite soon.●

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2318. A communication from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''17 CFR 240.17a-4—Records to be preserved by certain exchange members, brokers and dealers (Interpretations)'' received on May 7 , 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–2319. A communication from the Chief Counsel, Bureau of Public Debt, Fiscal Service, Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Regulations Governing Treasury Securities, New Treasury Direct System, amends 31 CFR Parts 315, 351, 353'' received on May 5, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–2320. A communication from the Executive Director, Appraisal Subcommittee, Federal Financial Institutions Examination Council, transmitting, pursuant to law, the 2002 Annual Report of the Appraisal Subcommittee of the Federal Financial Institutions Examination Council, received on May 6, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–2321. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of a document that states that the U.S. Commission on Civil Rights' internal control systems are in compliance with provisions of the Federal Managers Financial Integrity Act; to the Committee on Governmental Affairs.

EC–2322. A communication from the Inspector General Liaison, Selective Service System, transmitting, pursuant to law, the semi-annual report submitted in accordance to the Inspector General Act of 1978, as amended,; to the Committee on Governmental Affairs.

EC–2323. A communication from the Secretary, Postal Rate Commission, transmitting, pursuant to law, the report of the implementation of the Sunshine Act during the calendar year 2002; to the Committee on Governmental Affairs.

EC–2324. A communication from the Chairman, Federal Mine Safety & Health Review Commission, transmitting, pursuant to law, the Annual Performance Report for Fiscal Year 2004 and the Program Performance Report for FY 2002; to the Committee on Governmental Affairs.

EC–2325. A communication from the U.S. Merit Systems Protection Board, transmitting, pursuant to law, the report of a document entitled ''Help Wanted: A Review of Federal Vacancy Announcements'', received on May 6, 2003; to the Committee on Governmental Affairs.

EC–2326. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, Department of Defense, transmitting, pursuant to law, the report relative to staff-years of technical effort to be allocated for each federally funded research and development center (FFRDC) during Fiscal Year 2004; to the Committee on Armed Services.

EC–2327. A communication from the Under Secretary of Defense, Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the report of a retirement; to the Committee on Armed Services.

EC–2328. A communication from the Deputy Secretary of Defense, Department of Defense, transmitting, pursuant to law, the report relative to the Government of Uzbekistan and the substantial military support it has provided to the U.S. in connection to the Global War on Terrorism; to the Committee on Armed Services.

EC–2329. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, Department of Defense, transmitting, pursuant to law, the report relative to a feasibility study on converting non-combat defense fleet to hybrid vehicles by 2009 and converting to an all-hybrid engine fleet for both non-combat and combat vehicles over a longer period; to the Committee on Armed Services.

EC–2330. A communication from the Director, Admissions liaison, Department of the Air Force, transmitting, pursuant to law, the report of a separation of a cadet from the Air Force Academy; to the Committee on Armed Services.

EC–2331. A communication from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Useful Life Facility Determination (0572–AB80)'' received on May 6, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2332. A communication from the Regulatory Contact, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Fees for Rice Inspection Services (0580–AA82)'' received on May 6, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2333. A communication from the Acting Principal Deputy Associate Administrator, transmitting, pursuant to law, the report of a rule entitled ''Indoxacard; Time Limited Pesticide Tolerance (7307–6)'' received on May 7, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2334. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report relative to the launching the Physician Group Practice (PGP) demonstration; to the Committee on Health, Education, Labor, and Pensions.

EC–2335. A communication from the Chairman, National Foundation on the Arts and the Humanities, transmitting, pursuant to law, the Twenty-Seventh Annual Report on the Arts and Artifacts Indemnity Program for fiscal year 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–2336. A communication from the Director, Workforce Compensation and Performance Service, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Locality-based Comparability Payments (3206–AJ62)'' received on May 6, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–2337. A communication from the Director, Regulations, Policy and Management, transmitting, pursuant to law, the report of a rule entitled ''Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the Counter Human Use; Monograph for Combination Products; CORRECTION (0910–AA01)'' received on May 6, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–2338. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of nomination for the position of Assistant Secretary for Congressional and Intergovernmental Relations, Department of Housing and Urban Development; to the Committee on Health, Education, Labor, and Pensions.

EC–2339. A communication from the Assistant Secretary, Land and Minerals Management, Mineral Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Oil and Gas and Sulphur Operations in the Outer Continental Shelf (OCS), Document Incorporated by Reference for Fixed Platforms (1010–AD03)'' received on May 7, 2003; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WARNER, from the Committee on Armed Services, without amendment:

S. 1050. An original bill to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes (Rept. No. 108–46).

S. 1047. An original bill to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

S. 1048. An original bill to authorize appropriations for fiscal year 2004 for military construction, and for other purposes.

S. 1049. An original bill to authorize appropriations for fiscal year 2004 for defense activities of the Department of Energy, and for other purposes.

By Mr. GRASSLEY, from the Committee on Finance, without amendment:

S. 1054. An original bill to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2004.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ENZI (for himself, Mr. DORGAN, Mr. JOHNSON, Mr. DASCHLE, Mr. THOMAS, and Mr. CONRAD):

S. 1044. A bill to amend the Packers and Stockyards Act, 1921, to prohibit the use of certain anti-competitive forward contracts; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. AKAKA (for himself and Mr. BINGAMAN):

S. 1045. A bill to strengthen United States capabilities to safely and securely dispose of all greater-than-Class C low-level radioactive waste; to the Committee on Energy and Natural Resources.

By Mr. STEVENS (for himself, Mr. HOLLINGS, Mr. BURNS, Mr. LOTT, Mr. DORGAN, and Mr. WYDEN):

S. 1046. A bill to amend the Communications Act of 1934 to preserve localism, to foster and promote the diversity of television programming, to foster and promote competition, and to prevent excessive concentration of ownership of the nation's television broadcast stations; to the Committee on Commerce, Science, and Transportation.

By Mr. WARNER:

S. 1047. An original bill to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. WARNER:

S. 1048. An original bill to authorize appropriations for fiscal year 2004 for military construction, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. WARNER:

S. 1049. An original bill to authorize appropriations for fiscal year 2004 for defense activities of the Department of Energy, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. WARNER:

S. 1050. An original bill to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. DOMENICI (for himself, Mr. REID, and Mr. BINGAMAN):

S. 1051. A bill to direct the Secretary of the Interior to carry out a demonstration program to assess potential water savings through control of Salt Cedar and Russian Olive; to the Committee on Environment and Public Works.

By Mr. NELSON of Florida:

S. 1052. A bill to ensure that recipients of unsolicited bulk commercial electronic mail can identify the sender of such electronic mail, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself, Mr. FRIST, Mr. JEFFORDS, Mr. ENZI, Ms. COLLINS, Mr. HAGEL, Mr. DEWINE, and Mr. GREGG):

S. 1053. A bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY:

S. 1054. An original bill to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2004; from the Committee on Finance; placed on the calendar.

By Mr. DURBIN:

S. 1055. A bill to amend the Internal Revenue Code of 1986 to provide physicians and other health care professionals with a tax credit for qualified expenditures for medical professional malpractice insurance, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself, Mr. BREAUX, Ms. LANDRIEU, and Mr. DASCHLE):

S. Res. 142. A resolution relative to the death of Russell B. Long, former United States Senator for the State of Louisiana; considered and agreed to.

ADDITIONAL COSPONSORS

S. 238

At the request of Mr. REED, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 238, a bill to reauthorize the Museum and Library Services Act, and for other purposes.

S. 253

At the request of Mr. CAMPBELL, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 253, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

S. 281

At the request of Mr. CAMPBELL, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 281, a bill to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes, to provide for training and technical assistance to Native Americans who are interested in commercial vehicle driving careers, and for other purposes.

S. 285

At the request of Mr. CAMPBELL, the name of the Senator from Hawaii (Mr.

INOUYE) was added as a cosponsor of S. 285, a bill to authorize the integration and consolidation of alcohol and substance abuse programs and services provided by Indian tribal governments, and for other purposes.

S. 465

At the request of Mrs. MURRAY, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 465, a bill to amend title XVIII of the Social Security Act to expand medicare coverage of certain self-injected biologicals.

S. 491

At the request of Mr. REID, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 491, a bill to expand research regarding inflammatory bowel disease, and for other purposes.

S. 575

At the request of Mr. INOUYE, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 575, a bill to amend the Native American Languages Act to provide for the support of Native American language survival schools, and for other purposes.

S. 590

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 590, a bill to amend title XVIII of the Social Security Act to provide for equitable reimbursement rates under the medicare program to Medicare+Choice organizations.

S. 596

At the request of Mr. ENSIGN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 596, a bill to amend the Internal Revenue Code of 1986 to encourage the investment of foreign earnings within the United States for productive business investments and job creation.

S. 651

At the request of Mr. ALLARD, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 651, a bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes.

S. 661

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 661, a bill to amend the Internal Revenue Code of 1986 to equalize the exclusion from gross income of parking and transportation fringe benefits and to provide for a common cost-of-living adjustment, and for other purposes.

S. 724

At the request of Mr. ENZI, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 724, a bill to amend title 18, United States Code, to exempt certain rocket propellants from prohibitions under that title on explosive materials.

S. 725

At the request of Mr. BINGAMAN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 725, a bill to amend the Transportation Equity Act for the 21st Century to provide from the Highway Trust Fund additional funding for Indian reservation roads, and for other purposes.

S. 741

At the request of Mr. SESSIONS, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S . 741, a bill to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, and for other purposes.

S. 746

At the request of Mrs. FEINSTEIN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 746, a bill to prevent and respond to terrorism and crime at or through ports.

S. 777

At the request of Mr. INHOFE, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 777, a bill to amend the impact aid program under the Elementary and Secondary Education Act of 1965 to improve the delivery of payments under the program to local educational agencies.

S. 811

At the request of Mr. ALLARD, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 811, a bill to support certain housing proposals in the fiscal year 2003 budget for the Federal Government, including the downpayment assistance initiative under the HOME Investment Partnership Act, and for other purposes.

S. 818

At the request of Ms. SNOWE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 818, a bill to ensure the independence and nonpartisan operation of the Office of Advocacy of the Small Business Administration.

S. 822

At the request of Mr. KERRY, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 822, a bill to create a 3-year pilot program that makes small, non-profit child care businesses eligible for SBA 504 loans.

S. 847

At the request of Mr. SMITH, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 847, a bill to amend title XIX of the Social Security Act to permit States the option to provide medicaid coverage for low income individuals infected with HIV.

S. 852

At the request of Mr. LEAHY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 852, a bill to amend title 10, United States Code, to provide limited TRICARE program eligibility for members of the Ready Reserve of the Armed Forces, to provide financial support for continuation of health insurance for mobilized members of reserve components of the Armed Forces, and for other purposes.

S. 874

At the request of Mr. TALENT, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 874, a bill to amend title XIX of the Social Security Act to include primary and secondary preventative medical strategies for children and adults with Sickle Cell Disease as medical assistance under the medicaid program, and for other purposes.

S. 875

At the request of Mr. KERRY, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 875, a bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes.

S. 887

At the request of Mr. KYL, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 887, a bill to amend the Internal Revenue Code of 1986 to apply an excise tax to excessive attorneys fees for legal judgements, settlements, or agreements that operate as a tax.

S. 899

At the request of Mr. BAYH, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 899, a bill to amend title XVIII of the Social Security Act to restore the full market basket percentage increase applied to payments to hospitals for inpatient hospital services furnished to medicare beneficiaries, and for other purposes.

S. 950

At the request of Mr. ENZI, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 950, a bill to allow travel between the United States and Cuba.

S. 960

At the request of Mr. AKAKA, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 960, a bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in the State of Hawaii and to amend the Hawaii Water Resources Act of 2000 to modify the water resources study.

S. 982

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 982, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in

the Middle East, and for other purposes.

S. 990

At the request of Ms. LANDRIEU, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 990, a bill to amend title 32, United States Code, to increase the maximum Federal share of the costs of State programs under the National Guard Challenge Program, and for other purposes.

S. 1000

At the request of Mr. GRAHAM of South Carolina, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1000, a bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service; to provide TRICARE eligibility for members of the Selected Reserve of the Ready Reserve and their families; to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax with respect to employees who participate in the military reserve components and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 1003

At the request of Mr. CRAIG, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1003, a bill to clarify the intent of Congress with respect to the continued use of established commercial outfitter hunting camps on the Salmon River.

S. 1015

At the request of Mr. GREGG, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1015, a bill to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases, and for other purposes.

S. 1019

At the request of Mr. DEWINE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1019, a bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence.

S. RES. 133

At the request of Mr. DURBIN, the names of the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. Res. 133, a resolution condemning bigotry and violence against Arab Americans, Muslim, Americans, South-Asian Americans, and Sikh Americans.

AMENDMENT NO. 539

At the request of Mr. FRIST, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of amendment No. 539 proposed to S. 14, a bill to enhance the energy security of the United States, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS—MAY 8, 2003

By Mr. SARBANES (for himself, Mr. ALEXANDER, Mr. AKAKA, Mr. BAUCUS, Mr. CORZINE, Mr. DODD, Mr. GRAHAM of Florida, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEVIN, Mr. REID, Mr. SCHUMER, Ms. STABENOW, and Mr. WYDEN):

S. 1032. A bill to provide for alternative transportation in certain federally owned or managed areas that are open to the general public; to the Committee on Energy and Natural Resources.

STATEMENT ON THE TRANSIT IN PARKS ACT

Mr. SARBANES. Mr. President, I rise today to introduce legislation similar to measures I have introduced in previous Congresses that will help protect our Nation's natural resources and improve the visitor experience in our national parks and other public lands. The Transit in Parks Act, or ''TRIP,'' establishes a new Federal transit grant initiative to support the development of alternative transportation services for our national parks, wildlife refuges, Federal recreational areas, and other public lands. I am pleased to be joined by Senators AKAKA, ALEXANDER, BAUCUS, CORZINE, DODD, GRAHAM, KENNEDY, LAUTENBERG, LEVIN, REID, SCHUMER, STABENOW, and WYDEN, who are cosponsors of this legislation.

I want to underscore again today some of the principal arguments I have made in past years as to why this legislation is urgently needed. Memorial Day weekend, the opening of the summer travel season, is just weeks away. Millions of visitors will soon head to our national parks to enjoy the incredible natural heritage with which our Nation was endowed. But too many of them will spend hours looking for parking, or staring at the bumper of the car in front of them.

Clearly, the world has changed significantly since the national parks first opened in the second half of the nineteenth century, when visitors arrived by stagecoach along dirt roads. At that time, travel through parklands, such as Yosemite or Yellowstone, was long, difficult, and costly. Not many people could afford or endure such a trip. The introduction of the automobile gave every American greater mobility and freedom, which included the freedom to travel and see some of our Nation's great natural wonders. Early in this century, landscape architects from the National Park Service and highway engineers from the U.S. Bureau of Public Roads collaborated to produce many feats of road engineering that opened the national park lands to millions of Americans.

Yet greater mobility and easier access now threaten the very environments that the National Park Service is mandated to protect. The ongoing tension between preservation and access has always been a challenge for our national park system. Today, record numbers of visitors and cars have resulted in increasing damage to our parks. The Grand Canyon alone has almost five million visitors a year. As many as 6,000 vehicles arrive in a single summer day. They compete for 2,400 parking spaces. Between 32,000 and 35,000 tour buses go to the park each year. During the peak summer season, the entrance route becomes a giant parking lot.

In 1975, the total number of visitors to America's national parks was 190 million. By 2002, that number had risen to 277 million annual visitors—almost equal to one visit by every man, woman, and child in this country. This dramatic increase in visitation has created an overwhelming demand on these areas, resulting in severe traffic congestion, visitor restrictions, and in some instances vacationers being shut out of the parks altogether. The environmental damage at the Grand Canyon is visible at many other parks: Yosemite, which has more than four million visitors a year; Yellowstone, which has more than three million visitors a year and experiences such severe traffic congestion that access has to be restricted; Zion; Acadia; Bryce; and many others. We need to solve these problems now or risk permanent harm to our Nation's natural, cultural, and historical heritage.

Visitor access to the parks is vital not only to the parks themselves, but to the economic health of their gateway communities. For example, visitors to Yosemite infuse $3 billion a year into the local economy of the surrounding area. At Yellowstone, tourists spend $725 million annually in adjacent communities. Wildlife-related tourism generates an estimated $60 billion a year nationwide. If the parks are forced to close their gates to visitors due to congestion, the economic vitality of the surrounding region would be jeopardized.

The challenge for park management has always been twofold: to conserve and protect the nation's natural, historical, and cultural resources, while at the same time ensuring visitor access and enjoyment of these sensitive environments. Until now, the principal transportation systems that the Federal government has developed to provide access into our national parks are roads, primarily for private automobile access. The TRIP legislation recognizes that we need to do more than simply build roads; we must invest in alternative transportation solutions before our national parks are damaged beyond repair.

In developing solutions to the parks' transportation needs, this legislation builds upon the 1997 Memorandum of Understanding between Secretary of Transportation Rodney Slater and Secretary of the Interior Bruce Babbitt, in

which the two Departments agreed to work together to address transportation and resource management needs in and around national parks. The findings in the MOU are especially revealing: Congestion in and approaching many national parks is causing lengthy traffic delays and backups that substantially detract from the visitor experience. Visitors find that many of the national parks contain significant noise and air pollution, and traffic congestion similar to that found on the city streets they left behind. In many national park units, the capacity of parking facilities at interpretive or scenic areas is well below demand. As a result, visitors park along roadsides, damaging park resources and subjecting people to hazardous safety conditions as they walk near busy roads to access visitor use areas. On occasion, national park units must close their gates during high visitation periods and turn away the public because the existing infrastructure and transportation systems are at, or beyond, the capacity for which they were designed.

In addition, the TRIP legislation is designed to implement the recommendations from a comprehensive study of alternative transportation needs in public lands that I was able to include in the Transportation Equity Act for the 21st Century, TEA–21, as section 3039. The Federal Lands Alternative Transportation Systems Study confirmed what those of us who have visited our national parks already know: there is a significant and well-documented need for alternative transportation solutions in the national parks to prevent lasting damage to these incomparable natural treasures.

The study examined over two hundred sites, and identified needs for alternative transportation services at two-thirds of those sites. The study found that implementation of such services can help achieve a number of desirable outcomes: ''Relieve traffic congestion and parking shortages; enhance visitor mobility and accessibility; preserve sensitive natural, cultural, and historic resources; provide improved interpretation, education and visitor information services; reduce pollution; and improve economic development opportunities for gateway communities.''

In fact, the study concluded that ''the provision of transit in federally-managed lands can have national economic implications as well as significant economic benefits for local areas surrounding the sites.'' The study determined that funding transit needs would support thousands of jobs around the country, while also providing a direct benefit to the economy of gateway communities by ''expand[ing] the number of visits to the site and expand[ing] the amount of visitor spending in the surrounding communities.''

The study identified ''lack of a dedicated funding source for developing, implementing, and operating and maintaining transit systems'' as a key barrier to implementation of alternative transportation in and around federally-managed lands. The Transit in Parks Act will go far toward helping parks and their gateway communities overcome this barrier. This new Federal transit grant program will provide funding to the Federal land management agencies that manage the 388 various sites within the National Park System, the National Wildlife Refuges, Federal recreational areas, and other public lands, including National Forest System lands, and to their State and local partners.

The bill's objectives are to develop new and expanded transit services throughout the national parks and other public lands to conserve and protect fragile natural, cultural, and historical resources and wildlife habitats, to prevent or mitigate adverse impact on those resources and habitats, and to reduce pollution and congestion, while at the same time facilitating appropriate visitor access and improving the visitor experience. The program will provide capital funds for transit projects, including rail or clean fuel bus projects, joint development activities, pedestrian and bike paths, or park waterway access, within or adjacent to national parks and other public lands. The Secretary of Transportation may make funds available for operations as well. The bill authorizes $90 million for this new program for each of the fiscal years 2004 through 2009, consistent with the level of need identified in the study. It is anticipated that other resources—both public and private—will be available to augment these amounts.

The bill formalizes the cooperative arrangement in the 1997 MOU between the Secretary of Transportation and the Secretary of the Interior to exchange technical assistance and to develop procedures relating to the planning, selection and funding of transit projects in national park lands. The bill further provides funds for planning, research, and technical assistance that can supplement other financial resources available to the Federal land management agencies. The projects eligible for funding would be developed through the transportation planning process and prioritized for funding by the Secretary of the Interior in consultation and cooperation with the Secretary of Transportation. It is anticipated that the Secretary of the Interior would select projects that are diverse in location and size. While major national parks such as the Grand Canyon or Yellowstone are clearly appropriate candidates for significant transit projects under this section, there are numerous small urban and rural Federal park lands that can benefit enormously from small projects, such as bike paths or improved connections with an urban or regional public transit system. No single project will receive more than 12 percent of the total amount available in any given year. This ensures a diversity of projects selected for assistance.

In addition, I firmly believe that this program will create new opportunities for the Federal land management agencies to partner with local transit agencies in gateway communities adjacent to the parks, both through the TEA–21 planning process and in developing integrated transportation systems. This will spur new economic development within these communities, as they develop transportation centers for park visitors to connect to transit links into the national parks and other public lands.

The ongoing tension between preservation and access has always been a challenge for the National Park Service. Today, that challenge has new dimensions, with overcrowding, pollution, congestion, and resource degradation increasing at many of our national parks. This legislation—the Transit in Parks Act—will give our Federal land management agencies important new tools to improve both preservation and access. Just as we have found in metropolitan areas, transit is essential to moving large numbers of people in our national parks—quickly, efficiently, at low cost, and without adverse impact. At the same time, transit can enhance the economic development potential of our gateway communities.

As we begin a new millennium, I cannot think of a more worthy endeavor to help our environment and preserve our national parks, wildlife refuges, and Federal recreational areas than by encouraging alternative transportation in these areas. My bill is strongly supported by the National Parks Conservation Association, Environmental Defense, the American Public Transportation Association, Community Transportation Association, Amalgamated Transit Union, Surface Transportation Policy Project, Natural Resources Defense Council, Friends of the Earth, Rails-to-Trails Conservancy, America Bikes and others, and I ask unanimous consent that the bill, a section-by-section analysis, and letters of support be printed in the record, along with the USA Today article, ''Save Parks: Park Cars.''

I believe that we have a clear choice before us: we can turn paradise into a parking lot—or we can invest in alternatives. I urge my colleagues to support the Transit in Parks Act to ensure that our Nation's natural treasures will be preserved for many generations to come.

I ask unanimous consent that the text of the bill, a section-by-section analysis, letters of support, and an article from the USA Today be printed in the RECORD.

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

S. 1032

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Transit in Parks Act'' or the ''TRIP Act''.

SEC. 2. FEDERAL LAND TRANSIT PROGRAM.

(a) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by inserting after section 5315 the following:

''§ 5316. Federal land transit program

''(a) FINDINGS AND PURPOSES.—

''(1) FINDINGS.—Congress finds that—

''(A) section 3039 of the Transportation Equity Act for the 21st Century (23 U.S.C. 138 note; Public Law 105–178) required a comprehensive study, to be conducted by the Secretary of Transportation, in coordination with the Secretary of the Interior, of alternative transportation needs in national parks and related public lands in order to—

''(i) identify the transportation strategies that improve the management of national parks and related public lands;

''(ii) identify national parks and related public lands that have existing and potential problems of adverse impact, high congestion, and pollution, or that can otherwise benefit from alternative transportation modes;

''(iii) assess the feasibility of alternative transportation modes; and

''(iv) identify and estimate the costs of those alternative transportation modes;

''(B) the study found that many federally-managed sites are experiencing very high visitation levels that are continuing to increase and that there are significant transit needs at many of these sites;

''(C) the study concluded that implementing transit on federally-managed land can help—

''(i) relieve traffic congestion and parking shortages;

''(ii) enhance visitor mobility and accessibility;

''(iii) preserve sensitive natural, cultural, and historic resources;

''(iv) provide improved interpretation, education, and visitor information services;

''(v) reduce pollution; and

''(vi) improve economic development opportunities for gateway communities;

''(D) the Department of Transportation can assist the Federal land management agencies through financial support and technical assistance and further the achievement of national goals described in subparagraph (C);

''(E) immediate financial and technical assistance by the Department of Transportation, working with Federal land management agencies and State and local governmental authorities to develop efficient and coordinated alternative transportation systems within and in the vicinity of eligible areas, is essential to—

''(i) protect and conserve natural, historical, and cultural resources;

''(ii) prevent or mitigate adverse impacts on those resources;

''(iii) relieve congestion;

''(iv) minimize transportation fuel consumption;

''(v) reduce pollution (including noise pollution and visual pollution); and

''(vi) enhance visitor mobility, accessibility, and the visitor experience; and

''(F) it is in the interest of the United States to encourage and promote the development of transportation systems for the betterment of eligible areas to meet the goals described in clauses (i) through (vi) of subparagraph (E).

''(2) PURPOSES.—The purposes of this section are—

''(A) to develop a cooperative relationship between the Secretary of Transportation and the Secretary of the Interior to carry out this section;

''(B) to encourage the planning and establishment of alternative transportation systems and nonmotorized transportation systems needed within and in the vicinity of eligible areas, located in both urban and rural areas, that—

''(i) enhance resource protection;

''(ii) prevent or mitigate adverse impacts on those resources;

''(iii) improve visitor mobility, accessibility, and the visitor experience;

''(iv) reduce pollution and congestion;

''(v) conserve energy; and

''(vi) increase coordination with gateway communities;

''(C) to assist Federal land management agencies and State and local governmental authorities in financing areawide alternative transportation systems and nonmotorized transportation systems to be operated by public or private alternative transportation providers, as determined by local and regional needs, and to encourage public-private partnerships; and

''(D) to assist in research concerning, and development of, improved alternative transportation equipment, facilities, techniques, and methods with the cooperation of public and private companies and other entities engaged in the provision of alternative transportation service.

''(b) DEFINITIONS.—In this section:

''(1) ALTERNATIVE TRANSPORTATION.—

''(A) IN GENERAL.—The term 'alternative transportation' means transportation by bus, rail, or any other publicly or privately owned conveyance that provides to the public general or special service on a regular basis.

''(B) INCLUSIONS.—The term 'alternative transportation' includes sightseeing service.

''(2) ELIGIBLE AREA.—

''(A) IN GENERAL.—The term 'eligible area' means any Federally owned or managed park, refuge, or recreational area that is open to the general public.

''(B) INCLUSIONS.—The term 'eligible area' includes—

''(i) a unit of the National Park System;

''(ii) a unit of the National Wildlife Refuge System; and

''(iii) a recreational area managed by the Bureau of Land Management.

''(3) FEDERAL LAND MANAGEMENT AGENCY.—The term 'Federal land management agency' means a Federal agency that manages an eligible area.

''(4) QUALIFIED PARTICIPANT.—The term 'qualified participant' means—

''(A) a Federal land management agency; or

''(B) a State or local governmental authority with jurisdiction over land in the vicinity of an eligible area acting with the consent of the Federal land management agency,

alone or in partnership with a Federal land management agency or other Governmental or nongovernmental participant.

''(5) QUALIFIED PROJECT.—The term 'qualified project' means a planning or capital project in or in the vicinity of an eligible area that—

''(A) is an activity described in section 5302(a)(1), 5303(g), or 5309(a)(1)(A);

''(B) involves—

''(i) the purchase of rolling stock that incorporates clean fuel technology or the replacement of buses of a type in use on the date of enactment of this section with clean fuel vehicles; or

''(ii) the deployment of alternative transportation vehicles that introduce innovative technologies or methods;

''(C) relates to the capital costs of coordinating the Federal land management agency alternative transportation systems with other alternative transportation systems;

''(D) provides a nonmotorized transportation system (including the provision of facilities for pedestrians, bicycles, and nonmotorized watercraft);

''(E) provides waterborne access within or in the vicinity of an eligible area, as appropriate to and consistent with the purposes described in subsection (a)(2); or

''(F) is any other alternative transportation project that—

''(i) enhances the environment;

''(ii) prevents or mitigates an adverse impact on a natural resource;

''(iii) improves Federal land management agency resource management;

''(iv) improves visitor mobility and accessibility and the visitor experience;

''(v) reduces congestion and pollution (including noise pollution and visual pollution); and

''(vi) conserves a natural, historical, or cultural resource (excluding rehabilitation or restoration of a nontransportation facility).

''(6) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

''(c) FEDERAL AGENCY COOPERATIVE ARRANGEMENTS.—The Secretary shall develop cooperative arrangements with the Secretary of the Interior that provide for—

''(1) technical assistance in alternative transportation;

''(2) interagency and multidisciplinary teams to develop Federal land management agency alternative transportation policy, procedures, and coordination; and

''(3) the development of procedures and criteria relating to the planning, selection, and funding of qualified projects and the implementation and oversight of the program of projects in accordance with this section.

''(d) TYPES OF ASSISTANCE.—

''(1) IN GENERAL.—The Secretary may enter into a contract, grant, cooperative agreement, interagency agreement, intra-agency agreement, or other agreement to carry out a qualified project under this section.

''(2) OTHER USES.—A grant, cooperative agreement, interagency agreement, intra-agency agreement, or other agreement for a qualified project under this section shall be available to finance the leasing of equipment and facilities for use in alternative transportation, subject to any regulation that the Secretary may prescribe limiting the grant or agreement to leasing arrangements that are more cost-effective than purchase or construction.

''(e) LIMITATION ON USE OF AVAILABLE AMOUNTS.—

''(1) IN GENERAL.—The Secretary may allocate not more than 5 percent of the amount made available for a fiscal year under section 5338(j) for use by the Secretary in carrying out planning, research, and technical assistance under this section, including the development of technology appropriate for use in a qualified project.

''(2) AMOUNTS FOR PLANNING, RESEARCH, AND TECHNICAL ASSISTANCE.—Amounts made available under this subsection are in addition to amounts otherwise available for planning, research, and technical assistance under this title or any other provision of law.

''(3) AMOUNTS FOR QUALIFIED PROJECTS.—No qualified project shall receive more than 12 percent of the total amount made available under section 5338(j) for any fiscal year.

''(4) OPERATIONS.—To the extent the Secretary determines appropriate, the Secretary may make grants under this section to finance the operating cost of equipment and facilities for use in a qualified project.

''(f) PLANNING PROCESS.—In undertaking a qualified project under this section—

''(1) if the qualified participant is a Federal land management agency—

''(A) the Secretary, in cooperation with the Secretary of the Interior, shall develop transportation planning procedures that are consistent with—

''(i) the metropolitan planning provisions under sections 5303 through 5305;

''(ii) the statewide planning provisions under section 135 of title 23; and

''(iii) the public participation requirements under section 5307(c); and

''(B) in the case of a qualified project that is at a unit of the National Park system, the planning process shall be consistent with the general management plans of the unit of the National Park system; and

''(2) if the qualified participant is a State or local governmental authority, or more than 1 State or local governmental authority in more than 1 State, the qualified participant shall—

''(A) comply with sections 5303 through 5305;

''(B) comply with the statewide planning provisions under section 135 of title 23;

''(C) comply with the public participation requirements under section 5307(c); and

''(D) consult with the appropriate Federal land management agency during the planning process.

''(g) COST SHARING.—

''(1) DEPARTMENTAL SHARE.—The Secretary, in cooperation with the Secretary of the Interior, shall establish the share of assistance to be provided under this section to a qualified participant.

''(2) CONSIDERATIONS.—In establishing the departmental share of the net project cost of a qualified project, the Secretary shall consider—

''(A) visitation levels and the revenue derived from user fees in the eligible area in which the qualified project is carried out;

''(B) the extent to which the qualified participant coordinates with a public or private alternative transportation authority;

''(C) private investment in the qualified project, including the provision of contract services, joint development activities, and the use of innovative financing mechanisms;

''(D) the clear and direct benefit to the qualified participant; and

''(E) any other matters that the Secretary considers appropriate to carry out this section.

''(3) NONDEPARTMENTAL SHARE.—Notwithstanding any other provision of law, Federal funds appropriated to any Federal land management agency may be counted toward the nondepartmental share of the cost of a qualified project.

''(h) SELECTION OF QUALIFIED PROJECTS.—

''(1) IN GENERAL.—The Secretary of the Interior, after consultation with and in cooperation with the Secretary, shall determine the final selection and funding of an annual program of qualified projects in accordance with this section.

''(2) CONSIDERATIONS.—In determining whether to include a project in the annual program of qualified projects, the Secretary of the Interior shall consider—

''(A) the justification for the qualified project, including the extent to which the qualified project would conserve resources, prevent or mitigate adverse impact, and enhance the environment;

''(B) the location of the qualified project, to ensure that the selected qualified projects—

''(i) are geographically diverse nationwide; and

''(ii) include qualified projects in eligible areas located in both urban areas and rural areas;

''(C) the size of the qualified project, to ensure that there is a balanced distribution;

''(D) the historical and cultural significance of a qualified project;

''(E) safety;

''(F) the extent to which the qualified project would—

''(i) enhance livable communities;

''(ii) reduce pollution (including noise pollution, air pollution, and visual pollution);

''(iii) reduce congestion; and

''(iv) improve the mobility of people in the most efficient manner; and

''(G) any other matters that the Secretary considers appropriate to carry out this section, including—

''(i) visitation levels;

''(ii) the use of innovative financing or joint development strategies; and

''(iii) coordination with gateway communities.

''(i) QUALIFIED PROJECTS CARRIED OUT IN ADVANCE.—

''(1) IN GENERAL.—When a qualified participant carries out any part of a qualified project without assistance under this section in accordance with all applicable procedures and requirements, the Secretary may pay the departmental share of the net project cost of a qualified project if—

''(A) the qualified participant applies for the payment;

''(B) the Secretary approves the payment; and

''(C) before carrying out that part of the qualified project, the Secretary approves the plans and specifications in the same manner as plans and specifications are approved for other projects assisted under this section.

''(2) INTEREST.—

''(A) IN GENERAL.—The cost of carrying out part of a qualified project under paragraph (1) includes the amount of interest earned and payable on bonds issued by a State or local governmental authority, to the extent that proceeds of the bond are expended in carrying out that part.

''(B) LIMITATION.—The rate of interest under this paragraph may not exceed the most favorable rate reasonably available for the qualified project at the time of borrowing.

''(C) CERTIFICATION.—The qualified participant shall certify, in a manner satisfactory to the Secretary, that the qualified participant has exercised reasonable diligence in seeking the most favorable interest rate.

''(j) FULL FUNDING AGREEMENT; PROJECT MANAGEMENT PLAN.—If the amount of assistance anticipated to be required for a qualified project under this section is more than $25,000,000—

''(1) the qualified project shall, to the extent that the Secretary considers appropriate, be carried out through a full funding agreement in accordance with section 5309(g); and

''(2) the qualified participant shall prepare a project management plan in accordance with section 5327(a).

''(k) RELATIONSHIP TO OTHER LAWS.—Qualified participants shall be subject to—

''(1) the requirements of section 5333;

''(2) to the extent that the Secretary determines to be appropriate, requirements consistent with those under subsections (d) and (i) of section 5307; and

''(3) any other terms, conditions, requirements, and provisions that the Secretary determines to be appropriate to carry out this section, including requirements for the distribution of proceeds on disposition of real property and equipment resulting from a qualified project assisted under this section.

''(l) INNOVATIVE FINANCING.—A qualified project assisted under this section shall be eligible for funding through a State Infrastructure Bank or other innovative financing mechanism otherwise available to finance an eligible project under this chapter.

''(m) ASSET MANAGEMENT.—The Secretary may transfer the interest of the Department of Transportation in, and control over, all facilities and equipment acquired under this section to a qualified participant for use and disposition in accordance with any property management regulations that the Secretary determines to be appropriate.

''(n) COORDINATION OF RESEARCH AND DEPLOYMENT OF NEW TECHNOLOGIES.—

''(1) IN GENERAL.—The Secretary, in cooperation with the Secretary of the Interior, may undertake, or make grants or contracts (including agreements with departments, agencies, and instrumentalities of the Federal Government) or other agreements for research, development, and deployment of new technologies in eligible areas that will—

''(A) conserve resources;

''(B) prevent or mitigate adverse environmental impact;

''(C) improve visitor mobility, accessibility, and enjoyment; and

''(D) reduce pollution (including noise pollution and visual pollution).

''(2) ACCESS TO INFORMATION.—The Secretary may request and receive appropriate information from any source.

''(3) FUNDING.—Grants and contracts under paragraph (1) shall be awarded from amounts allocated under subsection (e)(1).

''(o) REPORT.—

''(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, shall annually submit to the Committee on Transportation and Infrastructure of the House of Representatives and to the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the allocation of amounts to be made available to assist qualified projects under this section.

''(2) ANNUAL AND SUPPLEMENTAL REPORTS.—A report required under paragraph (1) shall be included in the report submitted under section 5309(p).''.

(b) AUTHORIZATIONS.—Section 5338 of title 49, United States Code, is amended by adding at the end the following:

''(j) SECTION 5316.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out section 5316 $90,000,000 for each of fiscal years 2004 through 2009.

''(2) AVAILABILITY.—Amounts made available under this subsection for any fiscal year shall remain available for obligation until the last day of the third fiscal year commencing after the last day of the fiscal year for which the amounts were initially made available under this subsection.''.

(c) CONFORMING AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections for chapter 53 of title 49, United States Code, is amended by inserting after the item relating to section 5315 the following:

''5316. Federal land transit program.''.

(2) PROJECT MANAGEMENT OVERSIGHT.—Section 5327(c) of title 49, United States Code, is amended in the first sentence—

(A) by striking ''or 5311'' and inserting ''5311, or 5316''; and

(B) by striking ''5311, or'' and inserting ''5311, 5316, or''.

(d) TECHNICAL AMENDMENTS.—Chapter 53 of title 49, United States Code, is amended—

(1) in section 5309—

(A) by redesignating subsection (p) as subsection (q); and

(B) by redesignating the second subsection designated as subsection (o) (as added by section 3009(i) of the Federal Transit Act of 1998 (112 Stat. 356)) as subsection (p);

(2) in section 5328(a)(4), by striking ''5309(o)(1)'' and inserting ''5309(p)(1)''; and

(3) in section 5337, by redesignating the second subsection designated as subsection (e) (as added by section 3028(b) of the Federal Transit Act of 1998 (112 Stat. 367)) as subsection (f).

TRANSIT IN PARKS ACT

SECTION-BY-SECTION ANALYSIS

Section 1: Short Title

The Transit in Parks, TRIP, Act.

Section 2: In General

Amends Federal transit laws by adding new section 5316, ''Federal Land Transit Program.''

Section 3: Findings and Purposes

The purpose of this Act is to promote the planning and establishment of alternative transportation systems within, and in the vicinity of, the national parks and other public lands to protect and conserve natural, historical, and cultural resources, mitigate adverse impact on those resources, relieve congestion, minimize transportation fuel consumption, reduce pollution, and enhance visitor mobility and accessibility and the visitor experience. The act responds to the need for alternative transportation systems in the national parks and other public lands identified in the study conducted by the Department of Transportation pursuant to section 3039 of TEA–21, by establishing Federal assistance to finance alternative transportation projects within and in the vicinity of the national parks and other public lands, to increase coordination with gateway communities, to encourage public-private partnerships, and to assist in the research and deployment of improved alternative transportation equipment and methods.

Section 4: Definitions

This section defines eligible projects and eligible participants in the program. A ''qualified participant'' is a Federal land management agency, or a State or local governmental authority acting with the consent of a Federal land management agency. A ''qualified project'' is a planning or capital alternative transportation project, including rail projects, clean fuel vehicles, joint development activities, pedestrian and bike paths, waterborne access, or projects that otherwise better protect the eligible areas and increase visitor mobility and accessibility. ''Eligible areas'' are lands managed by the National Park Service, the U.S. Fish and Wildlife Service, and the Bureau of Land Management, as well as any other Federally-owned or -managed park, refuge, or recreational area that is open to the general public. Qualified projects may be located either within eligible areas or in gateway communities in the vicinity of eligible areas.

Section 5: Federal Agency Cooperative Arrangements

This section implements the 1997 Memorandum of Understanding between the Departments of Transportation and the Interior for the exchange of technical assistance in alternative transportation, the development of alternative transportation policy and coordination, and the establishment of criteria for planning, selection, and funding of projects under this section.

Section 6: Types of Assistance

This section gives the Secretary of Transportation authority to provide Federal assistance through grants, cooperative agreements, inter- or intra-agency agreements, or other agreements, including leasing under certain conditions, for a qualified project under this section.

Section 7: Limitation on Use of Available Amounts

This section specifies that the Secretary may not use more than 5% of the amounts available under this section for planning, research, and technical assistance; these amounts can be supplemented from other sources. This section also gives the Secretary discretion to make grants to pay for operating expenses. In addition, to ensure a broad distribution of funds, no project can receive more than 12% of the total amount available under this section in any given year.

Section 8: Planning Process

This section requires the Secretaries of Transportation and the Interior to cooperatively develop a planning process consistent with TEA–21 for qualified participants which are Federal land management agencies. If the qualified participant is a State or local governmental authority, the qualified participant shall comply with the TEA–21 planing process and consult with the appropriate Federal land management agency during the planning process.

Section 9: Department's Share of the Costs

This section requires that in determining the Department's share of the project costs, the Secretary of Transportation, in cooperation with the Secretary of the Interior, must consider certain factors, including visitation levels and user fee revenues, coordination in project development with a public or private transit provider, private investment, and whether there is a clear and direct financial benefit to the qualified participant. The intent is to establish criteria for a sliding scale of assistance, with a lower Departmental share for projects that can attract outside investment, and a higher Departmental share for projects that may not have access to such outside resources. In addition, this section specifies that funds from the Federal land management agencies can be counted toward the local share.

Section 10: Selection of Qualified Projects

This section provides that the Secretary of the Interior, in cooperation with the Secretary of Transportation, shall prioritize the qualified projects for funding in an annual program of projects, according to the following criteria: (1) project justification, including the extent to which the project conserves resources, prevents or mitigates adverse impact, and enhances the environment; (2) project location to ensure geographic diversity and both rural and urban projects; (3) project size for a balanced distribution; (4) historical and cultural significance; (5) safety; (6) the extent to which the project would enhance livable communities, reduce pollution and congestion, and improve the mobility of people in the most efficient manner; and (7) any other considerations the Secretary deems appropriate, including visitation levels, the use of innovative financing or joint development strategies, and coordination with gateway communities.

Section 11: Undertaking Projects in Advance

This provision applies current transit law to this section, allowing projects to advance prior to receiving Federal funding, but allowing the advance activities to be counted toward the local share as long as certain conditions are met.

Section 12: Full Funding Agreement; Project Management Plan

This section provides that large projects require a project management plan, and shall be carried out through a full funding agreement to the extent the Secretary considers appropriate.

Section 13: Relationship to Other Laws

This provision applies certain transit laws to projects funded under this section, and permits the Secretary to apply any other terms or conditions he or she deems appropriate.

Section 14: Innovative Financing

This section provides that a project assisted under this Act can also use funding from a State Infrastructure Bank or other innovative financing mechanism that is available to fund other eligible transit projects.

Section 15: Asset Management

This provision permits the Secretary of Transportation to transfer control over a transit asset acquired with Federal funds under this section to a qualified governmental participant in accordance with certain Federal property management rules.

Section 16: Coordination of Research and Deployment of New Technologies

This provision allows the Secretary, in cooperation with the Secretary of the Interior, to enter into grants or other agreements for research and deployment of new technologies to meet the special needs of eligible areas under this Act.

Section 17: Report

This section requires the Secretary of Transportation to submit a report on projects funded under this section to the House Transportation and Infrastructure Committee and the Senate Banking, Housing, and Urban Affairs Committee, to be included in the Department's annual project report.

Section 18: Authorization

$90,000,000 is authorized to be appropriated for the Secretary to carry out this program for each of the fiscal years 2004 through 2009.

Section 19: Conforming Amendments

Conforming amendments to the transit title, including an amendment to allow 0.5% per year of the funds made available under this section to be used for project management oversight.

Section 20: Technical Amendments

Technical corrections to the transit title in TEA–21.

MAY 9, 2003.

Hon. PAUL SARBANES,
Hart Office Building,
Washington, DC.

DEAR SENATOR SARBANES: The undersigned organizations want to thank you for introducing the Transit in Parks Act that will enhance transit options for access to and within our public lands. We applaud your leadership and foresight in recognizing the critical role that mass transit can play in protecting our public lands and improving the visitor experience.

Visitation to America's public lands has skyrocketed during the past two decades. The national parks, for example, have seen their visitation increase from 190 million visitors in 1975 to approximately 286 million visitors last year. Increased public interest in these special places has placed substantial burdens on the very resources that draw people to these lands. As more and more individuals crowd into our public lands—typically by automobile—fragile habitat, endangered plants and animals, unique cultural treasures, and spectacular natural resources and vistas are being damaged from air and water pollution, noise intrusion, and inappropriate use.

As outlined in your legislation, the establishment of a program within the Department of Transportation dedicated to enhancing transit options in and adjacent to public lands will have a powerful, positive effect on the future ecological and cultural integrity of these areas. Your initiative will boost the role of alternative transportation solutions for many areas, particularly those most heavily impacted by visitation such as Yellowstone-Grand Teton, Yosemite, Grand Canyon, Acadia, and the Great Smoky Mountains national parks. For instance, development of transportation centers and auto parking lots outside the parks, complemented by the use of buses, vans, or rail systems, and/or bicycle and pedestrian pathways would provide much more efficient means of handling the crush of visitation. The benefit of such systems has already been demonstrated in a number of parks such as Zion and Cape Cod.

Equally important, the legislation will provide an excellent opportunity for the NPS, BLM and FWS to enter into public/private partnerships with states, localities, and the private sector, providing a wider range of transportation options than exists today. These partnerships could leverage funds that the federal land managing agencies currently have great difficulty accessing.

Finally, we support the legislation because it addresses the critical lack of resources for maintaining and operating alternative transportation systems once they are established.

We wholeheartedly endorse your bill as a creative new mechanism to protect and enhance both the resources and visitor experiences associated with America's public lands.

We look forward to working with you to move this legislation to enactment.

Sincerely,

THOMAS C. KIERNAN,
President, National Parks Conservation Association.
ANNE CANBY,
President, Surface Transportation Policy Project.
DALE S. MARSICO, CCTM,
Chief Executive Officer, Community Transportation Association of America.
MARTHA ROSKOWSKI,
Campaign Manager, America Bikes.
MARIANNE W. FOWLER,
Senior Vice-President of Programs, Rails-to-Trails Conservancy.
DAVID HIRSCH,
Director of Economic Programs, Friends of the Earth.

NATURAL RESOURCES DEFENSE COUNCIL,
Washington, DC, May 8, 2003.

Hon. PAUL SARBANES,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR SARBANES: On behalf of the more than 550,000 members of the Natural Resources Defense Council, I am writing to support your Transit in Parks Act. Many of our national parks are suffering from the impacts of too many automobiles: traffic congestion, air and water pollution, and disturbance of natural ecosystems resulting in both the degradation of natural and cultural resources and the visitor's experience. Providing dedicated funding for transit projects in our national parks, as your bill would do, is a priority solution to these problems in the National Park System.

It is essential in many parks to get visitors out of their automobiles by providing attractive and effective transit services to and within national parks. A sound practical transit system will improve the visitor's experience—making it more convenient and enjoyable for families and visitors of all ages. Better transit is critical to diversifying transportation choices and providing better access for the benefit of all park visitors. Air pollutants from automobiles driven by visitors can exacerbate respiratory health problems, damage vegetation, and contribute to haze that too often obliterates park vistas. And the more we get people into public transit and out of their individual cars, the more energy will be conserved. Lastly, a positive park transit experience will demonstrate to visitors that transit could serve them at home too, which should provide the indirect benefit of higher ridership on other transit systems. In short, this bill would help to reduce reliance on automobiles by authorizing the funding so our national parks can build and operate efficient and convenient transit systems.

With their great biodiversity and their recreational and educational value for all Americans, national parks make up some the nation's most valuable land. As driving increases in parks and on our roadways, it is critical to find ways to use existing infrastructure more efficiently and to reduce the impacts of transportation on these vital and sensitive lands.

We commend and thank you for your dedication and leadership on this issue and more generally to the protection of our national parks. Please look to us to help you establish better public transit in our national parks.

Sincerely,

CHARLES M. CLUSEN,
Senior Policy Analyst.

ENVIRONMENTAL DEFENSE,
New York, NY, May 8, 2003.

Hon. PAUL S. SARBANES,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR SARBANES: I am writing on behalf of Environmental Defense and our 300,000 members to express support for the Transit in Parks Act, which will provide dedicated funding for transit projects in our national parks. Many parks suffer from the consequences of poor transportation systems, traffic congestion, air and water pollution, and disturbance of natural ecosystems.

Increased funding for attractive and effective transit services to, and within our national parks is essential to mitigating these growing problems. An effective transit system in our national parks will not only make the park experience more enjoyable for millions of families every year, it will improve environmental conditions. Environmental conditions such as air pollutants that exacerbate respiratory health problems, damage vegetation and contribute to haze, which too often destroys the natural beauty of our parks. Enhancing transit within our national parks system would also aid in providing access to for all citizens to our parks, including those who do not own cars.

We appreciate your leadership on this issue, your dedication to the health of our national parks and, your support for expanded transportation choices for everyone. We look forward to working with you to get this vitally important legislation enacted.

Sincerely,

FRED KRUPP,
President.

AMALGAMATED TRANSIT UNION,
Washington, DC, May 8, 2003.

Hon. PAUL SARBANES,
Ranking Member, Senate Committee on Banking, Housing, and Urban Affairs, Hart Senate Office Building, Washington, DC.

DEAR SENATOR SARBANES: On behalf of the more than 180,000 members of the Amalgamated Transit Union (ATU), the largest labor organization representing mass transit, over-the-road, and school bus drivers in the United States and Canada, I am writing to express our strong support for the ''Transit in Parks Act'' (TRIP), which would provide increased funding for public transportation in national parks and other public lands. Without question, this legislation begins to address the major congestion and environmental issues that currently exist in U.S. National Parks from coast to coast.

Through the years, federal transit programs have enabled public transportation providers to assist urban communities to significantly reduce congestion and improve air quality by investing in mass transit, either bus or rail. Like you, we believe that this can also be achieved in our national parks, which during peak months become the equivalent of American cities, inundated with hundreds of millions of visitors each year. Therefore, ATU supports the adoption of the Transit in Parks Act as part of TEA 21's reauthorization.

We would welcome the opportunity to discuss this and any other transit issues with you or your staff at any time. As always, thank you for your continuous support of the people who proudly provide public transportation services for millions of Americans each day, and for recognizing that mass transit can provide benefits beyond our cities and suburbs.

Sincerely,

JAMES LA SALA,
International President.

AMERICA BIKES,
Washington, DC, May 9, 2003.

Hon. PAUL SARBANES,
Hart Office Building, Washington, DC.

DEAR SENATOR SARBANES: We are writing to express our enthusiastic support for the Transit in Park Act. This legislation will enhance alternative transportation, including transit, bicycling and walking, on our public lands. We appreciate your leadership in protecting our public lands and expanding opportunities for people to safely travel to and through these important places by foot and by bicycle.

The dramatic increase in the number of Americans enjoying public lands makes this legislation even more important. In 1975, 190 million people visited national parks. Last year, that number had risen to 286 million. These growing numbers are straining available resources, including the transportation infrastructure. Providing better facilities for bicycling and walking will encourage more people to use those modes. The benefits are numerous:

Traffic congestion will be reduced, along with the accompanying problems of air and water pollution, noise, and impacts on wildlife and vegetation;

The visitor experience is improved for all. Less congestion on the roads means easier driving for those in cars, and fewer conflicts with those on foot or on bike. Travel by foot or bicycle offers a much more intimate connection with our public lands;

Shifting trips from private automobiles to transit, bike and foot decreases the need for road expansions, oversized parking lots, and the impact on roads;

Improving access by bicycle and by foot from local communities will promote volunteerism and local involvement in the parks;

Encouraging bicycling and walking on our public lands will help address the myriad of health problems caused by physical inactivity; and

Improvements to facilities will improve safety and reduce bicycle and pedestrian fatalities. Currently, 13.6 percent of fatalities on our roads are bicyclists and pedestrians, while accounting for 7 percent of trips made.

Bicycles are a wonderful way to enjoy national parks, whether a multi-day adventure or a short afternoon pedal. Walking is ideal for shorter trips. And both modes combine well with transit to provide a wide variety of transportation choices.

America Bikes is a coalition of the leaders of the seven major national bicycling organizations and the $5 billion/year bicycle industry. The bicycle community wholeheartedly endorses this legislation. We thank you for your foresight, and we applaud your vision of

a more balanced transportation system on public lands.

Sincerely,

MARTHA ROSKOWSKI,
Campaign Manager.

[From USA Today, Sept. 27, 2002]

SAVE PARKS: PARK CARS

When the first white explorers and traders pushed up the scenic Yellowstone River two centuries ago, they brought back tales of a mysterious area the natives avoided. ''There is frequently herd (sic) a loud noise, like Thunder, which makes the earth Tremble,'' William Clark of Lewis and Clark fame later wrote. ''They seldom go there . . . and Conceive it possessed of spirits.''

The place the locals thought was haunted is now Yellowstone National Park and its centerpiece, Old Faithful. What they avoided now attracts 3 million visitors a year, most in motor vehicles. Congestion has become so great that authorities are looking at shuttle buses to reduce traffic. While the solution won't thrill those who see themselves as modern-day explorers entitled to their personal mechanical steeds, it beats gridlock or rationing access to the park.

Yellowstone has bought a fleet of yellow tour buses similar to ones phased out in the 1950s, when the family car became king. The idea is keep the park experience from becoming an urban commuter's nightmare.

If the plan succeeds, it could join a list of common-sense measures aimed at stopping the head-on collision between the nation's simultaneous love affairs with the automobile and its parks.

Rocky Mountain National Park in Colorado began shuttle service in 1978 to reduce congestion, parking problems and damage to resources. Glacier Park in Montana has brought back refurbished red 1930s tour buses. Yosemite and the Grand Canyon are moving in the same direction.

Massive Denali Park in Alaska long ago stopped private vehicles a few miles inside the entrance, limiting travel to buses to protect the fragile landscape. Zion Canyon, Utah, has done likewise. Even small parks such as Harpers Ferry, W. Va., have had to keep cars a couple miles away and bus visitors in.

Mass transit and national parks sound like an oxymoron. But as the thunder, not of geysers, but of auto traffic threatens to drown out the beauty of nature and the dignity of the past, public transportation is one key to keeping the parks accessible to all.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ENZI (for himself, Mr. DORGAN, Mr. JOHNSON, Mr. DASCHLE, Mr. THOMAS, and Mr. CONRAD):

S. 1044. A bill to amend the Packers and Stockyards Act, 1921, to prohibit the use of certain anti-competitive forward contracts; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. ENZI. Mr. President, we are having a crisis in the West. Actually, we are having a crisis anywhere that there are people who raise livestock. The crisis comes about as a result of neither fair trade nor free trade—in fact, the elimination of both. This bill is designed to make a correction in that. It is a clarification. I do not think the clarification would be necessary if enforcement were done, but this bill will clearly set out that a part of the problem can be solved.

Part of the crisis that particularly the small farmers and ranchers who raise livestock have is the drought we are having in the West. We are in the fourth year of a drought right now. That is resulting in a lot of for sale and auction signs going up on ranches. This is partly because they are not getting the proper price for their product. It is a controlled market; it is not a free market.

To bring it to a level that more people would understand, imagine trying to sell a house where the U.S. tradition might have changed so that everybody worked through a realtor, or at least 80 percent of the people worked through a realtor, and the realtor did not really show the house to other people. The realtor bought the house and then put it on the market themselves. The realtor had the capability to set the market price because of the other houses they owned.

That is what is happening with captive supply. There are a lot of technicalities to it. I sincerely hope my colleagues will take a look at it and understand it a little bit. It is very difficult. It is very detailed. It is very complicated to understand, but it is very important to understand. It is important to understand on behalf of the ranchers and consumers.

Now, one would think that if the price were being driven down for the rancher, those of us buying meat at the supermarket would get it for less. But if one tracks the price the ranchers are getting and the price the consumers are paying when the price goes down for the rancher, everything stays level for the consumer. So where is the money going? It is staying in the middle somewhere. We know where it is staying, and we know why it is staying, and it is control of the market. We do not usually allow that in the United States, but in this instance we allow it.

So 80 percent of the market is controlled by four packers, and they set the price. They set it in a way that the rancher has no control over it whatsoever. So the ones suffering this drought and suffering all the risk are the ones receiving the least money from the entire process. We do not believe in that in America. My bill is designed to change that.

Packers who practice price discrimination toward some producers and provide undue preferences to other producers are clearly in violation of the current law, but this law is not being enforced. What we are left with is unenforced laws or no laws at all to protect the independent producer. Since the Packers and Stockyards Act is not being enforced, and the cost to enforcing the law on a case-by-case basis in the courts is expensive and time consuming, today I propose the Senate take action.

Most laws require enforcement. They are like speed limits on a country road. No one pays attention to the sign unless the driver is sharing the road with an agent of the law who will enforce it—like a police car. This section of the Packers and Stockyards Act is like a sign on the road of commerce that no one is paying any attention to because the police are too busy doing something else.

The bill I am introducing today is not just another sign on the road, it is a speed bump. It does not just warn cars to go slower, it makes it more difficult for them to speed. Does it solve the whole problem? No, but it is one speed bump on the way to solving the problem.

My bill does two things to create the speed bump. It requires that livestock producers have a fixed base price in their contracts. It also puts these contracts up for bid in the open market where they belong. Under this bill, forward contracts and marketing agreements must contain a fixed base price on the day the contract is signed. Now, in other businesses, that sounds like how we already operate. But it is not the way the packer operates. Producers are only given a contract that says they will get a certain dollar above the average at the time of the slaughter. And then if the person who controls the market drives the price down, the average can be well below what they ever anticipated it would be.

Under this bill, forward contracts and marketing agreements must contain a fixed base price on the day the contract is signed. This prevents packers from manipulating the base price after the point of sale. You may hear allegations that this bill ends quality-driven production, but it does not prevent adjustments to the base price after slaughter for quality grade or other factors outside packer control. It prevents packers from changing the base price based on the factors they do control.

Contracts that are based on the futures market are also exempted from the bill's requirements. In an open market, buyers and sellers would have the opportunity to bid against each other for contracts and could witness bids that are made and accepted. That would be pretty unique if they knew what the prices were on the products, particularly when it is captive supply. Whether they take the opportunity to bid or not is their choice. The key is they have the access to do so.

I have worked on a number of bills and we have had success getting them through the Senate, and then the lobbying effort in conference knocks them out. That has sincerely convinced me there is a controlled market. Every attempt we make to provide a little speed bump is taken out and it is usually in conference. It usually passes the House, passes the Senate—not in identical form—but it has trouble in the conference committee. That is because there are a lot more lobbyists for the packers than there are for the small ranchers and livestock producers.

My bill also limits the size of the contracts to the rough equivalent of a load of livestock, meaning 40 cattle or

30 swine. It does not limit the number of contracts that will be offered by any individual. This key portion prevents small- and medium-sized livestock producers like those found in Wyoming from being shut out of deals containing thousands of livestock per contract. The more animals you have in the contract, the less likely it is that people can freely participate in the bidding process. It eliminates people.

We are sticking a small number of animals in each contract, but lots of contracts will help us to arrive at a more fair price for the livestock. Requiring a firm base price and an open and transparent market ends the potential for price discrimination, price manipulation, and undue preferences, the things mentioned in that 1921 act.

These are not the only benefits in my bill. It also preserves the very useful risk management tool that contracts provide to livestock producers. Contracts help producers plan and prepare for the future. My bill makes contracts and marketing agreements an even better risk management tool because it solidifies the base price for the producer. He is not guessing what he will sell it for; he has an exact price. Once the agreement is made, a producer can have confidence on shipping day in his ability to feed his family during the next year because he will know in advance how much he can expect to receive for his livestock.

This bill also encourages electronic trading. An open and public market would function much like the stock market where insider trading is prohibited. The stock market provides a solid example of how electronic livestock trading can work to the benefit of everyone involved. For example, price discovery in an open and electronic market is automatic. We tried a number of things to get price discovery so that the producers out there would have an idea what the true market is, whether it is being bought from other producers or being bought out of the captive supply. Every attempt we have made has been thwarted. They have found ways to put little loopholes in regulations so they do not have to report prices. That is not fair. It does not provide an open market.

Captive supply is still weighing on the minds and hurting the pocketbooks of ranchers in Wyoming and across the United States. Wyoming ranchers encourage me to keep up the good fight on this issue on every trip I make to my home State. I wish I had time to share some of the heartrending stories of the way they have been taken to the cleaners on these unique contracts they are forced to sign if they want to be able to sell their product.

The economic soul of Wyoming is built on the foundation of small towns and small businesses. All livestock producers, even small and medium ones, should have a fair chance to compete in an honest game that allows them to get the best price possible for their product. We must do everything we can to keep our small producers in business and protect the consumers. If there was a fluctuation out here on the other end where the consumer is, we might not have quite the same concern, but the consumer is not getting the benefit of this fixed market. So we need to change the fixed market.

We need to change captive supply. My bill removes one of the largest obstructions preventing livestock producers from competing, and that is formula price contracts. I ask my colleagues to assist me in giving their constituents and mine the chance to perform on a level playing field. It will help the economy of the entire United States. I ask for your help on this bill. We will be circulating some letters and further explanations so that we can have cosponsors; and pass the bill unanimously, I hope. I know that is a little difficult to obtain around here, but this is a very important issue and every State has livestock producers. It is time we took care of the livestock producers in a way that did not cost us a lot through enforcement.

I would love to see improved enforcement. I know there are other priority issues on enforcement, particularly since September 11, so I have tried to bring a little speed bump to provide accurate pricing. I ask for your help on the bill.

To reiterate:

Whenever there is a crisis the media has always served to focus the Nation's attention on the problem and who has been affected by it. Then it has been up to us, in the Congress, to review the problem and determine whether or not there was anything we could do to ease the suffering and repair the damage to someone's property and their livelihood.

Most of the time, when the media spots a crisis it is of such a magnitude that the pictures we see of the suffering are devastating and powerful. The images clearly cry out to us to take action and do what we can to restore, as much as possible, the lives of these people to normalcy.

We have all seen in these past few days the pictures of the devastating tornadoes that have wreaked havoc wherever they have touched down. Story after story has appeared in print and on television showing property destroyed, places of business torn in pieces, jobs in jeopardy and lives forever changed by the fury of a few moments of severe weather. Tornadoes do not last a long time, but they leave a path of devastation in their wake that leaves those affected by it forever changed.

Our thoughts and prayers go out to all of those who have been so affected and our hopes that they will be able to put their lives back together and go on as difficult as that will be to do.

As we view the devastation of those tornadoes, there are those in my State who have seen their livelihoods drastically affected by weather and unfair market policy, but they have not been so visible to us because we have not seen their faces on the nightly news or read their stories in the national newspapers. That is because not everyone who has seen their livelihood so drastically affected can be portrayed with quite the same kind of powerful images that depict those who have been touched by the ravages of severe weather patterns. Some problems that destroy livelihoods and weaken industries are far more subtle and more difficult to track.

Instead of being destroyed by a single blow, the industry I am referring to is being slowly put to death by the cruelest of methods—thousands of small cuts brought on by the lethal combination of several years of drought, ambiguous regulations that are too easily taken advantage of and the lax enforcement of existing law which has allowed for the manipulation of the system to one group's advantage.

Our Nation's ranching industry is in trouble, and, due to the slower pace with which it has been affected, the only stark images we will see of the intensity of the problem are the ''for sale'' or ''up for auction'' signs that acknowledge the closing of a family owned ranch and the end of a family's dream that lasted for generations as the land and the business was handed down for many, many years.

Right now, as I speak, if you are a rancher in the West, you have two major problems affecting your ability to earn a living and provide for your family. The first is the continuing drought which has made it so difficult for ranchers to tend their cattle and provide them with good, affordable grazing.

The second is a regulatory nightmare that has held livestock producers captive by the chains of unfair and manipulative contracts. It is this regulatory nightmare that must be addressed, and which brings me to the floor today as I offer legislation to break the chains and require livestock contracts to contain a fixed base price and be traded in open, public markets.

So, what is this regulation that is destroying the health of our family ranchers? It's a practice called ''captive supply,'' a business practice not well known to those outside of the industry, but a practice that has had a tremendous impact on the ranchers of the West.

If you have not heard about the problem, I must point out that our ranchers have tried to bring it to our attention, but we have not fully focused on their needs. Whenever I travel to Wyoming, or hold a town meeting, or go over the week's mail that I receive from my constituents, I hear the cries for help from our ranchers in Wyoming, and throughout the West. One by one, and without exception, they are all clamoring for attention and relief so they can continue the work that so many in their family have done for so many years.

I could bring a stack of letters that come from people all across my State

about the problems they face. But, in the interest of time, I will read a small excerpt from one that will give you an idea of how bad things are in the ranching industry as our ranchers try to deal with captive supply.

A letter I received from a rancher in Lingle said that the issue of captive supply needed to be reviewed and addressed because it was ''slowly but surely putting small farmers/feeders out of business.'' He then added:

> Until the existing laws are enforced in this area of illegal activities, all other plans or laws will be of very little consequence.

So what is captive supply and how is it harming our Nation's ranchers to such an extent? Simply put, captive supply refers to the ownership by meat packers of cattle or the contracts they issue to purchase livestock. It is done to ensure that packers will always have a consistent supply of livestock for their slaughterlines.

The original goal of captive supply makes good business sense. All businesses want to maintain a steady supply of animals to ensure a constant stream of production and control costs.

But captive supply allows packers to go beyond good organization and business performance—to market manipulation—and this is where the problem lies.

The packing industry is highly concentrated. Four companies control more than half of all U.S. hog slaughter and more than 80 percent of U.S. fed cattle slaughter. Using captive supply and the market power of concentration, packers can purposefully drive down the prices by refusing to buy in the open market. This deflates all livestock prices and limits the market access of producers that have not aligned with specific packers.

We made an attempt to address the problem of captive supply on the Senate floor, but the amendment to ban packer ownership of livestock more than 14 days before slaughter did not survive the conference committee on the farm bill. However, the problems caused by captive supplies are alive and well, just as Wyoming producers have testified to me in the phone calls, letters, faxes and emails I receive from them. Although I supported the packer ban and still do, I do not think that banning packer ownership of livestock will solve the entire captive supply problem. Packers are using numerous methods beyond direct ownership to control cattle and other livestock.

Currently, packers maintain captive supply through various means including direct ownership, forward contracts, and marketing agreements. The difference between the three is subtle, so let me take a moment to describe how they differ. Direct ownership refers to livestock owned by the packer. In forward contracts, producers agree to the delivery of cattle one week or more before slaughter with the price determined before slaughter. Forward contracts are typically fixed, meaning the base price is set.

As with forward contracts, marketing agreements also call for the delivery of livestock more than one week before slaughter, but the price is determined at or after slaughter. A formula pricing method is commonly used for cattle sold under marketing agreements. In formula pricing, instead of a fixed base price, an external reference price, such as the average price paid for cattle at a certain packing plant during one week, is used to determine the base price of the cattle. I find this very disturbing because the packer has the ability to manipulate the weekly average at a packing plant by refusing to buy in the open market. Unfortunately, marketing agreements and formula pricing are much more common than forward contracts.

In fact, the data published by USDA's Agricultural Marketing Service indicates that in the first week of May 2003, 39,149 of the cattle slaughtered were sold through a forward contract. By comparison, 207,955 of the cattle slaughtered were marketed through formula pricing marketing agreements. Packers were using five times as many formula pricing marketing agreements as forward contracts to purchase their slaughter cattle. As we can see, packers use more marketing agreements because of the advantages those ambiguous contracts give them over producers.

In the same week, 36,899 of the cattle slaughtered were directly owned by packers. These numbers demonstrate that the problem of captive supply is far more extensive than just packer ownership. In the first week of May, packer owned cattle only comprised 13 percent of captive cattle slaughtered. This is why we must act to solve the entire captive supply problem.

I realize it may be difficult to grasp the seriousness of the situation if you are not familiar with the cattle market. Most of us have not signed a contract to sell a load of livestock, but many of us have sold a house. To illustrate the seriousness of the problem, let's explore how you would sell a house using a formula-priced contract in a market structured like the current livestock market.

It is May, and you know you will be selling your home in September. As a wise seller, you want to find a buyer for your home before that time. It turns out that other people do not really buy homes from each other anymore. In fact, four main companies have taken over 80 percent of all real estate transactions. You really have no choice but to deal with one of these companies.

One of them offers you a contract, stating you will receive $10,000 over the average price of what other, similar homes are selling for in your area in September. To manage your risk and ensure a buyer, you have just been practically forced to sign a contract that doesn't specify how much you will receive for your house.

That tingle of fear in the pit of your stomach becomes full-fledged panic when you close the deal in September. You see, the four real estate companies have been planning ahead. They decide to pull away from the market. All the homes selling in September that are not contracted to the companies flood the market and the price for homes in your area drops $12,000. By trying to manage your risk, you sold your home for $2,000 below average.

As a homeowner, you would be outraged, wouldn't you? You would want to know why anyone had the ability to legally take advantage of you. Livestock producers have the same questions when they lose to the market pressures applied by captive supply. Captive supply gives packers the ability to discriminate against some producers. And those producers pay for it with their bottom line. At the same time, packers use contracts and marketing agreements to give privileged access and premiums to other producers regardless of the quality of their product. These uses of captive supply should be illegal. In fact, they are.

Section 202 of the Packers and Stockyards Act states in (3) (a) and (b):

> It shall be unlawful for any packer with respect to livestock . . . to:
>
> (a) Engage in or use any unfair, unjustly discriminatory, or deceptive practice or device; or
>
> (b) Make or give any undue or unreasonable preference or advantage to any particular person or locality in any respect, or subject any particular person or locality to any undue or unreasonable prejudice or disadvantage in any respect.

Packers who practice price discrimination toward some producers and provide undue preferences to other producers are clearly in violation of the law. But this law is not being enforced. So what we are left with are unenforced laws or no laws at all to protect the independent producer. Since the Packers and Stockyards Act is not being enforced and the cost of enforcing the law on a case-by-case basis in the courts is expensive and time-consuming, today I propose that the Senate take action.

Most laws require enforcement. They are like speed limits on a country road. No one pays the sign any attention unless the driver is sharing the road with an agent of the law who will enforce it—like a police car. This section of the Packers and Stockyards Act is like a sign on the road of commerce that no one is paying attention to because the police are busy doing something else. The bill I am introducing today is not just another sign on the road. It is a speed bump. It does not just warn cars to go slower, it makes it much more difficult for them to speed.

My bill does two things to create the speed bump. It requires that livestock producers have a fixed base price in their contracts. It also puts these contracts up for bid in the open market where they belong.

Under this bill, forward contracts and marketing agreements must contain a fixed, base price on the day the contract is signed. This prevents packers from manipulating the base price

after the point of sale. You may hear allegations that this bill ends quality-driven production, but it does not prevent adjustments to the base price after slaughter for quality, grade or other factors outside packer control. It prevents packers from changing the base price based on factors that they do control. Contracts that are based on the futures market are also exempted from the bill's requirements.

In an open market, buyers and sellers would have the opportunity to bid against each other for contracts and could witness bids that are made and accepted. Whether they take the opportunity to bid or not is their choice, the key here is that they have access to do so.

My bill also limits the size of contracts to the rough equivalent of a load of livestock, meaning 40 cattle or 30 swine. It does not limit the number of contracts that can be offered by an individual. This key portion prevents small and medium-sized livestock producers, like those found in Wyoming, from being shut out of deals that contain thousands of livestock per contract.

Requiring a firm base price and an open and transparent market ends the potential for price discrimination, price manipulation and undue preferences. These are not the only benefits of my bill. It also preserves the very useful risk management tool that contracts provide to livestock producers. Contracts help producers plan and prepare for the future. My bill makes contracts and marketing agreements an even better risk management tool because it solidifies the base price for the producer. Once the agreement is made, a producer can have confidence on shipping day in his ability to feed his family during the next year because he will know in advance how much he can expect to receive for his livestock.

This bill also encourages electronic trading. An open and public market would function much like the stock market, where insider trading is prohibited. The stock market provides a solid example of how electronic livestock trading can work to the benefit of everyone involved. For example, price discovery in an open and electronic market is automatic.

Captive supply is still weighing on the minds and hurting the pocketbooks of ranchers in Wyoming and across the United States. Wyoming ranchers encourage me to keep up the good fight on this issue on every trip I make to my home State. The economic soul of Wyoming is built on the foundation of small towns and small businesses. All livestock producers, even small and medium-sized ones, should have a fair chance to compete in an honest game that allows them to get the best price possible for their product. We must do everything we can to keep our small producers in business.

My bill removes one of the largest obstructions preventing livestock producers from competing—formula-priced contracts. I ask my colleagues to assist me in giving their constituents and mine the chance to perform on a level playing field.

I yield the floor.

By Mr. AKAKA (for himself and Mr. BINGAMAN):

S. 1045. A bill to strengthen United States capabilities to safely and securely dispose of all greater-than-Class C low-level radioactive waste; to the Committee on Energy and Natural Resources.

Mr. AKAKA. Mr. President, I rise to introduce the Low-Level Radioactive Waste Act of 2003. I am pleased that the Ranking Member of the Energy and Natural Resources Committee, Senator BINGAMAN, is a cosponsor of this important legislation. Our bill will address the efforts made by the Department of Energy, DOE, to recover and dispose of thousands of domestic Greater-than-Class-C, GTCC, radiological sources. These have the highest radiation levels and, in general, pose the greatest concern in terms of being used in a so-called ''dirty bomb.''

Since September 11, we have faced the possibility that a terrorist could use a dirty bomb in an attack in the United States. A dirty bomb combines conventional explosives with highly radioactive materials. When exploded, it would disperse the radioactive materials, reducing the impact from radiation. But, if set off in the downtown of a major city, it could still contaminate a wide area with radiation, cause death and destruction due to the explosion, and panic and substantial economic damage could result. It is not surprising that the Department of Homeland Security has chosen as one of its training scenarios a simulated ''dirty bomb'' attack on an American city.

Secretary of Energy Spencer Abraham told an International Atomic Energy Agency conference in March, ''Radioactive sources can be found all over the world, and terrorist are seeking to acquire them.'' CIA Director George Tenet told Congress in February that he was concerned about Al Qaeda's attempts to build a dirty bomb. He said, ''construction of such a device is well within Al Qaeda capabilities—if it can obtain the radiological material.''

Radiological sources are used widely in industry, agriculture, medicine, and research. Appropriately, Secretary Abraham has made it priority for the Department of Energy to help other countries secure their radiological sources. But as the United States works internationally to secure dangerous radiological sources, we also must be sure our own house is in order.

As chairman of the International Security Subcommittee of the Senate Government Affairs Committee, I held hearings in the fall of 2001 that covered the threat posed by dirty bombs. I also requested that GAO examine U.S. efforts to secure radioactive sources within the United States.

GAO recently finished their inquiry, and I am sorry to report that GAO found our house is not in order. Many of you may have seen the report on NBC Nightly News last night that featured GAO's investigation.

GAO's report shows that not only the former Soviet Union, but also the United States does not keep track of or account for its radioactive sources in a reliable manner. There is not a precise count of GTCC sources in the United States. Some quarter to half a million are estimated to exist. Some 24,000 new GTCC sources are being produced each year.

A central issue is what is being done with unwanted radioactive devices. We don't have an accurate account of unwanted devices in this country, and the program for recovering and securing them is proceeding too slowly.

In 1985, Congress authorized DOE to provide a facility for disposing of GTCC waste, including GTCC sealed radiological sources that were no longer wanted by their owners. GAO found that after 18 years, DOE still has not developed a facility for storing GTCC wastes.

DOE assumes a facility for receiving GTCC sealed sources will be available by FY 2007. But DOE has not taken serious steps to insure this facility will be built.

Instead, DOES has an interim program for collecting and holding unwanted radiological sources. In 1999, DOE created an Off-site Source Recovery Project, or OSR, in the Office of Environmental Management for these purposes.

The OSR Project has recovered about 5,3000 sealed sources. Another 4,400 sources, held by 328 different owners across the United States, are known to be in need of recovery. DOE estimates a further 4,600 sources will need to be recovered by 2010, when the OSR Project is scheduled to end because the permanent storage facility should be operating.

Thousands more sources, however, will need to be recovered outside the OSR project once a depository opens.

Every State in the Union has radioactive sources that need to be recovered, according to the GAO report. States with more than a 100 sources to be recovered include Arizona, California, Illinois, Maryland, New York, and Texas. Another 25 States have between 10 and 100 sources to be recovered.

The GAO report notes that many of these are small sources with small amounts of radiation but hundreds are larger sources with large amounts of radioactivity.

Alarmingly, the question of dirty bombs aside, there are almost two nuclear bombs worth of unwanted plutonium-239 sources that DOE cannot recover because they lack storage space. GAO reports that universities that have this material want to give it up, but cannot, because the DOE does not have the space to store them.

We are concerned that the program to recover, secure, and store GTCC radiological sources is not receiving the

priority it deserves. The disposal of thousands of radiological sources must be addressed. But DOE will not be prepared to dispose of these sources permanently in the next seven years because DOE has not identified the type of facility or provided a cost estimate and time-line for its construction.

This bill will address these concerns. To insure the permanent disposal program gets the attention it needs within DOE, our legislation requires DOE to designate a responsibility entity within DOE to develop a facility for disposal of GTCC wastes.

It also requires the DOE to report to Congress on the current situation and future plans for the disposal of GTCC radioactive waste. After the completion of this report, the DOE must submit to Congress a report on the cost and schedule to complete an environment impact statement and record of decision on a permanent disposal facility for GTCC radioactive wastes. Finally, before the year is out, DOE must deliver to Congress a plan to provide for the short-term recovery of the GTCC radioactive waste until a permanent facility is available.

I am also concerned that the short-term Offsite Source Recovery Project may lack the funding required to ensure that all designated radiological sources are safety and securely recovered in a timely manner. The program apparently will be funded adequately through the end of FY04. The FY02 emergency supplemental budget provided ten millions dollars, and the President requested about two millions dollars in his FY04 budget proposal. But I caution Congress to keep an eye on this program to guarantee sufficient funds are requested in the FY05 budget when it is submitted to Congress next year.

Thousands of sealed sources await disposal, some requiring security measures greater than those in place at current storage sites. The problem posed by these sources will not go away by itself. Universities and industry do not have the means or facilities to secure these materials and are asking the federal government for help.

When the United States began nonproliferation efforts in the former Soviet Union, one of the first jobs was to begin consolidating nuclear weapons and fissile materials in secure facilities to await disposal or destruction. As Secretary Abraham has said, due to worries about terrorists acquiring dirty bombs, the DOE now is working to secure radiological sources overseas.

I support these efforts. The bill Senator BINGAMAN and I have introduced will give radiological sources and waste on American soil the same consideration. Collecting and securing these sources was once a matter of public safety. It is now a national security concern that deserves the attention of Congress.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1045

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Low-Level Radioactive Waste Act of 2003''.

SEC. 2. FINDINGS.

Congress finds that—

(1) section 3(b)(1)(D) of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021c(b)(1)(D)) requires the Secretary of Energy to safely dispose of all greater-than-Class C low-level radioactive waste (as defined in section 61.55 of title 10, Code of Federal Regulations);

(2) the Offsite Source Recovery Program, established by the Department of Energy to recover and store sources of such waste, is scheduled to cease operation by September 30, 2010;

(3) the Department of Energy estimates that about 14,000 sealed sources of such waste will become unwanted and will have to be disposed of through the Offsite Source Recovery Program by that date;

(4)(A) in February 1987 the Secretary of Energy submitted to Congress a comprehensive report making recommendations for ensuring the safe disposal of all greater-than-Class C low-level radioactive waste; and

(B) 16 years later, it is likely that the information contained in the report is no longer current and does not reflect the new security threat environment;

(5) the Department of Energy—

(A) does not have the resources or storage facility to recover and store all unwanted sources of greater-than-Class C low-level radioactive waste; and

(B) has not identified a permanent disposal facility;

(6) it is unlikely that a permanent disposal facility will be operational by the time that the Offsite Source Recovery Program ceases operation;

(7) the initial steps in developing a disposal facility (including preparation of an environmental impact statement and issuance of a record of decision) could take several years and will require dedicated funding to complete; and

(8) before a final decision on the disposal alternative to be implemented is made, Congress must have an opportunity to review the alternatives under consideration and provide input.

SEC. 3. DEPARTMENT OF ENERGY RESPONSIBILITIES

(a) DESIGNATION OF RESPONSIBILITY.—The Secretary of Energy shall designate an entity within the Department of Energy to have the responsibility of completing activities needed to develop a facility for safely disposing of all greater-than-Class C low-level radioactive waste.

(b) CONSULTATION WITH CONGRESS.—In developing a plan for a permanent disposal facility for greater-than-Class C low-level radioactive waste (including preparation of an environmental impact statement and issuance of a record of decision), the Secretary of Energy shall consult with Congress.

SEC. 4. REPORTS.

(a) UPDATE OF 1987 REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy shall submit to Congress an update of the report referred to in section 2(4).

(2) CONTENTS.—The update shall contain—

(A) an identification of the radioactive waste that is to be disposed of (including the source of the waste and the volume, concentration, and other relevant characteristics of the waste);

(B) an identification of the Federal and non-Federal options for disposal of the waste;

(C) a description of the actions proposed to ensure the safe disposal of the waste;

(D) an estimate of the costs of the proposed actions;

(E) an identification of the options for ensuring that the beneficiaries of the activities resulting in the generation of the radioactive waste bear all reasonable costs of disposing of the waste;

(F) an identification of any statutory authority required for disposal of the waste; and

(G) in coordination with the Environmental Protection Agency and the Nuclear Regulatory Commission, an identification of any regulatory guidance needed for the disposal of the waste.

(b) REPORT ON PERMANENT DISPOSAL FACILITY.—

(1) REPORT ON COST AND SCHEDULE FOR COMPLETION OF EIS AND ROD.—Not later than 180 days after the date of submission of the update under subsection (a), the Secretary of Energy shall submit to Congress a report containing an estimate of the cost and schedule to complete an environmental impact statement and record of decision for a permanent disposal facility for greater-than-Class C radioactive waste.

(2) REPORT ON ALTERNATIVES.—Before the Secretary of Energy makes a final decision on the disposal alternative to be implemented, the Secretary of Energy shall—

(A) submit to Congress a report that describes all alternatives under consideration; and

(B) await action by Congress.

(c) REPORT ON SHORT-TERM PLAN.—

(1) IN GENERAL.—Not later than December 31, 2003, the Secretary of Energy shall submit to Congress a plan to ensure the continued recovery and storage of greater-than-Class C low-level radioactive waste until a permanent disposal facility is available.

(2) CONTENTS.—The plan shall contain estimated cost, resource, and facility needs.

By Mr. STEVENS (for himself, Mr. HOLLINGS, Mr. BURNS, Mr. LOTT, Mr. DORGAN, and Mr. WYDEN):

S. 1046. A bill to amend the Communications Act of 1934 to preserve localism, to foster and promote the diversity of television programming, to foster and promote competition, and to prevent excessive concentration of ownership of the nation's television broadcast stations; to the Committee on Commerce, Science, and Transportation.

Mr. STEVENS. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1046

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Preservation of Localism, Program Diversity, and Competition in Television Broadcast Service Act of 2003''.

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) The principle of localism is embedded in the Communications Act in section 307(b) of the Communications Act of 1934 (47 U.S.C. 307(b)). It has been the pole star for regulation of the broadcast industry by the Federal Communications Commission for nearly 70 years.

(2) In the Telecommunications Act of 1996, Congress directed the Federal Communications Commission to increase the limitations on national multiple television ownership so that one party could not own or control television stations whose aggregate national audience reach exceeded 35 percent. Congress did so because it recognized that—

(A) further national concentration could not be undone;

(B) other regulatory changes, such as the repeal by the Commission of its financial and syndication regulations, would heighten the power of the national television networks; and

(C) the independence of non-network-owned stations would be threatened if network ownership exceeded 35 percent.

(3) If a limit to the national audience reach of television stations that one party may own or control is not codified at this time—

(A) further national concentration may occur whose pernicious effects may be difficult to eradicate; and

(B) the independence of non-network-owned stations will be threatened, placing local stations in danger of becoming mere passive conduits for network transmissions.

(4) A cap on national multiple television ownership will help preserve localism by limiting the networks ability to dictate programming aired on local stations.

(5) The landscape of national ownership has changed dramatically over the past two decades since the time when the networks were limited to owning just seven television stations nationwide:

(A) the Commissions financial and syndication regulations have been repealed;

(B) the networks can own more than one television station in many local markets;

(C) the networks have embraced programming ventures from studios to syndication to foreign sales; and

(D) the networks own the most popular cable and Internet content businesses.

Together these changes have strengthened the networks hands and given them strong incentives to override local interests.

(6) Unlike non-network-owned stations which are only concerned with local viewers, network-owned stations have multiple interests they must consider: national advertising interests, syndicated programming interests, foreign sales interests, cable programming interests, and, lastly, local station interests.

(7) The possibility of further nationalization threatens the current give-and-take between non-network-owned affiliates and networks which can result in programming being edited, scheduled, or promoted in ways that are more appropriate for local audiences.

(8) As network power has grown in recent years, the networks have forced affiliation agreements to tilt the balance of power even more in their favor. Contract provisions encroach on the ability of non-network-owned affiliates to reject programming that local stations determine not to be in the best interests of their local communities, and local stations are penalized for unauthorized preemptions (as determined by the network) and for exceeding preemption baskets.

(9) This Act will help to preserve localism in and to prevent the further nationalization of the television broadcast service.

(b) PURPOSES.—The purposes of this Act are—

(1) to promote the values of localism in the television broadcast service;

(2) to promote diversity of television programming and viewpoints;

(3) to promote competition; and

(4) to prevent excessive concentration of ownership by establishing a limit to the national audience reach of the television stations that any one party may own or control.

SEC. 3. NATIONAL TELEVISION MULTIPLE OWNERSHIP LIMITATIONS.

(a) ESTABLISHMENT OF NATIONAL TELEVISION MULTIPLE OWNERSHIP LIMITATIONS.—Part I of Title III of the Communications Act of 1934 is amended by inserting after section 339 (47 U.S.C. 339) the following new section:

''SEC. 340. NATIONAL TELEVISION MULTIPLE OWNERSHIP LIMITATIONS.

''(a) NATIONAL AUDIENCE REACH LIMITATION.—The Commission shall not permit any license for a commercial television broadcast station to be granted, transferred, or assigned to any party (including all parties under common control) if the grant, transfer, or assignment of such license would result in such party or any of its stockholders, partners, or members, officers, or directors, directly or indirectly, owning, operating or controlling, or having a cognizable interest in television stations which have an aggregate national audience reach exceeding 35 percent.

''(b) NO GRANDFATHERING.—The Commission shall require any party (including all parties under common control) that holds licenses for commercial television broadcast stations in excess of the limitation contained in subsection (a) to divest itself of such licenses as may be necessary to come into compliance with such limitation within one year after the date of enactment of this section.

''(c) SECTION NOT SUBJECT TO FORBEARANCE.—Section 10 of this Act shall not apply to the requirements of this section.

''(d) DEFINITIONS.—

''(1) NATIONAL AUDIENCE REACH.—The term 'national audience reach' means—

''(A) the total number of television households in the Nielsen Designated Market Area (DMA) markets in which the relevant stations are located, or as determined under a successor measure adopted by the Commission to delineate television markets for purposes of this section; divided by

''(B) the total national television households as measured by such DMA data (or such successor measure) at the time of a grant, transfer, or assignment of a license.

No market shall be counted more than once in making this calculation.

''(2) COGNIZABLE INTEREST.—Except as may otherwise be provided by regulation by the Commission, the term 'cognizable interest' means any partnership or direct ownership interest and any voting stock interest amounting to 5 percent or more of the outstanding voting stock of a licensee.''.

(b) CONFORMING AMENDMENT.—Section 202(c)(1) of the Telecommunications Act of 1934 (P.L. 104-104; 110 Stat. 111) is amended—

(1) by striking ''its regulations'' and all that follows through ''by eliminating'' and inserting ''its regulations (47 CFR 73.3555) by eliminating'';

(2) by striking ''; and'' at the end of subparagraph (A) and inserting a period; and

(3) by striking subparagraph (B).

By Mr. WARNER

S. 1050. An original bill to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; from the Committee on Armed Services; placed on the calendar.

Mr. WARNER. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1050

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Defense Authorization Act for Fiscal Year 2004''.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term ''congressional defense committees'' means—

(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2004 for procurement for the Army as follows:

(1) For aircraft, $2,158,485,000.

(2) For missiles, $1,553,462,000.

(3) For weapons and tracked combat vehicles, $1,658,504,000.

(4) For ammunition, $1,363,305,000.

(5) For other procurement, $4,266,027,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2004 for procurement for the Navy as follows:

(1) For aircraft, $8,996,948,000.

(2) For weapons, including missiles and torpedoes, $ 2,046,821,000.

(3) For shipbuilding and conversion, $11,707,984,000.

(4) For other procurement, $4,744,443,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2004 for procurement for the Marine Corps in the amount of $1,089,599,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2004 for procurement of ammunition for the Navy and the Marine Corps in the amount of $924,355,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2004 for procurement for the Air Force as follows:

(1) For aircraft, $12,082,760,000.

(2) For ammunition, $1,284,725,000.

(3) For missiles, $4,394,439,000.

(4) For other procurement, $11,630,659,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2004 for Defense-wide procurement in the amount of $3,884,106,000.

SEC. 105. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 2004 for procurement for the Inspector General of the Department of Defense in the amount of $2,100,000.

SEC. 106. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

There is hereby authorized to be appropriated for the Office of the Secretary of Defense for fiscal year 2004 the amount of $1,530,261,000 for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 107. DEFENSE HEALTH PROGRAMS.

Funds are hereby authorized to be appropriated for fiscal year 2004 for the Department of Defense for procurement for carrying out health care programs, projects, and activities of the Department of Defense in the total amount of $327,826,000.

Subtitle B—Army Programs

(reserved)

Subtitle C—Navy Programs

SEC. 121. MULTIYEAR PROCUREMENT AUTHORITY FOR NAVY PROGRAMS.

(a) AUTHORITY.—Beginning with the fiscal year 2004 program year, the Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract for procurement for the following programs:

(1) The F/A–18 aircraft program.

(2) The E–2C aircraft program.

(3) The Tactical Tomahawk Cruise Missile program, subject to subsection (b).

(4) The Virginia class submarine, subject to subsection (c).

(b) TACTICAL TOMAHAWK CRUISE MISSILES.—The Secretary may not enter into a multiyear contract for the procurement of Tactical Tomahawk Cruise Missiles under subsection (a)(3) until the Secretary determines on the basis of operational testing that the Tactical Tomahawk Cruise Missile is effective for fleet use.

(c) VIRGINIA CLASS SUBMARINES.—Paragraphs (2)(A), (3), and (4) of section 121(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1648) shall apply in the exercise of authority to enter into a multiyear contract for the procurement of Virginia class submarines under subsection (a)(4).

SEC. 122. PILOT PROGRAM FOR FLEXIBLE FUNDING OF NAVAL VESSEL CONVERSIONS AND OVERHAULS.

(a) ESTABLISHMENT.—The Secretary of the Navy may carry out a pilot program of flexible funding of conversions and overhauls of cruisers of the Navy in accordance with this section.

(b) AUTHORITY.—Under the pilot program the Secretary of the Navy may, subject to subsection (d), transfer appropriated funds described in subsection (c) to the appropriation for the Navy for procurement for shipbuilding and conversion for any fiscal year to continue to fund any conversion or overhaul of a cruiser of the Navy that was initially funded with the appropriation to which transferred.

(c) FUNDS AVAILABLE FOR TRANSFER.—The appropriations available for transfer under this section are the appropriations to the Navy for any fiscal year after fiscal year 2003 and before fiscal year 2013 for the following purposes:

(1) For procurement, as follows:

(A) For shipbuilding and conversion.

(B) For weapons procurement.

(C) For other procurement.

(2) For operation and maintenance.

(d) LIMITATIONS.—(1) A transfer may be made with respect to a cruiser under this section only to meet the following requirements:

(A) Any increase in the size of the workload for conversion or overhaul to meet existing requirements for the cruiser.

(B) Any new conversion or overhaul requirement resulting from a revision of the original baseline conversion or overhaul program for the cruiser.

(2) A transfer may not be made under this section before the date that is 30 days after the date on which the Secretary of the Navy transmits to the congressional defense committees a written notification of the intended transfer. The notification shall include the following matters:

(A) The purpose of the transfer.

(B) The amounts to be transferred.

(C) Each account from which the funds are to be transferred.

(D) Each program, project, or activity from which the funds are to be transferred.

(E) Each account to which the funds are to be transferred.

(F) A discussion of the implications of the transfer for the total cost of the cruiser conversion or overhaul program for which the transfer is to be made.

(e) MERGER OF FUNDS.—Amounts transferred to an appropriation with respect to the conversion or overhaul of a cruiser under this section shall be credited to and merged with other funds in the appropriation to which transferred and shall be available for the conversion or overhaul of such cruiser for the same period as the appropriation with which merged.

(f) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The authority to transfer funds under this section is in addition to any other authority provided by law to transfer appropriated funds and is not subject to any restriction, limitation, or procedure that is applicable to the exercise of any such other authority.

(g) FINAL REPORT.—Not later than October 1, 2011, the Secretary of the Navy shall submit to the congressional defense committees a report containing the Secretary's evaluation of the efficacy of the authority provided under this section.

(h) TERMINATION OF PROGRAM.—No transfer may be made under this section after September 30, 2012.

Subtitle D—Air Force Programs

SEC. 131. ELIMINATION OF QUANTITY LIMITATIONS ON MULTIYEAR PROCUREMENT AUTHORITY FOR C–130J AIRCRAFT.

Section 131(a) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2475) is amended by striking ''up to 40 C-130J aircraft in the CC–130J configuration and up to 24 C–130J aircraft in the KC–130J configuration'' and inserting ''C–130J aircraft in the CC–130J and KC–130J configurations''.

Subtitle E—Other Matters

(reserved)

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2004 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $9,012,500,000.

(2) For the Navy, $14,590,284,000.

(3) For the Air Force, $20,382,407,000.

(4) For Defense-wide activities, $19,135,679,000, of which $286,661,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR SCIENCE AND TECHNOLOGY.

(a) AMOUNT FOR PROJECTS.—Of the total amount authorized to be appropriated by section 201, $10,705,561,000 shall be available for science and technology projects.

(b) SCIENCE AND TECHNOLOGY DEFINED.—In this section, the term ''science and technology project'' means work funded in program elements for defense research, development, test, and evaluation under Department of Defense budget activities 1, 2, or 3.

SEC. 203. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 2004 for research, development, test, and evaluation for the Inspector General of the Department of Defense in the amount of $300,000.

SEC. 204. DEFENSE HEALTH PROGRAMS.

Funds are hereby authorized to be appropriated for fiscal year 2004 for the Department of Defense for research, development, test, and evaluation for carrying out health care programs, projects, and activities of the Department of Defense in the total amount of $65,796,000.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. PROHIBITION ON TRANSFER OF CERTAIN PROGRAMS OUTSIDE THE OFFICE OF THE SECRETARY OF DEFENSE.

The Secretary of Defense may not designate any official outside the Office of the Secretary of Defense to exercise authority for programming or budgeting for any of the following programs:

(1) Explosive demilitarization technology (program element 0603104D8Z).

(2) High energy laser research initiative (program element 0601108D8Z).

(3) High energy laser research (program element 0602890D8Z).

(4) High energy laser advanced development (program element 0603924D8Z).

(5) University research initiative (program element 0601103D8Z).

SEC. 212. OBJECTIVE FORCE INDIRECT FIRES PROGRAM.

(a) DISTINCT PROGRAM ELEMENT.—The Secretary of Defense shall ensure that, not later than October 1, 2003, the Objective Force Indirect Fires Program is being planned, programmed, and budgeted for as a distinct program element and that funds available for such program are being administered consistent with the budgetary status of the program as a distinct program element.

(b) PROHIBITION.—Effective on October 1, 2003, the Objective Force Indirect Fires Program may not be planned, programmed, and budgeted for, and funds available for such program may not be administered, in one program element in combination with the Armored Systems Modernization program.

(c) CERTIFICATION REQUIREMENT.—At the same time that the President submits the budget for fiscal year 2005 to Congress under section 1105(a) of title 31, United States Code, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a written certification that the Objective Force Indirect Fires Program is being planned, programmed, and budgeted for, and funds available for such program are being administered, in accordance with the requirement in subsection (a) and the prohibition in subsection (b).

Subtitle C—Ballistic Missile Defense

SEC. 221. FIELDING OF BALLISTIC MISSILE DEFENSE CAPABILITIES.

Funds authorized to be appropriated under section 201(4) for the Missile Defense Agency may be used for the development and fielding of an initial set of ballistic missile defense capabilities.

SEC. 222. REPEAL OF REQUIREMENT FOR CERTAIN PROGRAM ELEMENTS FOR MISSILE DEFENSE AGENCY ACTIVITIES.

Section 223 of title 10, United States Code is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively; and

(3) in subsection (b), as so redesignated, by striking ''specified in subsection (a)''.

SEC. 223. OVERSIGHT OF PROCUREMENT OF BALLISTIC MISSILE DEFENSE SYSTEM ELEMENTS.

(a) OVERSIGHT REQUIREMENTS.—Chapter 9 of title 10, United States Code, is amended by inserting after section 223 the following new section:

''§ 223a. Ballistic missile defense programs: procurement

''(a) BUDGET JUSTIFICATION MATERIALS.—In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31), the Secretary of Defense shall specify, for each ballistic missile defense system element for which the Missile Defense Agency in engaged in planning for production and initial fielding, the following information:

''(1) The production rate capabilities of the production facilities planned to be used.

''(2) The potential date of availability of the element for initial fielding.

''(3) The expected costs of the initial production and fielding planned for the element.

''(4) The estimated date on which the administration of the acquisition of the element is to be transferred to the Secretary of a military department.

''(b) FUTURE-YEARS DEFENSE PROGRAM.—The future-years defense program submitted to Congress each year under section 221 of this title shall include an estimate of the amount necessary for procurement for each ballistic missile defense system element, together with a discussion of the underlying factors and reasoning justifying the estimate.''.

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of such chapter 9 is amended by inserting after the item relating to section 223 the following new item:

''223a. Ballistic missile defense programs: procurement.''.

SEC. 224. RENEWAL OF AUTHORITY TO ASSIST LOCAL COMMUNITIES IMPACTED BY BALLISTIC MISSILE DEFENSE SYSTEM TEST BED.

Section 235(b) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1041) is amended—

(1) in paragraph (1), by inserting '', 2004, 2005, or 2006'' after ''for fiscal year 2002''; and

(2) by adding at the end the following new paragraph:

''(3) In the budget justification materials for the Department of Defense that the Secretary of Defense submits to Congress in connection with the submission of the budget for fiscal year 2004, the budget for fiscal year 2005, and the budget for fiscal year 2006 under section 1105(a) of title 31, United States Code, the Secretary shall include a description of the community assistance projects that are to be supported in such fiscal year under this subsection and an estimate of the total cost of each such project.''.

Subtitle D—Other Matters

SEC. 231. GLOBAL RESEARCH WATCH PROGRAM IN THE OFFICE OF THE DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING.

Section 139a of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c)(1) The Director shall carry out a Global Research Watch program.

''(2) The goals of the program are as follows:

''(A) To monitor and analyze the basic and applied research activities and capabilities of foreign nations in areas of military interest, including allies and competitors.

''(B) To provide standards for comparison and comparative analysis of research capabilities of foreign nations in relation to the research capabilities of the United States.

''(C) To assist Congress and Department of Defense officials in making investment decisions for research in technical areas where the United States may not be the global leader.

''(D) To identify areas where significant opportunities for cooperative research may exist.

''(E) To coordinate and promote the international cooperative research and analysis activities of each of the armed forces and Defense Agencies.

''(F) To establish and maintain an electronic database on international research capabilities, comparative assessments of capabilities, cooperative research opportunities, and ongoing cooperative programs.

''(3) The program shall be focused on research and technologies at a technical maturity level equivalent to Department of Defense basic and applied research programs.

''(4) The Director shall coordinate the program with the international cooperation and analysis activities of the military departments and Defense Agencies.

''(5) Information in electronic databases of the Global Research Watch program shall be maintained in unclassified form and, as determined necessary by the Director, in classified form in such databases.''.

SEC. 232. DEFENSE ADVANCED RESEARCH PROJECTS AGENCY BIENNIAL STRATEGIC PLAN.

(a) REQUIREMENT FOR PLAN.—(1) Subchapter II of chapter 8 of title 10, United States Code, is amended by inserting after section 201 the following new section:

''§ 202. Defense Advanced Research Projects Agency: biennial strategic plan

''(a) REQUIREMENT FOR STRATEGIC PLAN.—(1) Every other year, and in time for submission to Congress under subsection (b), the Director of the Defense Advanced Research Projects Agency shall prepare a strategic plan for the activities of the agency.

''(2) The strategic plan shall include the following matters:

''(A) The long-term strategic goals of the agency.

''(B) Identification of the research programs that support—

''(i) achievement of the strategic goals; and

''(ii) exploitation of opportunities that hold the potential for yielding significant military benefits.

''(C) The connection of agency activities and programs to activities and missions of the armed forces.

''(D) A technology transition strategy for agency programs.

''(E) An assessment of agency policies on the management, organization, and personnel of the agency.

''(b) SUBMISSION OF PLAN TO CONGRESS.—The Secretary of Defense shall submit the latest biennial strategic plan of the Defense Advanced Research Projects Agency to Congress at the same time that the President submits the budget for an even-numbered year to Congress under section 1105(a) of title 31.

''(c) REVIEW PANEL.—(1) The Secretary of Defense shall establish a panel to advise the Director of the Defense Research Projects Agency on the preparation, content, and execution of the biennial strategic plan.

''(2) The panel shall be composed of members appointed by the Secretary of Defense from among persons who are experienced and knowledgeable in research activities of potential military value, as follows:

''(A) The principal staff assistant to the Director of the Defense Advanced Research Projects Agency, who shall serve as chairman of the panel.

''(B) Three senior officers of the armed forces.

''(C) Three persons who are representative of—

''(i) private industry;

''(ii) academia; and

''(iii) federally funded research and development centers or similar nongovernmental organizations.

''(3) The members appointed under subparagraphs (B) and (C) of paragraph (2) shall be appointed for a term of two years. The members may be reappointed, except that every two years the Secretary of Defense shall appoint a replacement for at least one of the members appointed under such subparagraph (B) and a replacement for at least one of the members appointed under such subparagraph (C). Any vacancy in the membership of the panel shall be filled in the same manner as the original appointment.

''(4) The panel shall meet at the call of the Chairman.

''(5) The panel shall provide the Director of the Defense Advanced Research Projects Agency with the following support:

''(A) Objective advice on—

''(i) the strategic plan; and

''(ii) the appropriate mix of agency supported research activities in technologies, including system-level technologies, to address new and evolving national security requirements and interests, and to fulfill the technology development mission of the agency.

''(B) An assessment of the extent to which the agency is successful in—

''(i) supporting missions of the armed forces; and

''(ii) achieving the transition of technologies into acquisition programs of the military departments.

''(C) An assessment of agency policies on the management, organization, and personnel of the agency, together with recommended modifications of such policies that could improve the mission performance of the agency.

''(D) Final approval of the biennial strategic plan.

''(6) Members of the panel who are not officers or employees of the United States shall serve without pay by reason of their work on the panel, and their services as members may be accepted without regard to section 1342 of title 31. However, such members shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5 while away from their homes or regular places of business in the performance of services for the panel.

''(7) The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the panel.''.

(2) The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 201 the following new item:

''202. Defense Advanced Research Projects Agency: biennial strategic plan.''.

(b) INITIAL APPOINTMENTS TO REVIEW PANEL.—The Secretary of Defense shall appoint the panel under subsection (c) of section 202 of title 10, United States Code (as added by subsection (a)), not later than 60 days after the date of the enactment of this Act.

SEC. 233. ENHANCEMENT OF AUTHORITY OF SECRETARY OF DEFENSE TO SUPPORT SCIENCE, MATHEMATICS, ENGINEERING, AND TECHNOLOGY EDUCATION.

Section 2192 of title 10, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

''(b)(1) In furtherance of the authority of the Secretary of Defense under this chapter or any other provision of law to support educational programs in science, mathematics, engineering, and technology, the Secretary of Defense may—

''(A) enter into contracts and cooperative agreements with eligible persons;

''(B) make grants of financial assistance to eligible persons;

''(C) provide cash awards and other items to eligible persons; and

''(D) accept voluntary services from eligible persons.

''(2) In this subsection:

''(A) The term 'eligible person' includes a department or agency of the Federal Government, a State, a political subdivision of a State, an individual, and a not-for-profit or other organization in the private sector.

''(B) The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, and any other territory or possession of the United States.''.

SEC. 234. DEPARTMENT OF DEFENSE HIGH-SPEED NETWORK-CENTRIC AND BANDWIDTH EXPANSION PROGRAM.

(a) IN GENERAL.—The Secretary of Defense shall carry out a program of research and development to promote greater bandwidth capability with high-speed network-centric communications.

(b) PURPOSES OF ACTIVITIES.—The purposes of activities required by subsection (a) are as follows:

(1) To facilitate the acceleration of the network-centric operational capabilities of the Armed Forces, including more extensive utilization of unmanned vehicles, satellite communications, and sensors, through the promotion of research and development, and the focused coordination of programs, to fully achieve high-bandwidth connectivity to military assets.

(2) To provide for the development of equipment and technologies for military high-bandwidth network-centric communications facilities.

(c) RESEARCH AND DEVELOPMENT PROGRAM.—(1) In carrying out the program of research and development required by subsection (a)(1), the Secretary shall—

(A) identify areas of advanced wireless communications in which research and development, or the leveraging of emerging technologies, has significant potential to improve the performance, efficiency, cost, and flexibility of advanced network-centric communications systems;

(B) develop a coordinated plan for research and development on—

(i) improved spectrum access through spectrum-efficient network-centric communications systems;

(ii) networks, including complex ad hoc adaptive network structures;

(iii) end user devices, including efficient receivers and transmitter devices;

(iv) applications, including robust security and encryption; and

(v) any other matters that the Secretary considers appropriate for purposes of this section;

(C) ensure joint research and development, and promote joint systems acquisition and deployment, among the various services and Defense Agencies, including the development of common cross-service technology requirements and doctrines, so as to enhance interoperability among the various services and Defense Agencies;

(D) conduct joint experimentation among the various Armed Forces, and coordinate with the Joint Forces Command, on experimentation to support network-centric warfare capabilities to small units of the Armed Forces; and

(E) develop, to the extent practicable and in consultation with other Federal entities and private industry, cooperative research and development efforts.

(2) The Secretary shall carry out the program of research and development through the Director of Defense Research and Engineering, in full coordination with the Secretaries of the military departments, the heads of appropriate Defense Agencies, and the heads of other appropriate elements of the Department of Defense.

(d) REPORT.—(1) The Secretary shall, acting through the Director of Defense Research and Engineering, submit to the congressional defense committees a report on the activities undertaken under this section as of the date of such report. The report shall be submitted together with the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2005 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code).

(2) The report under paragraph (1) shall include—

(A) a description of the research and development activities carried out under subsection (a), including particular activities under subsection (c)(1)(B);

(B) an assessment of current and proposed funding for the activities set forth in each of clauses (i) through (v) of subsection (c)(1)(B), including the adequacy of such funding to support such activities;

(C) an assessment of the extent and success of any joint research and development activities under subsection (c)(1)(C);

(D) a description of any joint experimentation activities under subsection (c)(1)(D);

(E) an assessment of the effects of limited communications bandwidth, and of limited

access to electromagnetic spectrum, on recent military operations; and

(F) such recommendations for additional activities under this section as the Secretary considers appropriate to meet the purposes of this section.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2004 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $24,668,004,000.

(2) For the Navy, $28,051,390,000.

(3) For the Marine Corps, $3,416,356,000.

(4) For the Air Force, $26,975,231,000.

(5) For Defense-wide activities, $15,739,047,000.

(6) For the Army Reserve, $1,952,009,000.

(7) For the Naval Reserve, $1,170,421,000.

(8) For the Marine Corps Reserve, $173,452,000.

(9) For the Air Force Reserve, $2,178,688,000.

(10) For the Army National Guard, $4,227,331,000.

(11) For the Air National Guard, $4,405,646,000.

(12) For the Defense Inspector General, $160,049,000.

(13) For the United States Court of Appeals for the Armed Forces, $10,333,000.

(14) For Environmental Restoration, Army, $396,018,000.

(15) For Environmental Restoration, Navy, $256,153,000.

(16) For Environmental Restoration, Air Force, $384,307,000.

(17) For Environmental Restoration, Defense-wide, $24,081,000.

(18) For Environmental Restoration, Formerly Used Defense Sites, $252,619,000.

(19) For Overseas Humanitarian, Disaster, and Civic Aid programs, $59,000,000.

(20) For Drug Interdiction and Counterdrug Activities, Defense-wide, $817,371,000.

(21) For Defense Health Program, $14,862,900,000.

(22) For Cooperative Threat Reduction programs, $450,800,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2004 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $1,661,307,000.

(2) For the National Defense Sealift Fund, $1,062,762,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2004 from the Armed Forces Retirement Home Trust Fund the sum of $65,279,000 for the operation of the Armed Forces Retirement Home, including the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 311. ARMED FORCES EMERGENCY SERVICES.

Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $5,000,000 shall be made available to the American Red Cross to fund the Armed Forces Emergency Services.

SEC. 312. COMMERCIAL IMAGERY INDUSTRIAL BASE.

(a) LIMITATION.—Not less than ninety percent of the total amount authorized to be appropriated under this title for the acquisition, processing, and licensing of commercial imagery, including amounts authorized to be appropriated under this title for experimentation related to commercial imagery, shall be used for the following purposes:

(1) To acquire space-based imagery from commercial sources.

(2) To support the development of next-generation commercial imagery satellites.

(b) REPORT.—(1) Not later than March 1, 2004, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the actions taken and to be taken by the Secretary to implement the President's commercial remote sensing policy. The Secretary shall consult with the Director of Central Intelligence in preparing the report.

(2) The report under paragraph (1) shall include an assessment of the following matters:

(A) The sufficiency of the policy, the funding for fiscal year 2004 for the procurement of imagery from commercial sources, and the funding planned in the future-years defense program for the procurement of imagery from commercial sources to sustain a viable commercial imagery industrial base in the United States.

(B) The extent to which the United States policy and programs relating to the procurement of imagery from commercial sources are sufficient to ensure that imagery is available to the Department of Defense from United States commercial firms to timely meet the needs of the Department of Defense for the imagery.

Subtitle C—Environmental Provisions

SEC. 321. GENERAL DEFINITIONS APPLICABLE TO FACILITIES AND OPERATIONS.

(a) GENERAL DEFINITIONS APPLICABLE TO FACILITIES AND OPERATIONS.—Section 101 of title 10, United States Code, is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following new subsection (e):

''(e) FACILITIES AND OPERATIONS.—The following definitions relating to facilities and operations shall apply in this title:

''(1)(A) The term 'military munitions' means all ammunition products and components produced for or used by the armed forces for national defense and security, including ammunition products or components under the control of the Department of Defense, the Coast Guard, the Department of Energy, and the National Guard. The term includes confined gaseous, liquid, and solid propellants, explosives, pyrotechnics, chemical and riot control agents, smokes, and incendiaries, including bulk explosives and chemical warfare agents, chemical munitions, rockets, guided and ballistic missiles, bombs, warheads, mortar rounds, artillery ammunition, small arms ammunition, grenades, mines, torpedoes, depth charges, cluster munitions and dispensers, demolition charges, and devices and components thereof.

''(B) The term does not include wholly inert items, improvised explosive devices, and nuclear weapons, nuclear devices, and nuclear components, except that the term does include nonnuclear components of nuclear devices that are managed under the nuclear weapons program of the Department of Energy after all required sanitization operations under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) have been completed.

''(2) The term 'operational range' means a range under the jurisdiction, custody, or control of the Secretary concerned that—

''(A) is used for range activities; or

''(B) is not currently used for range activities, but is still considered by the Secretary concerned to be a range and has not been put to a new use that is incompatible with range activities.

''(3) The term 'range' means a designated land or water area that is set aside, managed, and used for range activities. The term includes firing lines and positions, maneuver areas, firing lanes, test pads, detonation pads, impact areas, electronic scoring sites, and buffer zones with restricted access and exclusionary areas. The term also includes airspace areas designated for military use according to regulations and procedures established by the Federal Aviation Administration such as special use airspace areas, military training routes, and other associated airspace.

''(4) The term 'range activities' means—

''(A) research, development, testing, and evaluation of military munitions, other ordnance, and weapons systems; and

''(B) the training of military personnel in the use and handling of military munitions, other ordnance, and weapons systems.

''(5) The term 'unexploded ordnance' means military munitions that—

''(A) have been primed, fused, armed, or otherwise prepared for action;

''(B) have been fired, dropped, launched, projected, or placed in such a manner as to constitute a hazard to operations, installations, personnel, or material; and

''(C) remain unexploded either by malfunction, design, or any other cause.''.

(b) CONFORMING AMENDMENTS.—Section 2710(e) of such title is amended by striking paragraphs (3), (5), and (9) and redesignating paragraphs (4), (6), (7), (8), and (10) as paragraphs (3), (4), (5), (6), and (7), respectively.

SEC. 322. MILITARY READINESS AND CONSERVATION OF PROTECTED SPECIES.

(a) IN GENERAL.—Part III of subtitle A of title 10, United States Code, is amended by inserting after chapter 101 the following new chapter:

''CHAPTER 101A—READINESS AND RANGE PRESERVATION

''Sec.

''2020. Military readiness and conservation of protected species.

''§ 2020. Military readiness and conservation of protected species

''(a) LIMITATION ON DESIGNATION OF CRITICAL HABITAT.—The Secretary of the Interior may not designate as critical habitat any lands or other geographical areas owned or controlled by the Department of Defense, or designated for its use, that are subject to an integrated natural resources management plan prepared under section 101 of the Sikes Act (16 U.S.C. 670a), if the Secretary determines that such plan addresses special management considerations or protection (as those terms are used in section 3(5)(A)(i) of the Endangered Species Act (16 U.S.C. 1532(5)(A)(i))).

''(b) CONSTRUCTION WITH CONSULTATION REQUIREMENT.—Nothing in subsection (a) may be construed to affect the requirement to consult under section 7(a)(2) of the Endangered Species Act (16 U.S.C. 1536(a)(2)) with respect to an agency action (as that term is defined in that section).''.

(b) CLERICAL AMENDMENTS.—The table of chapters at the beginning of subtitle A of title 10, United States Code, and at the beginning of part III of such subtitle, are each amended by inserting after the item relating to chapter 101 the following new item:

''101A. Readiness and Range Preservation ..... 2020''.

SEC. 323. ARCTIC AND WESTERN PACIFIC ENVIRONMENTAL TECHNOLOGY COOPERATION PROGRAM.

(a) IN GENERAL.—Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2350m. Arctic and Western Pacific Environmental Technology Cooperation Program

''(a) AUTHORITY TO CONDUCT PROGRAM.—The Secretary of Defense may, with the concurrence of the Secretary of State, conduct on a cooperative basis with countries located in the Arctic and Western Pacific regions a program of environmental activities provided for in subsection (b) in such regions. The program shall be known as the 'Arctic and Western Pacific Environmental Technology Cooperation Program'.

''(b) PROGRAM ACTIVITIES.—(1) Except as provided in paragraph (3), activities under the program under subsection (a) may include cooperation and assistance among elements of the Department of Defense and military departments or relevant agencies of other countries on activities that contribute to the demonstration of environmental technology.

''(2) Activities under the program shall be consistent with the requirements of the Cooperative Threat Reduction program.

''(3) Activities under the program may not include activities for purposes prohibited under section 1403 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1960).

''(c) LIMITATION ON FUNDING FOR PROJECTS OTHER THAN RADIOLOGICAL PROJECTS.—Not more than 10 percent of the amount made available for the program under subsection (a) in any fiscal year may be available for projects under the program other than projects on radiological matters.

''(d) ANNUAL REPORT.—(1) Not later than March 1, 2004, and each year thereafter, the Secretary of Defense shall submit to Congress a report on activities under the program under subsection (a) during the preceding fiscal year.

''(2) The report on the program for a fiscal year under paragraph (1) shall include the following:

''(A) A description of the activities carried out under the program during that fiscal year, including a separate description of each project under the program.

''(B) A statement of the amounts obligated and expended for the program during that fiscal year, set forth in aggregate and by project.

''(C) A statement of the life cycle costs of each project, including the life cycle costs of such project as of the end of that fiscal year and an estimate of the total life cycle costs of such project upon completion of such project.

''(D) A statement of the participants in the activities carried out under the program during that fiscal year, including the elements of the Department of Defense and the military departments or agencies of other countries.

''(E) A description of the contributions of the military departments and agencies of other countries to the activities carried out under the program during that fiscal year, including any financial or other contributions to such activities.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of that subchapter is amended by adding at the end the following new item:

''2350m. Arctic and Western Pacific Environmental Technology Cooperation Program.''.

SEC. 324. PARTICIPATION IN WETLAND MITIGATION BANKS IN CONNECTION WITH MILITARY CONSTRUCTION PROJECTS.

(a) AUTHORITY TO PARTICIPATE.—Chapter 159 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2697. Participation in wetland mitigation banks

''(a) AUTHORITY TO PARTICIPATE.—In the case of a military construction project that results, or may result, in the destruction of or impacts to wetlands, the Secretary concerned may make one or more payments to a wetland mitigation banking program or consolidated user site (also referred to as an 'in-lieu-fee' program) meeting the requirement of subsection (b) in lieu of creating a wetland on Federal property as mitigation for the project.

''(b) APPROVAL OF PROGRAM OR SITE REQUIRED.—The Secretary concerned may make a payment to a program or site under subsection (a) only if the program or site is approved in accordance with the Federal Guidance for the Establishment, Use, and Operation of Mitigation Banks or the Federal Guidance on the Use of In-Lieu-Fee Arrangements for Compensatory Mitigation under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) or section 10 of the Rivers and Harbors Appropriations Act of 1899 (33 U.S.C. 403).

''(c) AVAILABILITY OF FUNDS.—Amounts authorized to be appropriated for a military construction project for which a payment is authorized by subsection (a) may be utilized for purposes of making the payment.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2697. Participation in wetland mitigation banks.''.

SEC. 325. EXTENSION OF AUTHORITY TO USE ENVIRONMENTAL RESTORATION ACCOUNT FUNDS FOR RELOCATION OF A CONTAMINATED FACILITY.

Section 2703(c)(2) of title 10, United States Code, is amended by striking ''September 30, 2003'' and inserting ''September 30, 2006''.

SEC. 326. APPLICABILITY OF CERTAIN PROCEDURAL AND ADMINISTRATIVE REQUIREMENTS TO RESTORATION ADVISORY BOARDS.

Section 2705(d)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(C)(i) Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.), relating to publication in the Federal Register of notices of meetings of advisory committees, shall not apply to any meeting of a restoration advisory board under this subsection, but a restoration advisory board shall publish timely notice of each meeting of the restoration advisory board in a local newspaper of general circulation.

''(ii) No limitation under any provision of law or regulations on the total number of advisory committees (as that term is defined in section 3(2) of the Federal Advisory Committee Act) in existence at any one time shall operate to limit the number of restoration advisory boards in existence under this subsection at any one time.''.

SEC. 327. EXPANSION OF AUTHORITIES ON USE OF VESSELS STRICKEN FROM THE NAVAL VESSEL REGISTER FOR EXPERIMENTAL PURPOSES.

(a) EXPANSION OF AUTHORITIES.—Subsection (b) of section 7306a of title 10, United States Code, is amended to read as follows:

''(b) STRIPPING AND ENVIRONMENTAL REMEDIATION OF VESSELS.—(1) Before using a vessel for experimental purposes pursuant to subsection (a), the Secretary shall carry out such stripping of the vessel as is practicable and such environmental remediation of the vessel as is required for the use of the vessel for experimental purposes.

''(2) Material and equipment stripped from a vessel under paragraph (1) may be sold by the contractor or by a sales agent approved by the Secretary.

''(3) Amounts received as proceeds from the stripping of a vessel pursuant to this subsection shall be credited to funds available for stripping and environmental remediation of other vessels for use for experimental purposes.''.

(b) INCLUSION OF CERTAIN PURPOSES IN USE FOR EXPERIMENTAL PURPOSES.—That section is further amended by adding at the end the following new subsection:

''(c) USE FOR EXPERIMENTAL PURPOSES.—For purposes of this section, the term 'use for experimental purposes', in the case of a vessel, includes use of the vessel by the Navy in sink exercises and as a target.''.

SEC. 328. TRANSFER OF VESSELS STRICKEN FROM THE NAVAL VESSEL REGISTER FOR USE AS ARTIFICIAL REEFS.

(a) AUTHORITY TO MAKE TRANSFER.—Chapter 633 of title 10, United States Code, is amended by inserting after section 7306a the following new section:

''§ 7306b. Vessels stricken from Naval Vessel Register; transfer by gift or otherwise for use as artificial reefs

''(a) AUTHORITY TO MAKE TRANSFER.—Subject to subsection (b), the Secretary of the Navy may transfer, by gift or otherwise, any vessel stricken from the Naval Vessel Register to any State, Commonwealth, or possession of the United States or any municipal corporation or political subdivision thereof.

''(b) INAPPLICABILITY TO CERTAIN VESSELS.—The authority in subsection (a) shall not apply to vessels transferable to the Maritime Administration for disposal under section 548 of title 40.

''(c) VESSEL TO BE USED AS ARTIFICIAL REEF.—An agreement for the transfer of a vessel under subsection (a) shall require that—

''(1) the recipient use, site, construct, monitor, and manage the vessel only as an artificial reef in accordance with the requirements of the National Fishing Enhancement Act of 1984 (title II of Public Law 98–623; 33 U.S.C. 2101 et seq.), except that the recipient may use the artificial reef to enhance diving opportunities if such use does not have an adverse effect on fishery resources (as that term is defined in section 2(14) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802(14)); and

''(2) the recipient obtain, and bear all responsibility for complying with, applicable Federal, State, interstate, and local permits for using, siting, constructing, monitoring, and managing the vessel as an artificial reef.

''(d) PREPARATION OF VESSEL FOR USE AS ARTIFICIAL REEF.—The Secretary shall ensure that the preparation of a vessel transferred under subsection (a) for use as an artificial reef is conducted in accordance with—

''(1) the environmental best management practices developed pursuant to section 3504(b) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 16 U.S.C. 1220 note); and

''(2) any applicable environmental laws.

''(e) COST SHARING.—The Secretary may share with the recipient of a vessel transferred under subsection (a) any costs associated with transferring the vessel under that subsection, including costs of the preparation of the vessel under subsection (d).

''(f) NO LIMITATION ON NUMBER OF VESSELS TRANSFERABLE TO PARTICULAR RECIPIENT.—A State, Commonwealth, or possession of the

United States, or any municipal corporation or political subdivision thereof, may be the recipient of more than one vessel transferred under subsection (a).

''(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with a transfer authorized by subsection (a) as the Secretary considers appropriate.

''(h) CONSTRUCTION.—Nothing in this section shall be construed to establish a preference for the use as artificial reefs of vessels stricken from the Naval Vessel Register in lieu of other authorized uses of such vessels, including the domestic scrapping of such vessels, or other disposals of such vessels, under this chapter or other applicable authority.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7306a the following new item:

''7306b. Vessels stricken from Naval Vessel Register; transfer by gift or otherwise for use as artificial reefs.''.

SEC. 329. SALVAGE FACILITIES.

(a) FACILITIES TO INCLUDE ENVIRONMENTAL PROTECTION EQUIPMENT.—Section 7361(a) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''The Secretary''; and

(2) by adding at the end the following new paragraph:

''(2) For purposes of this section, salvage facilities shall include equipment and gear utilized to prevent, abate, or minimize damage to the environment arising from salvage activities.''.

(b) CLAIMS TO INCLUDE COMPENSATION FOR ENVIRONMENTAL PROTECTION.—Section 7363 of such title is amended—

(1) by inserting ''(a) AUTHORITY TO SETTLE CLAIMS.—'' before ''The Secretary''; and

(2) by adding at the end the following new subsection:

''(b) ENVIRONMENTAL PROTECTION SERVICES.—A claim for salvage services covered by subsection (a) may include, in addition to a claim for such salvage services, a claim for compensation for services to prevent, abate, or minimize damage to the environment arising from such salvage services.''.

SEC. 330. TASK FORCE ON RESOLUTION OF CONFLICT BETWEEN MILITARY TRAINING AND ENDANGERED SPECIES PROTECTION AT BARRY M. GOLDWATER RANGE, ARIZONA.

(a) PURPOSE.—The purpose of this section is to facilitate the determination of effective means of resolving the current conflict between the dual objectives at Barry M. Goldwater Range, Arizona, of the full utilization of live ordnance delivery areas for military training and the protection of endangered species.

(b) TASK FORCE.—The Secretary of Defense shall establish a task force to determine and assess various means of enabling full use of the live ordnance delivery areas at Barry M. Goldwater Range while also protecting endangered species that are present at Barry M. Goldwater Range.

(c) COMPOSITION.—(1) The task force established under subsection (b) shall be composed of the following:

(A) The Air Force range officer, who shall serve as chair of the task force.

(B) The range officer at Barry M. Goldwater Range.

(C) The commander of Luke Air Force Base, Arizona.

(D) The commander of Marine Corps Air Station, Yuma, Arizona.

(E) The Director of the United States Fish and Wildlife Service.

(F) The manager of the Cabeza Prieta National Wildlife Refuge, Arizona.

(G) A representative of the Department of Game and Fish of the State of Arizona, as selected by the Secretary in consultation with the Governor of the State of Arizona.

(H) A representative of a wildlife interest group in the State of Arizona, as selected by the Secretary in consultation with wildlife interest groups in the State of Arizona.

(I) A representative of an environmental interest group (other than a wildlife interest group) in the State of Arizona, as selected by the Secretary in consultation with environmental interest groups in the State of Arizona.

(2) The chair of the task force may secure for the task force the services of such experts with respect to the duties of the task force under subsection (d) as the chair considers advisable to carry out such duties.

(d) DUTIES.—The task force established under subsection (b) shall—

(1) assess the effects of the presence of endangered species on military training activities in the live ordnance delivery areas at Barry M. Goldwater Range and in any other areas of the range that are adversely effected by the presence of endangered species;

(2) determine various means of addressing any significant adverse effects on military training activities on Barry M. Goldwater Range that are identified pursuant to paragraph (1); and

(3) determine the benefits and costs associated with the implementation of each means identified under paragraph (2).

(e) REPORT.—Not later than February 28, 2005, the task force under subsection (b) shall submit to Congress a report on its activities under this section. The report shall include—

(1) a description of the assessments and determinations made under subsection (d);

(2) such recommendations for legislative and administrative action as the task force considers appropriate; and

(3) an evaluation of the utility of task force proceedings as a means of resolving conflicts between military training objectives and protection of endangered species at other military training and testing ranges.

SEC. 331. PUBLIC HEALTH ASSESSMENT OF EXPOSURE TO PERCHLORATE.

(a) EPIDEMIOLOGICAL STUDY OF EXPOSURE TO PERCHLORATE.—

(1) IN GENERAL.—The Secretary of Defense shall provide for an independent epidemiological study of exposure to perchlorate in drinking water.

(2) PERFORMANCE OF STUDY.—The Secretary shall provide for the performance of the study under this subsection through the Centers for Disease Control, the National Institutes of Health, or another Federal entity with experience in environmental toxicology selected by the Secretary for purposes of the study.

(3) MATTERS TO BE INCLUDED IN STUDY.—In providing for the study under this subsection, the Secretary shall require the Federal entity conducting the study—

(A) to assess the incidence of thyroid disease and measurable effects of thyroid function in relation to exposure to perchlorate;

(B) to ensure that the study is of sufficient scope and scale to permit the making of meaningful conclusions of the measurable public health threat associated with exposure to perchlorate, especially the threat to sensitive subpopulations; and

(C) to study thyroid function, including measurements of urinary iodine and thyroid hormone levels, in a sufficient number of pregnant women, neonates, and infants exposed to perchlorate in drinking water and match measurements of perchlorate levels in the drinking water of each study participant in order to permit the development of meaningful conclusions on the public health threat to individuals exposed to perchlorate.

(4) REPORT ON STUDY.—The Secretary shall require the Federal entity conducting the study under this subsection to submit to the Secretary a report on the study not later than June 1, 2005.

(b) REVIEW OF EFFECTS OF PERCHLORATE ON ENDOCRINE SYSTEM.—

(1) IN GENERAL.—The Secretary shall provide for an independent review of the effects of perchlorate on the human endocrine system.

(2) PERFORMANCE OF REVIEW.—The Secretary shall provide for the performance of the review under this subsection through the Centers for Disease Control, the National Institutes of Health, or another appropriate Federal research entity with experience in human endocrinology selected by the Secretary for purposes of the review. The Secretary shall ensure that the panel conducting the review is composed of individuals with expertise in human endocrinology.

(3) MATTERS TO BE INCLUDED IN REVIEW.—In providing for the review under this subsection, the Secretary shall require the Federal entity conducting the review to assess—

(A) available data on human exposure to perchlorate, including clinical data and data on exposure of sensitive subpopulations, and the levels at which health effects were observed; and

(B) available data on other substances that have endocrine effects similar to perchlorate to which the public is frequently exposed.

(4) REPORT ON REVIEW.—The Secretary shall require the Federal entity conducting the review under this subsection to submit to the Secretary a report on the review not later than June 1, 2005.

Subtitle D—Reimbursement Authorities

SEC. 341. REIMBURSEMENT OF RESERVE COMPONENT MILITARY PERSONNEL ACCOUNTS FOR PERSONNEL COSTS OF SPECIAL OPERATIONS RESERVE COMPONENT PERSONNEL ENGAGED IN LANDMINES CLEARANCE.

(a) REIMBURSEMENT.—Funds authorized to be appropriated under section 301 for Overseas Humanitarian, Disaster, and Civic Aid programs shall be available for transfer to reserve component military personnel accounts in reimbursement of such accounts for the pay and allowances paid to reserve component personnel under the United States Special Operations Command for duty performed by such personnel in connection with training and other activities relating to the clearing of landmines for humanitarian purposes.

(b) MAXIMUM AMOUNT.—Not more than $5,000,000 may be transferred under subsection (a).

(c) MERGER OF TRANSFERRED FUNDS.—Funds transferred to an account under this section shall be merged with other sums in the account and shall be available for the same period and purposes as the sums with which merged.

(d) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The transfer authority under this section is in addition to the transfer authority provided under section 1001.

SEC. 342. REIMBURSEMENT OF RESERVE COMPONENT ACCOUNTS FOR COSTS OF INTELLIGENCE ACTIVITIES SUPPORT PROVIDED BY RESERVE COMPONENT PERSONNEL.

(a) IN GENERAL.—Chapter 1805 of title 10, United States Code, is amended by inserting after section 18502 the following new section:

''§ 18503. Reserve components: reimbursement for costs of intelligence support provided by reserve component personnel

''(a) REIMBURSEMENT REQUIREMENT.—The Secretary of Defense or the Secretary concerned shall transfer to the appropriate reserve component military personnel account

or operation and maintenance account the amount necessary to reimburse such account for the costs charged that account for military pay and allowances or operation and maintenance associated with the performance of duty described in subsection (b) by reserve component personnel.

''(b) REIMBURSABLE COSTS.—The transfer requirement under subsection (a) applies with respect to the performance of duty in providing intelligence support, counterintelligence support, or intelligence and counterintelligence support to a combatant command, Defense Agency, or joint intelligence activity, including any activity or program within the National Foreign Intelligence Program, the Joint Military Intelligence Program, or the Tactical Intelligence and Related Activities Program.

''(c) SOURCES OF REIMBURSEMENTS.—Funds available for operation and maintenance for the Army, Navy, Air Force, or Marine Corps, for a combatant command, or for a Defense Agency shall be available for transfer under this section to military personnel accounts and operation and maintenance accounts of the reserve components.

''(d) DISTRIBUTION TO UNITS.—Amounts reimbursed to an account for duty performed by reserve component personnel shall be distributed to the lowest level unit or other organization of such personnel that administers and is accountable for the appropriated funds charged the costs that are being reimbursed.

''(e) MERGER OF TRANSFERRED FUNDS.—Funds transferred to an account under this section shall be merged with other sums in the account and shall be available for the same period and purposes as the sums with which merged.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended inserting after the item relating to section 18502 the following new item:

''18503. Reserve components: reimbursement for costs of intelligence support provided by reserve component personnel.''.

SEC. 343. REIMBURSEMENT RATE FOR AIRLIFT SERVICES PROVIDED TO THE DEPARTMENT OF STATE.

(a) AUTHORITY.—Subsection (a) of section 2642 of title 10, United States Code, is amended—

(1) by striking ''(a) AUTHORITY'' and all that follows through ''the Department of Defense'' and inserting the following:

''(a) AUTHORITY.—The Secretary of Defense may authorize the use of the Department of Defense reimbursement rate for military airlift services provided by a component of the Department of Defense as follows:

''(1) Military airlift services provided''; and

(2) by adding at the end the following new paragraph:

''(2) Military airlift services provided to the Department of State for the transportation of armored motor vehicles to a foreign country to meet unfulfilled requirements of the Department of State for armored motor vehicles in such foreign country.''.

(b) CONFORMING AND CLERICAL AMENDMENTS.—(1) The heading for such section is amended to read as follows:

''§ 2642. Reimbursement rate for airlift services provided to Central Intelligence Agency or Department of State''.

(2) The item relating to such section in the table of sections at the beginning of chapter 157 of such title is amended to read as follows:

''2642. Reimbursement rate for airlift services provided to Central Intelligence Agency or Department of State.''.

Subtitle E—Defense Dependents Education

SEC. 351. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) CONTINUATION OF DEPARTMENT OF DEFENSE PROGRAM FOR FISCAL YEAR 2004.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $30,000,000 shall be available only for the purpose of providing educational agencies assistance to local educational agencies.

(b) NOTIFICATION.—Not later than June 30, 2004, the Secretary of Defense shall notify each local educational agency that is eligible for educational agencies assistance for fiscal year 2004 of—

(1) that agency's eligibility for the assistance; and

(2) the amount of the assistance for which that agency is eligible.

(c) DISBURSEMENT OF FUNDS.—The Secretary of Defense shall disburse funds made available under subsection (a) not later than 30 days after the date on which notification to the eligible local educational agencies is provided pursuant to subsection (b).

(d) DEFINITIONS.—In this section:

(1) The term ''educational agencies assistance'' means assistance authorized under section 386(b) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note).

(2) The term ''local educational agency'' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 352. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

Subtitle F—Other Matters

SEC. 361. SALE OF DEFENSE INFORMATION SYSTEMS AGENCY SERVICES TO CONTRACTORS PERFORMING THE NAVY-MARINE CORPS INTRANET CONTRACT.

(a) AUTHORITY.—The Secretary of Defense may sell working-capital funded services of the Defense Information Systems Agency to a person outside the Department of Defense for use by that person in the performance of the Navy-Marine Corps Intranet contract.

(b) REIMBURSEMENT.—The Secretary shall require reimbursement of each working-capital fund for the costs of services sold under subsection (a) that were paid for out of such fund. The sources of the reimbursement shall be the appropriation or appropriations funding the Navy-Marine Corps Intranet contract or any cash payments received by the Secretary for the services.

(c) NAVY-MARINE CORPS INTRANET CONTRACT DEFINED.—In this section, the term ''Navy-Marine Corps Intranet contract'' has the meaning given such term in section 814 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398 (114 Stat. 1654A–217)).

SEC. 362. USE OF THE DEFENSE MODERNIZATION ACCOUNT FOR LIFE CYCLE COST REDUCTION INITIATIVES.

(a) FUNDS AVAILABLE FOR DEFENSE MODERNIZATION ACCOUNT.—Section 2216 of title 10, United States Code is amended—

(1) by striking subsection (c);

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following new subsection (b):

''(b) FUNDS AVAILABLE FOR ACCOUNT.—The Defense Modernization Account shall consist of the following:

''(1) Amounts appropriated to the Defense Modernization Account for the costs of commencing projects described in subsection (d)(1), and amounts reimbursed to the Defense Modernization Account under subsections (c)(1)(B)(iii) out of savings derived from such projects.

''(2) Amounts transferred to the Defense Modernization Account under subsection (c).''.

(b) START-UP FUNDING.—Subsection (d) of such section is amended—

(1) by striking ''available from the Defense Modernization Account pursuant to subsection (f) or (g)'' and inserting ''in the Defense Modernization Account'';

(2) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(3) by inserting after ''purposes:'' the following new paragraph (1):

''(1) For paying the costs of commencing any project that, in accordance with criteria prescribed by the Secretary of Defense, is undertaken by the Secretary of a military department or the head of a Defense Agency or other element of the Department of Defense to reduce the life cycle cost of a new or existing system.''.

(c) REIMBURSEMENT OF ACCOUNT OUT OF SAVINGS.—(1) Paragraph (1)(B) of subsection (c) of such section, as redesignated by subsection (a)(2), is amended by adding at the end the following new clause:

''(iii) Unexpired funds in appropriations accounts that are available for procurement or operation and maintenance of a system, if and to the extent that savings are achieved for such accounts through reductions in life cycle costs of such system that result from one or more projects undertaken with respect to such systems with funds made available from the Defense Modernization Account under subsection (b)(1).''.

(2) Paragraph (2) of such subsection is amended by inserting '', other than funds referred to in paragraph subparagraph (B)(iii) of such paragraph,'' after ''Funds referred to in paragraph (1)''.

(d) REGULATIONS.—Subsection (h) of such section is amended—

(1) by inserting ''(1)'' after ''COMPTROLLER.—''; and

(2) by adding at the end the following new paragraph (2):

''(2) The regulations prescribed under paragraph (1) shall, at a minimum, provide for—

''(A) the submission of proposals by the Secretaries concerned or heads of Defense Agencies or other elements of the Department of Defense to the Comptroller for the use of Defense Modernization Account funds for purposes set forth in subsection (d);

''(B) the use of a competitive process for the evaluation of such proposals and the selection of programs, projects, and activities to be funded out of the Defense Modernization Account from among those proposed for such funding; and

''(C) the calculation of—

''(i) the savings to be derived from projects described in subsection (d)(1) that are to be funded out of the Defense Modernization Account; and

''(ii) the amounts to be reimbursed to the Defense Modernization Account out of such savings pursuant to subsection (c)(1)(B)(iii).''.

(e) ANNUAL REPORT.—Subsection (i) of such section is amended—

(1) by striking ''(i) QUARTERLY REPORTS.—(1) Not later than 15 days after the end of each calendar quarter,'' and inserting ''(i) ANNUAL REPORT.—(1) Not later than 15 days after the end of each fiscal year''; and

(2) in paragraph (1), by striking ''quarter'' in subparagraphs (A), (B), and (C), and inserting ''fiscal year''.

(f) EXTENSION OF AUTHORITY.—Section 912(c)(1) of the National Defense Authorization Act for Fiscal Year 1996 is amended—

(1) by striking ''section 2216(b)'' and inserting ''section 2216(c)''; and

(2) by striking ''September 30, 2003'' and inserting ''September 30, 2006''.

SEC. 363. EXEMPTION OF CERTAIN FIREFIGHTING SERVICE CONTRACTS FROM PROHIBITION ON CONTRACTS FOR PERFORMANCE OF FIREFIGHTING FUNCTIONS.

Section 2465(b) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking ''or'' at the end;

(2) in paragraph (3), by striking the period and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(4) to a contract for the performance for firefighting functions if the contract is—

''(A) for a period of one year or less; and

''(B) for the performance of firefighting functions that would otherwise be performed by military firefighters who are otherwise deployed.''.

SEC. 364. TECHNICAL AMENDMENT RELATING TO TERMINATION OF SACRAMENTO ARMY DEPOT, SACRAMENTO, CALIFORNIA.

Section 2466 of title 10, United States Code, is amended by striking subsection (d).

SEC. 365. EXCEPTION TO COMPETITION REQUIREMENT FOR WORKLOADS PREVIOUSLY PERFORMED BY DEPOT-LEVEL ACTIVITIES.

Section 2469 of title 10, United States Code, is amended—

(1) in subsection (b), by inserting '', except as provided in subsection (c)'' before the period at the end;

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following new subsection (c):

''(c) EXCEPTION.—Subsection (a) does not apply to any depot-level maintenance and repair workload that is performed by a public-private partnership under section 2474(b) of this title consisting of a depot-level activity and a private entity.''.

SEC. 366. SUPPORT FOR TRANSFERS OF DECOMMISSIONED VESSELS AND SHIPBOARD EQUIPMENT.

(a) IN GENERAL.—Chapter 633 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 7316. Support for transfers of decommissioned vessels and shipboard equipment

''(a) AUTHORITY TO PROVIDE ASSISTANCE.—The Secretary of the Navy may provide an entity described in subsection (b) with assistance in support of a transfer of a vessel or shipboard equipment described in such subsection that is being executed under section 2572, 7306, 7307, or 7545 of this title, or under any other authority.

''(b) COVERED VESSELS AND EQUIPMENT.—The authority under this section applies—

''(1) in the case of a decommissioned vessel that—

''(A) is owned and maintained by the Navy, is located at a Navy facility, and is not in active use; and

''(B) is being transferred to an entity designated by the Secretary of the Navy or by law to receive transfer of the vessel; and

''(2) in the case of any shipboard equipment that—

''(A) is on a vessel described in paragraph (1)(A); and

''(B) is being transferred to an entity designated by the Secretary of the Navy or by law to receive transfer of the equipment.

''(c) REIMBURSEMENT.—The Secretary may require a recipient of assistance under subsection (a) to reimburse the Navy for amounts expended by the Navy in providing the assistance.

''(d) DEPOSIT OF FUNDS RECEIVED.—Funds received in a fiscal year under subsection (c) shall be credited to the appropriation available for such fiscal year for operation and maintenance for the office of the Navy managing inactive ships, shall be merged with other sums in the appropriation that are available for such office, and shall be available for the same purposes and period as the sums with which merged.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''7316. Support for transfers of decommissioned vessels and shipboard equipment.''.

SEC. 367. AIRCRAFT FOR PERFORMANCE OF AERIAL REFUELING MISSION.

(a) RESTRICTION ON RETIREMENT OF KC–135E AIRCRAFT.—The Secretary of the Air Force shall ensure that the number of KC–135E aircraft of the Air Force that are retired in fiscal year 2004, if any, does not exceed 12 such aircraft.

(b) REQUIRED ANALYSIS.—Not later than March 1, 2004, the Secretary of the Air Force shall submit to the congressional defense committees an analysis of alternatives for meeting the aerial refueling requirements that the Air Force has the mission to meet. The Secretary shall provide for the analysis to be performed by a federally funded research and development center or another entity independent of the Department of Defense.

SEC. 368. STABILITY OF CERTAIN EXISTING MILITARY TROOP DINING FACILITIES CONTRACTS.

(a) INAPPLICABILITY OF RANDOLPH-SHEPPARD ACT.—The Randolph-Sheppard Act does not apply to any contract described in subsection (b) for so long as the contract is in effect, including for any period for which the contract is extended pursuant to an option provided in the contract.

(b) JAVITS-WAGNER-O'DAY CONTRACTS.—Subsection (a) applies to any contract for the operation of a Department of Defense facility described in subsection (c) that was entered into before the date of the enactment of this Act with a nonprofit agency for the blind or an agency for other severely handicapped in compliance with section 3 of the Javits-Wagner-O'Day Act (41 U.S.C. 48) and is in effect on such date.

(c) COVERED FACILITIES.—The Department of Defense facilities referred to in subsection (b) are as follows:

(1) A military troop dining facility.

(2) A military mess hall.

(3) Any similar dining facility operated for the purpose of providing meals to members of the Armed Forces.

(d) ENACTMENT OF POPULAR NAME AS SHORT TITLE.—The Act entitled ''An Act to authorize the operation of stands in Federal buildings by blind persons, to enlarge the economic opportunities of the blind, and for other purposes'', approved June 20, 1936 (commonly known as the ''Randolph-Sheppard Act'') (20 U.S.C. 107 et seq.), is amended by adding at the end the following new section:

''SEC. 11. This Act may be cited as the 'Randolph-Sheppard Act'.''.

SEC. 369. REPEAL OF CALENDAR YEAR LIMITATIONS ON USE OF COMMISSARY STORES BY CERTAIN RESERVES AND OTHERS.

(a) MEMBERS OF THE READY RESERVE.—Section 1063(a) of title 10, United States Code, is amended by striking the period at the end of the first sentence and all that follows and inserting ''in that calendar year.''.

(b) CERTAIN OTHER PERSONS.—Section 1064 of such title is amended by striking ''for 24 days each calendar year''.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2004, as follows:

(1) The Army, 480,000.

(2) The Navy, 373,800.

(3) The Marine Corps, 175,000.

(4) The Air Force, 359,300.

SEC. 402. INCREASED MAXIMUM PERCENTAGE OF GENERAL AND FLAG OFFICERS ON ACTIVE DUTY AUTHORIZED TO BE SERVING IN GRADES ABOVE BRIGADIER GENERAL AND REAR ADMIRAL (LOWER HALF).

Section 525(a) of title 10, United States Code, is amended by striking ''50 percent'' both places it appears and inserting ''55 percent''.

SEC. 403. EXTENSION OF CERTAIN AUTHORITIES RELATING TO MANAGEMENT OF NUMBERS OF GENERAL AND FLAG OFFICERS IN CERTAIN GRADES.

(a) SENIOR JOINT OFFICER POSITIONS.—Section 604(c) of title 10, United States Code, is amended by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

(b) DISTRIBUTION OF OFFICERS ON ACTIVE DUTY IN GENERAL AND FLAG OFFICER GRADES.—Section 525(b)(5)(C) of such title is amended by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

(c) AUTHORIZED STRENGTH FOR GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.—Section 526(b)(3) of such title is amended by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2004, as follows:

(1) The Army National Guard of the United States, 350,000.

(2) The Army Reserve, 205,000.

(3) The Naval Reserve, 85,900.

(4) The Marine Corps Reserve, 39,600.

(5) The Air National Guard of the United States, 107,000.

(6) The Air Force Reserve, 75,800.

(7) The Coast Guard Reserve, 10,000.

(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2004, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 25,599.

(2) The Army Reserve, 14,374.

(3) The Naval Reserve, 14,384.

(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 12,191.

(6) The Air Force Reserve, 1,660.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2004 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 6,699.

(2) For the Army National Guard of the United States, 24,589.

(3) For the Air Force Reserve, 9,991.

(4) For the Air National Guard of the United States, 22,806.

SEC. 414. FISCAL YEAR 2004 LIMITATIONS ON NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—(1) Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2004, may not exceed the following:

(A) For the Army National Guard of the United States, 1,600.

(B) For the Air National Guard of the United States, 350.

(2) The number of non-dual status technicians employed by the Army Reserve as of September 30, 2004, may not exceed 895.

(3) The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2004, may not exceed 90.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term ''non-dual status technician'' has the meaning given the term in section 10217(a) of title 10, United States Code.

Subtitle C—Other Matters Relating to Personnel Strengths

SEC. 421. REVISION OF PERSONNEL STRENGTH AUTHORIZATION AND ACCOUNTING PROCESS.

(a) ANNUAL AUTHORIZATION OF STRENGTHS.—Subsection (a) of section 115 of title 10, United States Code, is amended to read as follows:

''(a) Congress shall authorize personnel strength levels for each fiscal year for each of the following:

''(1) The average strength for each of the armed forces (other than the Coast Guard) for active-duty personnel who are to be paid from funds appropriated for active-duty personnel.

''(2) The average strength for each of the armed forces (other than the Coast Guard) for active-duty personnel and full-time National Guard duty personnel who are to be paid from funds appropriated for reserve personnel.

''(3) The average strength for the Selected Reserve of each reserve component of the armed forces.''.

(b) LIMITATION ON USE OF FUNDS.—Subsection (b) of such section is amended by striking ''end strength'' in paragraphs (1) and (2) and inserting ''strength''.

(c) AUTHORITY OF SECRETARY OF DEFENSE TO VARY STRENGTHS.—Subsection (c) of such section is amended—

(1) by striking ''end strength'' each place it appears and inserting ''strength'';

(2) in paragraph (1), by striking ''subsection (a)(1)(A)'' and inserting ''subsection (a)(1)'';

(3) in paragraph (2), by striking ''subsection (a)(1)(B)'' and inserting ''subsection (a)(2)''; and

(4) in paragraph (3), by striking ''subsection (a)(2)'' and inserting ''subsection (a)(3)''.

(d) COUNTING PERSONNEL.—Subsection (d) of such section is amended—

(1) by striking ''end-strengths authorized pursuant to subsection (a)(1)'' and inserting ''strengths authorized pursuant to paragraphs (1) and (2) of subsection (a)''; and

(2) in paragraph (9)(B), by striking ''subsection (a)(1)(A)'' and inserting ''subsection (a)(1)''.

(e) NAVY STRENGTH WHEN AUGMENTED BY COAST GUARD.—Subsection (e) of such section is amended by striking ''subsection (a)(1)'' and inserting ''paragraphs (1) and (2) of subsection (a)''.

(f) AUTHORITY OF SECRETARIES OF MILITARY DEPARTMENTS TO VARY STRENGTHS.—Subsection (f) of such section is amended—

(1) by striking ''end strength'' both places it appears and inserting ''strength''; and

(2) by striking ''subsection (a)(1)(A)'' in the first sentence and inserting ''subsection (a)(1)''.

(g) AUTHORIZATION OF STRENGTHS FOR DUAL STATUS MILITARY TECHNICIANS.—Subsection (g) of such section is amended by striking ''end strength'' both places it appears and inserting ''strength''.

(h) CONFORMING AMENDMENTS.—(1) Section 168(f)(1)(A) of title 10, United States Code, is amended by striking ''end strength for active-duty personnel authorized pursuant to section 115(a)(1)'' and inserting ''strengths for active-duty personnel authorized pursuant to paragraphs (1) and (2) of section 115(a)''.

(2) Section 691(f) of such title is amended by striking ''section 115(a)(1)'' and inserting ''paragraphs (1) and (2) of section 115(a)''.

(3) Section 3201(b) of such title is amended by striking ''section 115(a)(1)'' and inserting ''paragraphs (1) and (2) of section 115(a)''.

(4)(A) Section 10216 of such title is amended—

(i) by striking ''end strengths'' in subsections (b)(1) and (c)(1) and inserting ''strengths''; and

(ii) by striking ''end strength'' each place it appears in subsection (c)(2)(A) and inserting ''strength''.

(B) The heading for subsection (c) is amended by striking ''END''.

(5) Section 12310(c)(4) of such title is amended by striking ''end strength authorizations required by section 115(a)(1)(B) and 115(a)(2)'' and inserting ''strength authorizations required by paragraphs (2) and (3) of section 115(a)''.

(6) Section 16132(d) of such title is amended by striking ''end strength required to be authorized each year by section 115(a)(1)(B)'' in the second sentence and inserting ''strength required to be authorized each year by section 115(a)(2)''.

(7) Section 112 of title 32, United States Code, is amended—

(A) in subsection (e)—

(i) in the heading, by striking ''END-STRENGTH'' and inserting ''STRENGTH''; and

(ii) by striking ''end strength'' and inserting ''strength'';

(B) in subsection (f)—

(i) in the heading, by striking ''END STRENGTH'' and inserting ''STRENGTH''; and

(ii) in paragraph (2), by striking ''end strength'' and inserting ''strength''; and

(C) in subsection (g)(1), by striking ''end strengths'' and inserting ''strengths''.

SEC. 422. EXCLUSION OF RECALLED RETIRED MEMBERS FROM CERTAIN STRENGTH LIMITATIONS DURING PERIOD OF WAR OR NATIONAL EMERGENCY.

(a) ANNUAL AUTHORIZED END STRENGTHS.—Section 115(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(12) Members of the armed forces ordered to active duty under section 688 of this title during any period of war declared by Congress or any period of national emergency declared by Congress or the President in which members of a reserve component are serving on active duty pursuant to an order to active duty under section 12301 or 12302 of this title, for so long as the members ordered to active duty under such section 688 continue to serve on active duty during the period of the war or national emergency and the one-year period beginning on the date of the termination of the war or national emergency, as the case may be.''

(b) STRENGTH LIMITATIONS FOR OFFICERS IN PAY GRADES O–4 THROUGH O–6.—Section 523(b) of such title is amended by adding at the end the following new paragraph:

''(8) Officers ordered to active duty under section 688 of this title during any period of war declared by Congress or any period of national emergency declared by Congress or the President in which members of a reserve component are serving on active duty pursuant to an order to active duty under section 12301 or 12302 of this title, for so long as the members ordered to active duty under such section 688 continue to serve on active duty during the period of the war or national emergency and the one-year period beginning on the date of the termination of the war or national emergency, as the case may be.''.

Subtitle D—Authorization of Appropriations

SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2004 a total of $99,194,206,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2004.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. RETENTION OF HEALTH PROFESSIONS OFFICERS TO FULFILL ACTIVE DUTY SERVICE OBLIGATIONS FOLLOWING FAILURE OF SELECTION FOR PROMOTION.

(a) IN GENERAL.—Subsection (a) of section 632 of title 10, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(4) if the officer is a health professions officer described in subsection (c) who, as of the date of discharge determined for the officer under paragraph (1), has not completed an active duty service obligation incurred by the officer under section 2005, 2114, 2123, or 2603 of this title, be retained on active duty until the officer completes the active duty service for which obligated, unless the Secretary concerned determines that the completion of the service obligation by the officer is not in the best interest of the Army, Navy, Air Force, or Marine Corps, as the case may be.''.

(b) COVERED HEALTH PROFESSIONS OFFICERS.—Section 632 of such title is amended

by adding at the end the following new subsection:

''(c) HEALTH PROFESSIONS OFFICERS.—Subsection (a)(4) applies to the following officers:

''(1) A medical officer.

''(2) A dental officer.

''(3) Any other officer appointed in a medical skill (as defined in regulations prescribed by the Secretary of Defense).''.

(c) TECHNICAL AMENDMENT.—Subsection (a)(3) of such section is amended by striking ''clause (1)'' and inserting ''paragraph (1)''.

SEC. 502. ELIGIBILITY FOR APPOINTMENT AS CHIEF OF ARMY VETERINARY CORPS.

(a) APPOINTMENT FROM AMONG MEMBERS OF THE CORPS.—Section 3084 of title 10, United States Code, is amended by inserting after ''The Chief of the Veterinary Corps of the Army'' the following: ''shall be appointed from among officers of the Veterinary Corps. The Chief of the Veterinary Corps''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to appointments of the Chief of the Veterinary Corps of the Army that are made on or after the date of the enactment of this Act.

Subtitle B—Reserve Component Personnel Policy

SEC. 511. EXPANDED AUTHORITY FOR USE OF READY RESERVE IN RESPONSE TO TERRORISM.

Section 12304(b)(2) of title 10, United States Code, is amended by striking ''catastrophic''.

SEC. 512. STREAMLINED PROCESS FOR CONTINUING OFFICERS ON THE RESERVE ACTIVE-STATUS LIST.

(a) CONTINUATION.—Section 14701 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''by a selection board convened under section 14101(b) of this title'' and inserting ''under regulations prescribed under subsection (b)'';

(B) in paragraph (6), by striking ''as a result of the convening of a selection board under section 14101(b) of this title'';

(2) by striking subsections (b) and (c); and

(3) by redesignating subsection (d) as subsection (b).

(b) CONFORMING AMENDMENTS.—Subsection (b) of section 14101 of such title is amended—

(1) by striking paragraph (1); and

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

SEC. 513. NATIONAL GUARD OFFICERS ON ACTIVE DUTY IN COMMAND OF NATIONAL GUARD UNITS.

(a) CONTINUATION IN STATE STATUS.—Subsection (a) of section 325 of title 32, United States Code, is amended—

(1) by striking ''(a) Each'' and inserting ''(a) RELIEF REQUIRED.—(1) Except as provided in paragraph (2), each''; and

(2) by adding at the end the following new paragraph:

''(2) An officer of the Army National Guard of the United States or the Air National Guard of the United States is not relieved from duty in the National Guard of his State or Territory, or of Puerto Rico or the District of Columbia, under paragraph (1) while serving on active duty in command of a National Guard unit if—

''(A) the President authorizes such service in both duty statuses; and

''(B) the Governor of his State or Territory or Puerto Rico, or the Commanding General of the District of Columbia National Guard, as the case may be, consents to such service in both duty statuses.''.

(b) FORMAT AMENDMENT.—Subsection (b) of such section is amended by inserting ''RETURN TO STATE STATUS.—'' after ''(b)''.

Subtitle C—Revision of Retirement Authorities

SEC. 521. PERMANENT AUTHORITY TO REDUCE THREE-YEAR TIME-IN-GRADE REQUIREMENT FOR RETIREMENT IN GRADE FOR OFFICERS IN GRADES ABOVE MAJOR AND LIEUTENANT COMMANDER.

Section 1370(a)(2)(A) of title 10, United States Code, is amended by striking ''during the period beginning on October 1, 2002, and ending on December 31, 2003'' and inserting ''after September 30, 2002''.

Subtitle D—Education and Training

SEC. 531. INCREASED FLEXIBILITY FOR MANAGEMENT OF SENIOR LEVEL EDUCATION AND POST-EDUCATION ASSIGNMENTS.

(a) REPEAL OF POST-EDUCATION JOINT DUTY ASSIGNMENTS REQUIREMENT.—Subsection (d) of section 663 of title 10, United States Code, is repealed.

(b) REPEAL OF MINIMUM DURATION REQUIREMENT FOR PRINCIPAL COURSE OF INSTRUCTION AT THE JOINT FORCES STAFF COLLEGE.—Subsection (e) of such section is repealed.

SEC. 532. EXPANDED EDUCATIONAL ASSISTANCE AUTHORITY FOR CADETS AND MIDSHIPMEN RECEIVING ROTC SCHOLARSHIPS.

(a) FINANCIAL ASSISTANCE PROGRAM FOR SERVICE ON ACTIVE DUTY.—Section 2107(c) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking the first sentence and inserting the following: ''The Secretary concerned may provide financial assistance described in paragraph (3) for a student appointed as a cadet or midshipman by the Secretary under subsection (a).'';

(2) in paragraph (2), by striking ''as described in paragraph (1)'' and inserting ''as described in paragraph (3)''; and

(3) by adding at the end the following new paragraphs:

''(3)(A) The financial assistance provided for a student under this subsection shall be the payment of one of the two sets of expenses selected by the Secretary, as follows:

''(i) Tuition, fees, books, and laboratory expenses.

''(ii) Expenses for room and board and any other necessary expenses imposed by the student's educational institution for the academic program in which the student is enrolled, which may include any of the expenses described in clause (i).

''(B) The total amount of the financial assistance provided for a student for an academic year under clause (ii) of subparagraph (A) may not exceed the total amount of the financial assistance that would otherwise have been provided for the student for that academic year under clause (i) of such subparagraph.

''(4) The Secretary of the military department concerned may provide for the payment of all expenses in the Secretary's department of administering the financial assistance program under this section, including the payment of expenses described in paragraph (3).''.

(b) FINANCIAL ASSISTANCE PROGRAM FOR SERVICE IN TROOP PROGRAM UNITS.—Section 2107a(c) of such title is amended to read as follows:

''(c)(1) The Secretary of the Army may provide financial assistance described in paragraph (2) for a student appointed as a cadet by the Secretary under subsection (a).

''(2)(A) The financial assistance provided for a student under this subsection shall be the payment of one of the two sets of expenses selected by the Secretary concerned, as follows:

''(i) Tuition, fees, books, and laboratory expenses.

''(ii) Expenses for room and board and any other necessary expenses imposed by the student's educational institution for the academic program in which the student is enrolled, which may include any of the expenses described in clause (i).

''(B) The total amount of the financial assistance provided for a student for an academic year under clause (ii) of subparagraph (A) may not exceed the total amount of the financial assistance that would otherwise have been provided for the student for that academic year under clause (i) of such subparagraph.

''(3) The Secretary may provide for the payment of all expenses in the Department of the Army for administering the financial assistance program under this section, including the payment of expenses described in paragraph (2).''.

SEC. 533. ELIGIBILITY AND COST REIMBURSEMENT REQUIREMENTS FOR PERSONNEL TO RECEIVE INSTRUCTION AT THE NAVAL POSTGRADUATE SCHOOL.

(a) EXPANDED ELIGIBILITY FOR ENLISTED PERSONNEL.—Subsection (a)(2) of section 7045 of title 10, United States Code, is amended—

(1) by inserting ''(A)'' after ''(2)'';

(2) by striking ''this paragraph'' in the second sentence and inserting ''this subparagraph''; and

(3) by adding at the end the following new subparagraphs:

''(B) The Secretary may permit an enlisted member of the armed forces to receive instruction in an executive level seminar at the Naval Postgraduate School.

''(C) The Secretary may permit an eligible enlisted member of the armed forces to receive instruction in connection with pursuit of a program of education in information assurance as a participant in the Information Security Scholarship program under chapter 112 of this title. To be eligible for instruction under this subparagraph, the enlisted member must have been awarded a baccalaureate degree by an institution of higher education.''.

(b) PAYMENT OF COSTS FOR PARTICIPANTS IN INFORMATION SECURITY SCHOLARSHIP PROGRAM.—Subsection (b) of such section is amended—

(1) by inserting ''(1)'' after ''(b)''; and

(2) by adding at the end the following new paragraph:

''(2) The requirements for payment of costs and fees under paragraph (1) shall be subject to such exceptions as the Secretary of Defense may prescribe for members of the armed forces who receive instruction at the Postgraduate School in connection with pursuit of a degree or certification as participants in the Information Security Scholarship program under chapter 112 of this title.''.

(c) CONFORMING AMENDMENTS.—Paragraph (1) of such subsection (b), as redesignated by subsection (b)(1) of this section, is amended—

(A) in the first sentence, by striking ''officers'' and inserting ''members of the armed forces who are''; and

(B) in the second sentence—

(i) by inserting ''under subsection (a)(2)(A)'' after ''at the Postgraduate School''; and

(ii) by striking ''(taking into consideration the admission of enlisted members on a space-available basis)''.

SEC. 534. ACTIONS TO ADDRESS SEXUAL MISCONDUCT AT THE SERVICE ACADEMIES.

(a) POLICY ON SEXUAL MISCONDUCT.—(1) The Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force shall, under guidance prescribed by the Secretary of Defense, direct the Superintendent of the United States Military Academy, the Superintendent of the United States Naval Academy, and the Superintendent of the

United States Air Force Academy, respectively, to prescribe a policy on sexual misconduct applicable to the personnel of the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy, respectively.

(2) The policy on sexual misconduct prescribed for an academy shall specify the following:

(A) Programs to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve academy personnel.

(B) Procedures that a cadet or midshipman, as the case may be, should follow in the case of an occurrence of sexual misconduct, including—

(i) a specification of the person or persons to whom the alleged offense should be reported;

(ii) a specification of any other person whom the victim should contact; and

(iii) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault.

(C) Procedures for disciplinary action in cases of alleged criminal sexual assault involving academy personnel.

(D) Any other sanctions authorized to be imposed in a substantiated case of misconduct involving academy personnel in rape, acquaintance rape, or any other criminal sexual offense, whether forcible or nonforcible.

(E) Required training on the policy for all academy personnel, including the specific training required for personnel who process allegations of sexual misconduct involving academy personnel.

(b) ANNUAL ASSESSMENT.—(1) The Secretary of Defense, through the Secretaries of the military departments, shall direct each Superintendent to conduct at the academy under the jurisdiction of the Superintendent an assessment in each academy program year to determine the effectiveness of the academy's policies, training, and procedures on sexual misconduct to prevent criminal sexual misconduct involving academy personnel.

(2) For the assessment for each of the 2004, 2005, 2006, 2007, and 2008 academy program years, the Superintendent of the academy shall conduct a survey of all academy personnel—

(A) to measure—

(i) the incidence, in such program year, of sexual misconduct events, on or off the academy reservation, that have been reported to officials of the academy; and

(ii) the incidence, in such program year, of sexual misconduct events, on or off the academy reservation, that have not been reported to officials of the academy; and

(B) to assess the perceptions of academy personnel on—

(i) the policies, training, and procedures on sexual misconduct involving academy personnel;

(ii) the enforcement of such policies;

(iii) the incidence of sexual misconduct involving academy personnel in such program year; and

(iv) any other issues relating to sexual misconduct involving academy personnel.

(c) ANNUAL REPORT.—(1) The Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force shall direct the Superintendent of the United States Military Academy, the Superintendent of the United States Naval Academy, and the Superintendent of the United States Air Force Academy, respectively, to submit to the Secretary a report on sexual misconduct involving academy personnel for each of the 2004, 2005, 2006, 2007, and 2008 academy program years.

(2) The annual report for an academy under paragraph (1) shall contain, for the academy program year covered by the report, the following matters:

(A) The number of sexual assaults, rapes, and other sexual offenses involving academy personnel that have been reported to academy officials during the program year, and the number of the reported cases that have been substantiated.

(B) The policies, procedures, and processes implemented by the Secretary of the military department concerned and the leadership of the academy in response to sexual misconduct involving academy personnel during the program year.

(C) In the report for the 2004 academy program year, a discussion of the survey conducted under subsection (b), together with an analysis of the results of the survey and a discussion of any initiatives undertaken on the basis of such results and analysis.

(D) In the report for each of the subsequent academy program years, the results of the annual survey conducted in such program year under subsection (b).

(E) A plan for the actions that are to be taken in the following academy program year regarding prevention of and response to sexual misconduct involving academy personnel.

(3) The Secretary of a military department shall transmit the annual report on an academy under this subsection, together with the Secretary's comments on the report, to the Secretary of Defense and the Board of Visitors of the academy.

(4) The Secretary of Defense shall transmit the annual report on each academy under this subsection, together with the Secretary's comments on the report to, the Committees on Armed Services of the Senate and the House of Representatives.

(5) The report for the 2004 academy program year for an academy shall be submitted to the Secretary of the military department concerned not later than one year after the date of the enactment of this Act.

(6) In this subsection, the term ''academy program year'' with respect to a year, means the academy program year that ends in that year.

Subtitle E—Decorations, Awards, and Commendations

(reserved)

Subtitle F—Military Justice

SEC. 551. EXTENDED LIMITATION PERIOD FOR PROSECUTION OF CHILD ABUSE CASES IN COURTS-MARTIAL.

Section 843(b) of title 10, United States Code (article 43 of the Uniform Code of Military Justice) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2)(A) A person charged with having committed a child abuse offense against a child is liable to be tried by court-martial if the sworn charges and specifications are received before the child reaches the age of 25 years by an officer exercising summary court-martial jurisdiction with respect to that person.

''(B) In subparagraph (A), the term 'child abuse offense' means an act that involves sexual or physical abuse of a person under 16 years of age and constitutes any of the following offenses:

''(i) Rape or carnal knowledge in violation of section 920 of this title (article 120).

''(ii) Maiming in violation of section 924 of this title (article 124).

''(iii) Sodomy in violation of section 925 of this title (article 126).

''(iv) Aggravated assault or assault consummated by a battery in violation of section 928 of this title (article 128).

''(v) Indecent assault, assault with intent to commit murder, voluntary manslaughter, rape, or sodomy, or indecent acts or liberties with a child in violation of section 934 of this title (article 134).''.

SEC. 552. CLARIFICATION OF BLOOD ALCOHOL CONTENT LIMIT FOR THE OFFENSE UNDER THE UNIFORM CODE OF MILITARY JUSTICE OF DRUNKEN OPERATION OF A VEHICLE, AIRCRAFT, OR VESSEL.

Section 911 of title 10, United States Code (article 111 of the Uniform Code of Military Justice), is amended—

(1) in subsection (a)(2), by striking ''is in excess of'' and inserting ''is equal to or exceeds''; and

(2) in subsection (b)—

(A) in paragraph (1), by striking subparagraph (A) and inserting the following:

''(A) In the case of the operation or control of a vehicle, aircraft, or vessel in the United States, such limit is the lesser of—

''(i) the blood alcohol content limit under the law of the State in which the conduct occurred, except as may be provided under paragraph (2) for conduct on a military installation that is in more than one State; or

''(ii) the blood alcohol content limit specified in paragraph (3).''; and

(B) by striking ''maximum'' in paragraphs (1)(B) and (3).

Subtitle G—Other Matters

SEC. 561. HIGH-TEMPO PERSONNEL MANAGEMENT AND ALLOWANCE.

(a) DEPLOYMENT MANAGEMENT.—Section 991(a) of title 10, United States Code, is amended to read as follows:

''(a) MANAGEMENT RESPONSIBILITIES.—(1) The deployment (or potential deployment) of a member of the armed forces shall be managed to ensure that the member is not deployed, or continued in a deployment, on any day on which the total number of days on which the member has been deployed out of the preceding 365 days would exceed the maximum number of deployment days prescribed for the purposes of this section by the Under Secretary of Defense for Personnel and Readiness. The maximum number of deployment days so prescribed may not exceed 220 days.

''(2) A member may be deployed, or continued in a deployment, without regard to paragraph (1) if such deployment, or continued deployment, is approved by—

''(A) a member of the Senior Executive Service designated by the Secretary of Defense to do so; or

''(B) the first officer in the member's chain of command who is—

''(i) a general officer or, in the case of the Navy, an officer in a grade above captain; or

''(ii) a colonel or, in the case of the Navy, a captain who is recommended for promotion to brigadier general or rear admiral, respectively, in a report of a selection board convened under section 611(a) or 14101(a) of this title that has been approved by the President.''.

(b) HIGH-TEMPO ALLOWANCE.—(1) Subsection (a) of section 436 of title 37, United States Code, is amended to read as follows:

''(a) MONTHLY ALLOWANCE.—The Secretary of the military department concerned shall pay a high-tempo allowance to a member of the armed forces under the Secretary's jurisdiction for the following months:

''(1) Each month during which the member is deployed and has, as of any day during that month, been deployed—

''(A) for at least the number of days out of the preceding 730 days that is prescribed for the purpose of this subparagraph by the Under Secretary of Defense for Personnel and Readiness, except that the number of days so prescribed may not be more than 401 days; or

''(B) at least the number of consecutive days that is prescribed for the purpose of this subparagraph by the Under Secretary of

Defense for Personnel and Readiness, except that the number of days so prescribed may not be more than 191 days.

''(2) Each month that includes a day on which the member serves on active duty pursuant to a call or order to active duty for a period of more than 30 days under a provision of law referred to in section 101(a)(13)(B) of title 10, if such period begins within one year after the date on which the member was released from previous service on active duty for a period of more than 30 days under a call or order issued under such a provision of law.''.

(2) Subsection (c) of such section is amended to read as follows:

''(c) MONTHLY AMOUNT.—The Secretary of Defense shall prescribe the amount of the monthly allowance payable to a member under this section. The amount may not exceed $1,000.''.

(3) Such section is further amended by adding at the end the following new subsection:

''(g) SERVICE IN EXEMPTED DUTY POSITIONS.—(1) Except as provided in paragraph (2), a member is not eligible for the high-tempo allowance under this section while serving in a duty position designated as exempt for the purpose of this subsection by the Secretary concerned with the approval of the Under Secretary of Defense for Personnel and Readiness.

''(2) A designation of a duty position as exempt under paragraph (1) does not terminate the eligibility for the high-tempo allowance under this section of a member serving in the duty position at the time the designation is made.

''(h) PAYMENT FROM OPERATION AND MAINTENANCE FUNDS.—The monthly allowance payable to a member under this section shall be paid from appropriations available for operation and maintenance for the armed force in which the member serves.''.

(4) Such section is further amended—

(A) in subsections (d) and (e), by striking ''high-deployment per diem'' and inserting ''high-tempo allowance''; and

(B) in subsection (f)—

(i) by striking ''per diem'' and inserting ''allowance''; and

(ii) by striking ''day on which'' and inserting ''month during which''.

(5)(A) The heading of such section is amended to read as follows:

''§ 436. High-tempo allowance: lengthy or numerous deployments; frequent mobilizations''.

(B) The item relating to such section in the table of sections at the beginning of chapter 7 of such title is amended to read as follows:

''436. High-tempo allowance: lengthy or numerous deployments; frequent mobilizations.''

(c) MODIFIED REPORTING REQUIREMENT.—Section 487(b)(5) of title 10, United States Code, is amended to read as follows:

''(5) For each of the armed forces, the description shall indicate the number of members who received the high-tempo allowance under section 436 of title 37, the total number of months for which the allowance was paid to members, and the total amount spent on the allowance.''.

SEC. 562. ALTERNATE INITIAL MILITARY SERVICE OBLIGATION FOR PERSONS ACCESSED UNDER DIRECT ENTRY PROGRAM.

(a) REQUIREMENT FOR PROGRAM.—The Secretary of Defense shall carry out a direct entry program for persons with critical military skills who enter the Armed Forces for an initial period of service in the Armed Forces.

(b) ELIGIBLE PERSONS.—The Secretary shall prescribe the eligibility requirements for entering the Armed Forces under the direct entry program carried out under this section. The Secretary may limit eligibility as the Secretary determines appropriate to meet the needs of the Armed Forces.

(c) CRITICAL MILITARY SKILLS.—The Secretary shall designate the military skills that are critical military skills for the purposes of this section.

(d) INITIAL SERVICE OBLIGATION.—(1) The Secretary shall prescribe the period of initial service in the Armed Forces that is to be required of a person entering the Armed Forces under the direct entry program. The period may not be less than three years.

(2) Section 651(a) of title 10, United States Code, shall not apply to a person who enters the Armed Forces under the direct entry program.

(e) REPORTS.—(1) Not later than 30 days after the direct entry program commences under this section, the Secretary shall submit a report on the establishment of the program to the Committees on Armed Services of the Senate and the House of Representatives. The report shall include the following:

(A) A list of the military skills designated as critical military skills for the purposes of this section.

(B) The eligibility requirements for entering the Armed Forces under the program.

(C) A detailed discussion of the other features of the program.

(2) Whenever the list of critical military skills is revised, the Secretary shall promptly submit the revised list to the committees referred to in paragraph (1).

(3) The Secretary shall submit a final report on the program to Congress not later than 180 days after the date on which the direct entry program terminates under subsection (f). The report shall include the Secretary's assessment of the effectiveness of the direct entry program for recruiting personnel with critical military skills for the Armed Forces.

(f) PERIOD OF PROGRAM.—The direct entry program under this section shall commence on October 1, 2003, and shall terminate on September 30, 2005.

SEC. 563. POLICY ON CONCURRENT DEPLOYMENT TO COMBAT ZONES OF BOTH MILITARY SPOUSES OF MILITARY FAMILIES WITH MINOR CHILDREN.

(a) PUBLICATION OF POLICY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) prescribe the policy of the Department of Defense on concurrent deployment to a combat zone of both spouses of a dual-military family with one or more minor children; and

(2) transmit the policy to the Committees on Armed Services of the Senate and the House of Representatives.

(b) DUAL-MILITARY FAMILY DEFINED.—In this section, the term ''dual-military family'' means a family in which both spouses are members of the Armed Forces.

SEC. 564. ENHANCEMENT OF VOTING RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES.

(a) STANDARD FOR INVALIDATION OF BALLOTS CAST BY ABSENT UNIFORMED SERVICES VOTERS IN FEDERAL ELECTIONS.—.(1) Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(A) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(B) by inserting after subsection (b) the following new subsection (c):

''(c) STANDARDS FOR INVALIDATION OF CERTAIN BALLOTS.—

''(1) IN GENERAL.—A State may not refuse to count a ballot submitted in an election for Federal office by an absent uniformed services voter—

''(A) solely on the grounds that the ballot lacked—

''(i) a notarized witness signature;

''(ii) an address (other than on a Federal write-in absentee ballot, commonly known as 'SF186');

''(iii) a postmark if there are any other indicia that the vote was cast in a timely manner; or

''(iv) an overseas postmark; or

''(B) solely on the basis of a comparison of signatures on ballots, envelopes, or registration forms unless there is a lack of reasonable similarity between the signatures.

''(2) NO EFFECT ON FILING DEADLINES UNDER STATE LAW.—Nothing in this subsection may be construed to affect the application to ballots submitted by absent uniformed services voters of any ballot submission deadline applicable under State law.''.

(2) The amendments made by paragraph (1) shall apply with respect to ballots described in section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act, as added by paragraph (1), that are submitted with respect to elections that occur after the date of the enactment of this Act.

(b) MAXIMIZATION OF ACCESS OF RECENTLY SEPARATED UNIFORMED SERVICES VOTERS TO THE POLLS.—(1) Section 102(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(A) in paragraph (4), by striking ''and'' at the end;

(B) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

''(6) in addition to using the postcard form for the purpose described in paragraph (4), accept and process any otherwise valid voter registration application submitted by a uniformed service voter for the purpose of voting in an election for Federal office; and

''(7) permit each recently separated uniformed services voter to vote in any election for which a voter registration application has been accepted and processed under this section if that voter—

''(A) has registered to vote under this section; and

''(B) is eligible to vote in that election under State law.''.

(2) The amendments made by paragraph (1) shall apply with respect to elections for Federal office that occur after the date of the enactment of this Act.

(c) DEFINITIONS.—Section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6) is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (9) and (11), respectively;

(2) by inserting after paragraph (6) the following new paragraph:

''(7) 'recently separated uniformed services voter' means any individual who was a uniformed services voter on the date that is 60 days before the date on which the individual seeks to vote and who—

''(A) presents to the election official Department of Defense form 214 evidencing the individual's former status as such a voter, or any other official proof of such status;

''(B) is no longer such a voter; and

''(C) is otherwise qualified to vote in that election;''; and

(3) by inserting after paragraph (9), as so redesignated, the following new paragraph:

''(10) 'uniformed services voter' means—

''(A) a member of a uniformed service in active service;

''(B) a member of the merchant marine; and

''(C) a spouse or dependent of a member referred to in subparagraph (A) or (B) who is qualified to vote; and''.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 2004.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2004 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2004, the rates of monthly basic pay for members of the uniformed services within each pay grade are as follows:

COMMISSIONED OFFICERS [1]

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O–10 [2]	$0.00	$0.00	$0.00	$0.00	$0.00
O–9	0.00	0.00	0.00	0.00	0.00
O–8	7,751.10	8,004.90	8,173.20	8,220.60	8,430.30
O–7	6,440.70	6,739.80	6,878.40	6,988.50	7,187.40
O–6	4,773.60	5,244.30	5,588.40	5,588.40	5,609.70
O–5	3,979.50	4,482.90	4,793.40	4,851.60	5,044.80
O–4	3,433.50	3,974.70	4,239.90	4,299.00	4,545.30
O–3 [3]	3,018.90	3,422.40	3,693.90	4,027.20	4,220.10
O–2 [3]	2,608.20	2,970.60	3,421.50	3,537.00	3,609.90
O–1 [3]	2,264.40	2,356.50	2,848.50	2,848.50	2,848.50
	Over 8	Over 10	Over 12	Over 14	Over 16
O–10 [2]	$0.00	$0.00	$0.00	$0.00	$0.00
O–9	0.00	0.00	0.00	0.00	0.00
O–8	8,781.90	8,863.50	9,197.10	9,292.80	9,579.90
O–7	7,384.20	7,611.90	7,839.00	8,066.70	8,781.90
O–6	5,850.00	5,882.10	5,882.10	6,216.30	6,807.30
O–5	5,161.20	5,415.90	5,602.80	5,844.00	6,213.60
O–4	4,809.30	5,137.80	5,394.00	5,571.60	5,673.60
O–3 [3]	4,431.60	4,568.70	4,794.30	4,911.30	4,911.30
O–2 [3]	3,609.90	3,609.90	3,609.90	3,609.90	3,609.90
O–1 [3]	2,848.50	2,848.50	2,848.50	2,848.50	2,848.50
	Over 18	Over 20	Over 22	Over 24	Over 26
O–10 [2]	$0.00	$12,524.70	$12,586.20	$12,847.80	$13,303.80
O–9	0.00	10,954.50	11,112.30	11,340.30	11,738.40
O–8	9,995.70	10,379.10	10,635.30	10,635.30	10,635.30
O–7	9,386.10	9,386.10	9,386.10	9,386.10	9,433.50
O–6	7,154.10	7,500.90	7,698.30	7,897.80	8,285.40
O–5	6,389.70	6,563.40	6,760.80	6,760.80	6,760.80
O–4	5,733.00	5,733.00	5,733.00	5,733.00	5,733.00
O–3 [3]	4,911.30	4,911.30	4,911.30	4,911.30	4,911.30
O–2 [3]	3,609.50	3,609.50	3,609.50	3,609.50	3,609.50
O–1 [3]	2,848.50	2,848.50	2,848.50	2,848.50	2,848.50

[1] Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for commissioned officers in pay grades O–7 through O–10 may not exceed the rate of pay for level III of the Executive Schedule and the actual rate of basic pay for all other officers may not exceed the rate of pay for level V of the Executive Schedule.

[2] Subject to the preceding footnote, the rate of basic pay for an officer in this grade while serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, Commandant of the Coast Guard, or commander of a unified or specified combatant command (as defined in section 161(c) of title 10, United States Code) is $14,634.20, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

[3] This table does not apply to commissioned officers in pay grade O–1, O–2, or O–3 who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O–3E	$0.00	$0.00	$0.00	$4,027.20	$4,220.10
O–2E	0.00	0.00	0.00	3,537.00	3,609.90
O–1E	0.00	0.00	0.00	2,848.50	3,042.30
	Over 8	Over 10	Over 12	Over 14	Over 16
O–3E	$4,431.60	$4,568.70	$4,794.30	$4,984.20	$5,092.80
O–2E	3,724.80	3,918.60	4,068.60	4,180.20	4,180.20
O–1E	3,154.50	3,269.40	3,382.20	3,537.00	3,537.00
	Over 18	Over 20	Over 22	Over 24	Over 26
O–3E	$5,241.30	$5,241.30	$5,241.30	$5,241.30	$5,241.30
O–2E	4,180.20	4,180.20	4,180.20	4,180.20	4,180.20
O–1E	3,537.00	3,537.00	3,537.00	3,537.00	3,537.00

WARRANT OFFICERS [1]

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
W–5	$0.00	$0.00	$0.00	$0.00	$0.00
W–4	3,119.40	3,355.80	3,452.40	3,547.20	3,710.40
W–3	2,848.80	2,967.90	3,089.40	3,129.30	3,257.10

WARRANT OFFICERS [1]—Continued

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
W–2	2,505.90	2,649.00	2,774.10	2,865.30	2,943.30
W–1	2,212.80	2,394.00	2,515.20	2,593.50	2,802.30
	Over 8	Over 10	Over 12	Over 14	Over 16
W–5	$0.00	$0.00	$0.00	$0.00	$0.00
W–4	3,871.50	4,035.00	4,194.30	4,359.00	4,617.30
W–3	3,403.20	3,595.80	3,786.30	3,988.80	4,140.60
W–2	3,157.80	3,321.60	3,443.40	3,562.20	3,643.80
W–1	2,928.30	3,039.90	3,164.70	3,247.20	3,321.90
	Over 18	Over 20	Over 22	Over 24	Over 26
W–5	$0.00	$5,360.70	$5,544.30	$5,728.80	$5,914.20
W–4	4,782.60	4,944.30	5,112.00	5,277.00	5,445.90
W–3	4,291.80	4,356.90	4,424.10	4,570.20	4,716.30
W–2	3,712.50	3,843.00	3,972.60	4,103.70	4,103.70
W–1	3,443.70	3,535.80	3,535.80	3,535.80	3,535.80

[1] Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for warrant officers may not exceed the rate of pay for level V of the Executive Schedule.

ENLISTED MEMBERS [1]

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E–9 [2]	$0.00	$0.00	$0.00	$0.00	$0.00
E–8	0.00	0.00	0.00	0.00	0.00
E–7	2,145.00	2,341.20	2,430.60	2,549.70	2,642.10
E–6	1,855.50	2,041.20	2,131.20	2,218.80	2,310.00
E–5	1,700.10	1,813.50	1,901.10	1,991.10	2,130.60
E–4	1,558.20	1,638.30	1,726.80	1,814.10	1,891.50
E–3	1,407.00	1,495.50	1,585.50	1,585.50	1,585.50
E–2	1,337.70	1,337.70	1,337.70	1,337.70	1,337.70
E–1 [3]	1,193.40	1,193.40	1,193.40	1,193.40	1,193.40
	Over 8	Over 10	Over 12	Over 14	Over 16
E–9 [2]	$0.00	$3,769.20	$3,854.70	$3,962.40	$4,089.30
E–8	3,085.50	3,222.00	3,306.30	3,407.70	3,517.50
E–7	2,801.40	2,891.10	2,980.20	3,139.80	3,219.60
E–6	2,516.10	2,596.20	2,685.30	2,763.30	2,790.90
E–5	2,250.90	2,339.70	2,367.90	2,367.90	2,367.90
E–4	1,891.50	1,891.50	1,891.50	1,891.50	1,891.50
E–3	1,585.50	1,585.50	1,585.50	1,585.50	1,585.50
E–2	1,337.70	1,337.70	1,337.70	1,337.70	1,337.70
E–1 [3]	1,193.40	1,193.40	1,193.40	1,193.40	1,193.40
	Over 18	Over 20	Over 22	Over 24	Over 26
E–9 [2]	$4,216.50	$4,421.10	$4,594.20	$4,776.60	$5,054.70
E–8	3,715.50	3,815.70	3,986.40	4,081.20	4,314.30
E–7	3,295.50	3,341.70	3,498.00	3,599.10	3,855.00
E–6	2,809.80	2,809.80	2,809.80	2,809.80	2,809.80
E–5	2,367.90	2,367.90	2,367.90	2,367.90	2,367.90
E–4	1,891.50	1,891.50	1,891.50	1,891.50	1,891.50
E–3	1,585.50	1,585.50	1,585.50	1,585.50	1,585.50
E–2	1,337.70	1,337.70	1,337.70	1,337.70	1,337.70
E–1 [3]	1,193.40	1,193.40	1,193.40	1,193.40	1,193.40

[1] Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for enlisted members may not exceed the rate of pay for level V of the Executive Schedule.

[2] Subject to the preceding footnote, the rate of basic pay for an enlisted member in this grade while serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, is $6,090.90, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

[3] In the case of members in pay grade E–1 who have served less than 4 months on active duty, the rate of basic pay is $1,104.00.

SEC. 602. REVISED ANNUAL PAY ADJUSTMENT PROCESS.

(a) REQUIREMENT FOR ANNUAL ADJUSTMENT.—Subsection (a) of section 1009 of title 37, United States Code, is amended to read as follows:

''(a) REQUIREMENT FOR ANNUAL ADJUSTMENT.—Effective on January 1 of each year, the rates of basic pay for members of the uniformed services under section 203(a) of this title shall be increased under this section.''.

(b) EFFECTIVENESS OF ADJUSTMENT.—Subsection (b) of such section is amended by striking ''shall—'' and all that follows and inserting ''shall have the force and effect of law.''.

(c) PERCENTAGE OF ADJUSTMENT.—Subsection (c) of such section is amended to read as follow:

''(c) EQUAL PERCENTAGE INCREASE FOR ALL MEMBERS.—(1) An adjustment made under this section in a year shall provide all eligible members with an increase in the monthly basic pay that is the percentage (rounded to the nearest one-tenth of 1 percent) by which the ECI for the base quarter of the year before the preceding year exceeds the ECI for the base quarter of the second year before the preceding calendar year (if at all).

''(2) Notwithstanding paragraph (1), but subject to subsection (d), the percentage of the adjustment taking effect under this section during each of fiscal years 2004, 2005, and 2006, shall be one-half of 1 percentage point higher than the percentage that would otherwise be applicable under such paragraph.''.

(d) REPEAL OF ALLOCATION AUTHORITY.—Such section is further amended—

(1) by striking subsections (d), (e), and (g); and

(2) redesignating subsection (f) as subsection (d).

(e) PRESIDENTIAL DETERMINATION OF NEED FOR ALTERNATIVE PAY ADJUSTMENT.—Such

section, as amended by subsection (d), is further amended adding at the end the following new subsection:

''(e) PRESIDENTIAL DETERMINATION OF NEED FOR ALTERNATIVE PAY ADJUSTMENT.—(1) If, because of national emergency or serious economic conditions affecting the general welfare, the President considers the pay adjustment which would otherwise be required by this section in any year to be inappropriate, the President shall prepare and transmit to Congress before September 1 of the preceding year a plan for such alternative pay adjustments as the President considers appropriate, together with the reasons therefor.

''(2) In evaluating an economic condition affecting the general welfare under this subsection, the President shall consider pertinent economic measures including the Indexes of Leading Economic Indicators, the Gross National Product, the unemployment rate, the budget deficit, the Consumer Price Index, the Producer Price Index, the Employment Cost Index, and the Implicit Price Deflator for Personal Consumption Expenditures.

''(3) The President shall include in the plan submitted to Congress under paragraph (1) an assessment of the impact that the alternative pay adjustments proposed in the plan would have on the Government's ability to recruit and retain well-qualified persons for the uniformed services.''.

(f) DEFINITIONS.—Such section, as amended by subsection (e), is further amended by adding at the end the following:

''(f) DEFINITIONS.—In this section:

''(1) The term 'ECI' means the Employment Cost Index (wages and salaries, private industry workers) published quarterly by the Bureau of Labor Statistics.

''(2) The term 'base quarter' for any year is the 3-month period ending on September 30 of such year.''.

SEC. 603. COMPUTATION OF BASIC PAY RATE FOR COMMISSIONED OFFICERS WITH PRIOR ENLISTED OR WARRANT OFFICER SERVICE.

Section 203(d)(2) of title 37, United States Code, is amended—

(1) in subparagraph (A), by striking ''enlisted member,'' and all that follows through the period and inserting ''enlisted member.''; and

(2) by striking subparagraph (B) and inserting the following new subparagraph:

''(B) Service as a warrant officer, as an enlisted member, or as a warrant officer and an enlisted member, for which at least 1,460 points have been credited to the officer for the purposes of section 12732(a)(2) of title 10.''.

SEC. 604. PILOT PROGRAM OF MONTHLY SUBSISTENCE ALLOWANCE FOR NON-SCHOLARSHIP SENIOR ROTC MEMBERS COMMITTING TO CONTINUE ROTC PARTICIPATION AS SOPHOMORES.

(a) AUTHORITY.—Section 209 of title 37, United States Code, is amended by adding at the end the following new subsection:

''(e) NON-SCHOLARSHIP SENIOR ROTC MEMBERS NOT IN ADVANCED TRAINING.—(1) A member of the Senior Reserve Officers' Training Corps described in subsection (b) is entitled to a monthly subsistence allowance at a rate prescribed under subsection (a).

''(2) To be entitled to receive a subsistence allowance under this subsection, a member must—

''(A) be a citizen of the United States;

''(B) enlist in an armed force under the jurisdiction of the Secretary of the military department concerned for the period prescribed by the Secretary;

''(C) contract, with the consent of his parent or guardian if he is a minor, with the Secretary of the military department concerned, or his designated representative, to serve for the period required by the program;

''(D) agree in writing that he will accept an appointment, if offered, as a commissioned officer in the Army, Navy, Air Force, or Marine Corps, as the case may be, and that he will serve in the armed forces for the period prescribed by the Secretary;

''(E) successfully complete the first year of a four-year Senior Reserve Officers' Training Corps course;

''(F) not be eligible for advanced training under section 2104 of title 10;

''(G) not be appointed under section 2107 of title 10; and

''(H) execute a certificate of loyalty in such form as the Secretary of Defense prescribes or take a loyalty oath as prescribed by the Secretary.

''(3) The first month for which a monthly subsistence allowance is payable to a member under this subsection shall be a month designated by the Secretary of the military department concerned that begins after the member satisfies the condition in subparagraph (E) of paragraph (2). Payment of the subsistence allowance shall continue for as long as the member continues to meet the conditions in such paragraph and the member's obligations under the enlistment, contract, and agreement entered into as described in such paragraph. In no event, however, may a member receive the monthly subsistence allowance for more than 20 months.

''(4) In this subsection, the term 'program' means the Senior Reserve Officers' Training Corps of an armed force.

''(5) No subsistence allowance may be paid under this subsection with respect to a contract that is entered into as described in paragraph (2)(C) after December 31, 2006.''.

(b) EFFECTIVE DATE.—Subsection (e) of section 209 of title 37, United States Code (as added by subsection (a)), shall take effect on January 1, 2004.

SEC. 605. BASIC ALLOWANCE FOR HOUSING FOR EACH MEMBER MARRIED TO ANOTHER MEMBER WITHOUT DEPENDENTS WHEN BOTH SPOUSES ARE ON SEA DUTY.

(a) ENTITLEMENT.—Section 403(f)(2)(C) of title 37, United States Code, is amended—

(1) in the first sentence, by striking ''are jointly entitled to one basic allowance for housing'' and inserting ''are each entitled to a basic allowance for housing''; and

(2) by striking ''The amount of the allowance'' and all that follows and inserting ''The amount of the allowance payable to a member under the preceding sentence shall be based on the without dependents rate for the pay grade of the member.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2003.

SEC. 606. INCREASED RATE OF FAMILY SEPARATION ALLOWANCE.

(a) RATE.—Section 427(a)(1) of title 37, United States Code, is amended by striking ''$100'' and inserting ''$250''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2003.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of title 37, United States Code, is amended by striking ''December 31, 2003'' and inserting ''December 31, 2004''.

(b) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c(e) of such title is amended by striking ''December 31, 2003'' and inserting ''December 31, 2004''.

(c) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by striking ''December 31, 2003'' and inserting ''December 31, 2004''.

(d) SELECTED RESERVE AFFILIATION BONUS.—Section 308e(e) of such title is amended by striking ''December 31, 2003'' and inserting ''December 31, 2004''.

(e) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of such title is amended by striking ''December 31, 2003'' and inserting ''December 31, 2004''.

(f) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(f) of such title is amended by striking ''December 31, 2003'' and inserting ''December 31, 2004''.

SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR CERTAIN HEALTH CARE PROFESSIONALS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking ''December 31, 2003'' and inserting ''December 31, 2004''.

(b) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of such title is amended by striking ''January 1, 2004'' and inserting ''January 1, 2005''.

(c) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking ''December 31, 2003'' and inserting ''December 31, 2004''.

(d) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of such title is amended by striking ''December 31, 2003'' and inserting ''December 31, 2004''.

(e) SPECIAL PAY FOR SELECTED RESERVE HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(f) of such title is amended by striking ''December 31, 2003'' and inserting ''December 31, 2004''.

(f) ACCESSION BONUS FOR DENTAL OFFICERS.—Section 302h(a)(1) of such title is amended by striking ''December 31, 2003'' and inserting ''December 31, 2004''.

SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of title 37, United States Code, is amended by striking ''December 31, 2003'' and inserting ''December 31, 2004''.

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking ''December 31, 2003'' and inserting ''December 31, 2004''.

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking ''December 31, 2003'' and inserting ''December 31, 2004''.

SEC. 614. ONE-YEAR EXTENSION OF OTHER BONUS AND SPECIAL PAY AUTHORITIES.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking ''December 31, 2003'' and inserting ''December 31, 2004''.

(b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking ''December 31, 2003'' and inserting ''December 31, 2004''.

(c) ENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 309(e) of such title is amended by striking ''December 31, 2003'' and inserting ''December 31, 2004''.

(d) RETENTION BONUS FOR MEMBERS WITH CRITICAL MILITARY SKILLS.—Section 323(i) of such title is amended by striking ''December 31, 2003'' and inserting ''December 31, 2004''.

(e) ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.—Section 324(g) of such title

is amended by striking ''December 31, 2003'' and inserting ''December 31, 2004''.

SEC. 615. SPECIAL PAY FOR RESERVE OFFICERS HOLDING POSITIONS OF UNUSUAL RESPONSIBILITY AND OF CRITICAL NATURE.

(a) ELIGIBILITY.—Section 306 of title 37, United States Code, is amended—

(1) in subsection (a), by inserting ''under section 201 of this title, or the compensation under section 206 of this title,'' after ''is entitled to the basic pay'';

(2) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively; and

(3) by inserting after subsection (a) the following new subsection (b):

''(b) In the case of an officer who is a member of a reserve component, special pay under subsection (a) shall be paid at the rate of 1/30 of the monthly rate authorized by that subsection for each day of the performance of duties described in that subsection.''.

(b) LIMITATION.—Subsection (d) of such section, as redesignated by subsection (a)(2) of this section, is amended—

(1) by inserting ''(1)'' after ''(d)''; and

(2) by adding at the end the following new paragraph:

''(2) Of the number of officers in the Selected Reserve of the Ready Reserve of an armed force who are not on active duty (other than for training), not more than 5 percent of the number of such officers in each of the pay grades O–3 and below, and not more than 10 percent of the number of such officers in pay grade O–4, O–5, or O–6, may be paid special pay under subsection (b).''.

SEC. 616. ASSIGNMENT INCENTIVE PAY FOR SERVICE IN KOREA.

(a) AUTHORITY.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 307a the following new section:

''§ 307b. Special pay: Korea service incentive pay

''(a) AUTHORITY.—The Secretary concerned shall pay monthly incentive pay under this section to a member of a uniformed service for the period that the member performs service in Korea while entitled to basic pay.

''(b) RATE.—The monthly rate of incentive pay payable to a member under this section is $100.

''(c) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—Incentive pay paid to a member under this section is in addition to any other pay and allowances to which the member is entitled.

''(d) STATUS NOT AFFECTED BY TEMPORARY DUTY OR LEAVE.—The service of a member in an assignment referred to in subsection (a) shall not be considered discontinued during any period that the member is not performing service in the assignment by reason of temporary duty performed by the member pursuant to orders or absence of the member for authorized leave.

''(e) TERMINATION OF AUTHORITY.—Special pay may not be paid under this section for months beginning after December 31, 2005.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 307a the following new item:

''307b. Special pay: Korea service incentive pay.''.

(b) EFFECTIVE DATE.—Section 307(b) of title 37, United States Code (as added by subsection (a)), shall take effect on October 1, 2003.

SEC. 617. INCREASED MAXIMUM AMOUNT OF REENLISTMENT BONUS FOR ACTIVE MEMBERS.

(a) MAXIMUM AMOUNT.—Section 308(a)(2)(B) of title 37, United States Code, is amended by striking ''$60,000'' and inserting ''$70,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2003, and shall apply with respect to reenlistments and extensions of enlistments that take effect on or after that date.

SEC. 618. PAYMENT OF SELECTED RESERVE REENLISTMENT BONUS TO MEMBERS OF SELECTED RESERVE WHO ARE MOBILIZED.

Section 308b of title 37, United States Code, is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

''(d) PAYMENT TO MOBILIZED MEMBERS.—In the case of a member entitled to a bonus under this section who is called or ordered to active duty, any amount of such bonus that is payable to the member during the period of active duty of the member shall be paid the member during that period of active duty without regard to the fact that the member is serving on active duty pursuant to such call or order to active duty.''.

SEC. 619. INCREASED RATE OF HOSTILE FIRE AND IMMINENT DANGER SPECIAL PAY.

(a) RATE.—Section 310(a) of title 37, United States Code, is amended by striking ''$150'' and inserting ''$225''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2003.

SEC. 620. AVAILABILITY OF HOSTILE FIRE AND IMMINENT DANGER SPECIAL PAY FOR RESERVE COMPONENT MEMBERS ON INACTIVE DUTY.

(a) EXPANSION AND CLARIFICATION OF CURRENT LAW.—Section 310 of title 37, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by striking subsection (a) and inserting the following new subsections:

''(a) ELIGIBILITY AND SPECIAL PAY AMOUNT.—Under regulations prescribed by the Secretary of Defense, a member of a uniformed service may be paid special pay at the rate of $150 for any month in which—

''(1) the member was entitled to basic pay or compensation under section 204 or 206 of this title; and

''(2) the member—

''(A) was subject to hostile fire or explosion of hostile mines;

''(B) was on duty in an area in which the member was in imminent danger of being exposed to hostile fire or explosion of hostile mines and in which, during the period the member was on duty in the area, other members of the uniformed services were subject to hostile fire or explosion of hostile mines;

''(C) was killed, injured, or wounded by hostile fire, explosion of a hostile mine, or any other hostile action; or

''(D) was on duty in a foreign area in which the member was subject to the threat of physical harm or imminent danger on the basis of civil insurrection, civil war, terrorism, or wartime conditions.

''(b) CONTINUATION DURING HOSPITALIZATION.—A member covered by subsection (a)(2)(C) who is hospitalized for the treatment of the injury or wound may be paid special pay under this section for not more than three additional months during which the member is so hospitalized.''.

(b) CLERICAL AMENDMENTS.—Such section is further amended—

(1) in subsection (c), as redesignated by subsection (a)(1), by inserting ''LIMITATIONS AND ADMINISTRATION.—'' before ''(1)''; and

(2) in subsection (d), as redesignated by subsection (a)(1), by inserting ''DETERMINATIONS OF FACT.—'' before ''Any''.

(c) EFFECTIVE DATE.—Subsections (a) and (b) of section 310 of title 37, United States Code, as added by subsection (a)(2), shall take effect as of September 11, 2001.

SEC. 621. EXPANSION OF OVERSEAS TOUR EXTENSION INCENTIVE PROGRAM TO OFFICERS.

(a) SPECIAL PAY OR BONUS FOR EXTENDING OVERSEAS TOUR OF DUTY.—(1) Subsections (a) and (b) of section 314 of title 37, United States Code, are amended by striking ''an enlisted member'' and inserting ''a member''.

(2)(A) The heading of such section is amended to read as follows:

''§ 314. Special pay or bonus: qualified members extending duty at designated locations overseas''.

(B) The item relating to such section in the table of sections at the beginning of chapter 5 of such title is amended to read as follows:

''314. Special pay or bonus: qualified members extending duty at designated locations overseas.''.

(b) REST AND RECUPERATIVE ABSENCE IN LIEU OF PAY OR BONUS.—(1) Subsection (a) of section 705 of title 10, United States Code, is amended by striking ''an enlisted member'' and inserting ''a member''.

(2)(A) The heading of such section is amended to read as follows:

''§ 705. Rest and recuperation absence: qualified members extending duty at designated locations overseas''.

(B) The item relating to such section in the table of sections at the beginning of chapter 40 of such title is amended to read as follows:

''705. Rest and recuperation absence: qualified members extending duty at designated locations overseas.''.

SEC. 622. ELIGIBILITY OF WARRANT OFFICERS FOR ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.

(a) ELIGIBILITY.—Section 324 of title 37, United States Code, is amended in subsections (a) and (f)(1) by inserting ''or an appointment'' after ''commission''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2003.

SEC. 623. INCENTIVE BONUS FOR CONVERSION TO MILITARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL SHORTAGE.

(a) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

''§ 326. Incentive bonus: conversion to military occupational specialty to ease personnel shortage

''(a) INCENTIVE BONUS AUTHORIZED.—The Secretary concerned may pay a bonus under this section to an eligible member of the armed forces who executes a written agreement to convert to, and serve for a period of not less than four years in, a military occupational specialty for which there is a shortage of trained and qualified personnel.

''(b) ELIGIBLE MEMBERS.—A member is eligible for a bonus under this section if—

''(1) the member is entitled to basic pay; and

''(2) at the time the agreement under subsection (a) is executed, the member is serving in—

''(A) pay grade E–6 with not more than 10 years of service computed under section 205 of this title; or

''(B) pay grade E–5 or below, regardless of years of service.

''(c) AMOUNT AND PAYMENT OF BONUS.—(1) A bonus under this section may not exceed $4,000.

''(2) A bonus payable under this section shall be disbursed in one lump sum when the member's conversion to the military occupational specialty is approved by the chief personnel officer of the member's armed force.

''(d) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—A bonus paid to a member under this section is in addition to any other pay and allowances to which the member is entitled.

''(e) REPAYMENT OF BONUS.—(1) A member who receives a bonus for conversion to a military occupational specialty under this section and who, voluntarily or because of misconduct, fails to serve in such military occupational specialty for the period specified in the agreement shall refund to the United States an amount that bears the same ratio to the bonus amount paid to the member as the unserved part of such period bears to the total period agreed to be served.

''(2) An obligation to reimburse the United States imposed under paragraph (1) is, for all purposes, a debt owed to the United States.

''(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of the agreement for which a bonus was paid under this section shall not discharge the person signing such agreement from the debt arising under paragraph (1).

''(4) Under regulations prescribed pursuant to subsection (f), the Secretary concerned may waive, in whole or in part, a refund required under paragraph (1) if the Secretary determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

''(f) REGULATIONS.—The Secretaries concerned shall prescribe regulations to carry out this section. Regulations prescribed by the Secretary of a military department shall be subject to the approval of the Secretary of Defense.

''(g) TERMINATION OF AUTHORITY.—No agreement under this section may be entered into after December 31, 2006.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''326. Incentive bonus: conversion to military occupational specialty to ease personnel shortage.''.

Subtitle C—Travel and Transportation Allowances

SEC. 631. SHIPMENT OF PRIVATELY OWNED MOTOR VEHICLE WITHIN CONTINENTAL UNITED STATES.

(a) AUTHORITY TO PROCURE CONTRACT FOR TRANSPORTATION OF MOTOR VEHICLE.—Section 2634 of title 10, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection (h):

''(h) In the case of a member's change of permanent station described in subparagraph (A) or (B) of subsection (i)(1), the Secretary concerned may authorize the member to arrange for the shipment of the motor vehicle in lieu of transportation at the expense of the United States under this section. The Secretary concerned may pay the member a monetary allowance in lieu of transportation, as established under section 404(d)(1) of title 37, and the member shall be responsible for any transportation costs in excess of such allowance.''.

(b) ALLOWANCE FOR SELF-PROCUREMENT OF TRANSPORTATION OF MOTOR VEHICLE.—Section 406(b)(1)(B) of title 37, United States Code, is amended by adding at the end the following new sentence: ''In the case of the transportation of a motor vehicle arranged by the member under section 2634(h) of title 10, the Secretary concerned may pay the member, upon presentation of proof of shipment, a monetary allowance in lieu of transportation, as established under section 404(d)(1) of this title.''.

SEC. 632. PAYMENT OR REIMBURSEMENT OF STUDENT BAGGAGE STORAGE COSTS FOR DEPENDENT CHILDREN OF MEMBERS STATIONED OVERSEAS.

Section 430(b)(2) of title 37, United States Code, is amended in the first sentence by inserting before the period at the end the following: ''or during a different period in the same fiscal year selected by the member''.

SEC. 633. CONTRACTS FOR FULL REPLACEMENT VALUE FOR LOSS OR DAMAGE TO PERSONAL PROPERTY TRANSPORTED AT GOVERNMENT EXPENSE.

(a) AUTHORITY.—Chapter 157 of title 10, United States Code, is amended by inserting after section 2636 the following new section:

''§ 2636a. Loss or damage to personal property transported at Government expense: full replacement value; deduction from amounts due carriers

''(a) PROCUREMENT OF COVERAGE.—The Secretary of Defense may include in a contract for the transportation of baggage and household effects for members of the armed forces at Government expense a clause that requires the carrier under the contract to pay the full replacement value for loss or damage to the baggage or household effects transported under the contract.

''(b) DEDUCTION UPON FAILURE OF CARRIER TO SETTLE.—In the case of a loss or damage of baggage or household effects transported under a contract with a carrier that includes a clause described in subsection (a), the amount equal to the full replacement value for the baggage or household effects may be deducted from the amount owed by the United States to the carrier under the contract upon a failure of the carrier to settle a claim for such loss or total damage within a reasonable time. The amount so deducted shall be remitted to the claimant, notwithstanding section 2636 of this title.

''(c) INAPPLICABILITY OF RELATED LIMITS.—The limitations on amounts of claims that may be settled under section 3721(b) of title 31 do not apply to a carrier's contractual obligation to pay full replacement value under this section.

''(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations for administering this section. The regulations shall include policies and procedures for validating and evaluating claims, validating proper claimants, and determining reasonable time for settlement.

''(e) TRANSPORTATION DEFINED.—In this section, the terms 'transportation' and 'transport', with respect to baggage or household effects, includes packing, crating, drayage, temporary storage, and unpacking of the baggage or household effects.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2636 the following new item:

''2636a. Loss or damage to personal property transported at Government expense: full replacement value; deduction from amounts due carriers.''.

Subtitle D—Retired Pay and Survivor Benefits

SEC. 641. SPECIAL RULE FOR COMPUTATION OF RETIRED PAY BASE FOR COMMANDERS OF COMBATANT COMMANDS.

(a) TREATMENT EQUIVALENT TO CHIEFS OF SERVICE.—Subsection (i) of section 1406 of title 10, United States Code, is amended by inserting ''as a commander of a unified or specified combatant command (as defined in section 161(c) of this title),'' after ''Chief of Service,''.

(b) CONFORMING AMENDMENT.—The heading for such subsection is amended by inserting ''COMMANDERS OF COMBATANT COMMANDS,'' after ''CHIEFS OF SERVICE,''.

(c) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply with respect to officers who first become entitled to retired pay under title 10, United States Code, on or after such date.

SEC. 642. SURVIVOR BENEFIT PLAN ANNUITIES FOR SURVIVING SPOUSES OF RESERVES NOT ELIGIBLE FOR RETIREMENT WHO DIE FROM A CAUSE INCURRED OR AGGRAVATED WHILE ON INACTIVE-DUTY TRAINING.

(a) SURVIVING SPOUSE ANNUITY.—Paragraph (1) of section 1448(f) of title 10, United States Code, is amended to read as follows:

''(1) SURVIVING SPOUSE ANNUITY.—The Secretary concerned shall pay an annuity under this subchapter to the surviving spouse of—

''(A) a person who is eligible to provide a reserve-component annuity and who dies—

''(i) before being notified under section 12731(d) of this title that he has completed the years of service required for eligibility for reserve-component retired pay; or

''(ii) during the 90-day period beginning on the date he receives notification under section 12731(d) of this title that he has completed the years of service required for eligibility for reserve-component retired pay if he had not made an election under subsection (a)(2)(B) to participate in the Plan; or

''(B) a member of a reserve component not described in subparagraph (A) who dies from an injury or illness incurred or aggravated in the line of duty during inactive-duty training.''.

(b) CONFORMING AMENDMENT.—The heading for subsection (f) of section 1448 of such title is amended by inserting ''OR BEFORE'' after ''DYING WHEN''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of September 10, 2001, and shall apply with respect to performance of inactive-duty training (as defined in section 101(d) of title 10, United States Code) on or after that date.

SEC. 643. INCREASE IN DEATH GRATUITY PAYABLE WITH RESPECT TO DECEASED MEMBERS OF THE ARMED FORCES.

(a) AMOUNT OF DEATH GRATUITY.—Section 1478(a) of title 10, United States Code, is amended by striking ''$6,000'' and inserting ''$12,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of September 11, 2001, and shall apply with respect to deaths occurring on or after that date.

Subtitle E—Other Matters

SEC. 651. RETENTION OF ACCUMULATED LEAVE.

(a) HIGHER MAXIMUM LIMITATION ASSOCIATED WITH CERTAIN SERVICE.—Section 701(f) of title 10, United States Code, is amended to read as follows:

''(f)(1) The Secretary of Defense may authorize a member eligible under paragraph (2) to retain 120 days' leave accumulated by

the end of the fiscal year described in such paragraph.

''(2) Paragraph (1) applies to a member who—

''(A) during a fiscal year—

''(i) serves on active duty for a continuous period of at least 120 days in an area in which the member is entitled to special pay under section 310(a) of title 37; or

''(ii) is assigned to a deployable ship, to a mobile unit, to duty in support of a contingency operation, or to other duty designated for the purpose of this section; and

''(B) except for paragraph (1), would lose any accumulated leave in excess of 60 days at the end of the fiscal year.

''(3) Leave in excess of 60 days accumulated under this subsection is lost unless it is used by the member before the end of the third fiscal year after the fiscal year in which the service described in paragraph (2) terminated.''.

(b) SAVINGS PROVISIONS.—Regulations in effect under subsection (f) of section 701 of title 10, United States Code, on the day before the date of the enactment of this Act shall remain in effect until revised or superseded by regulations prescribed to implement the authority under the amendment made by subsection (a).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2003.

TITLE VII—HEALTH CARE

SEC. 701. MEDICAL AND DENTAL SCREENING FOR MEMBERS OF SELECTED RESERVE UNITS ALERTED FOR MOBILIZATION.

Section 1074a of title 10, United States Code, is amended by adding at the end the following new subsection:

''(f)(1) At any time after the Secretary concerned notifies the commander of a unit of the Selected Reserve of the Ready Reserve that members of the unit are to be called or ordered to active duty under a provision of law referred to in section 101(a)(13)(B) in support of an operational mission or contingency operation during a national emergency or in time of war, the administering Secretaries may provide to each such member any medical and dental screening and care that is necessary to ensure that the member meets the applicable medical and dental standards for deployment.

''(2) A member provided medical or dental screening or care under paragraph (1) may not be charged for the screening or care.''.

SEC. 702. TRICARE BENEFICIARY COUNSELING AND ASSISTANCE COORDINATORS FOR RESERVE COMPONENT BENEFICIARIES.

Section 1095e(a)(1) of title 10, United States Code, is amended—

(1) by striking ''and'' at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph (B):

''(B) designate for each of the TRICARE program regions at least one person (other than a person designated under subparagraph (A)) to serve full-time as a beneficiary counseling and assistance coordinator solely for members of the reserve components and their dependents who are beneficiaries under the TRICARE program; and''.

SEC. 703. EXTENSION OF AUTHORITY TO ENTER INTO PERSONAL SERVICES CONTRACTS FOR HEALTH CARE SERVICES TO BE PERFORMED AT LOCATIONS OUTSIDE MEDICAL TREATMENT FACILITIES.

Section 1091(a)(2) of title 10, United States Code, is amended by striking ''December 31, 2003'' and inserting ''December 31, 2008''.

SEC. 704. DEPARTMENT OF DEFENSE MEDICARE-ELIGIBLE RETIREE HEALTH CARE FUND VALUATIONS AND CONTRIBUTIONS.

(a) SEPARATE PERIODIC ACTUARIAL VALUATION FOR SINGLE UNIFORMED SERVICE.— Section 1115(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(6) The Secretary of Defense may determine a single level dollar amount under subparagraph (A) or (B) of paragraph (1) for each or any of the participating uniformed services separately from the other participating uniformed services if the Secretary determines that a more accurate and appropriate actuarial valuation under such subparagraph would be achieved by doing so.''.

(b) ASSOCIATED CALCULATIONS OF PAYMENTS INTO THE FUND.—Section 1116 of such title is amended—

(1) in subsection (a), by striking ''the amount that'' in the matter preceding paragraph (1) and inserting ''the amount that, subject to subsection (b),'';

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(3) by inserting after subsection (a) the following new subsection (b):

''(b) If an actuarial valuation referred to in paragraph (1) or (2) of subsection (a) has been calculated in a single level dollar amount for a participating uniformed service separately from the other participating uniformed services under section 1115(c)(6) of this title, the administering Secretary for the department in which such uniformed service is operating shall calculate the amount under such paragraph separately for such uniformed service. If the administering Secretary is not the Secretary of Defense, the administering Secretary shall notify the Secretary of Defense of the amount so calculated. To determine a single amount for the purpose of paragraph (1) or (2) of subsection (a), as the case may be, the Secretary of Defense shall aggregate the amount calculated under this subsection for a uniformed service for the purpose of such paragraph with the amount or amounts calculated (whether separately or otherwise) for the other uniformed services for the purpose of such paragraph.''.

(c) TECHNICAL CORRECTION.—Section 1115(c)(1)(B) of such title is amended by striking ''and other than members'' and inserting ''(other than members''

(d) CONFORMING AMENDMENT.—Subsections (a) and (c)(5) of section 1115 of such title are amended by striking ''section 1116(b) of this title'' and inserting section ''1116(c) of this title''.

SEC. 705. SURVEYS ON CONTINUED VIABILITY OF TRICARE STANDARD.

(a) REQUIREMENT FOR SURVEYS.—(1) The Secretary of Defense shall conduct surveys in the TRICARE Standard market areas in the continental United States to determine how many health care providers are accepting new patients under TRICARE Standard in each such market area.

(2) The Secretary shall carry out the surveys in at least 20 TRICARE market areas in the continental United States each fiscal year after fiscal year 2003 until all such market areas in the continental United States have been surveyed. The Secretary shall complete six of the fiscal year 2004 surveys not later than March 31, 2004.

(3) In prioritizing the market areas for the sequence in which market areas are to be surveyed under this subsection, the Secretary shall consult with representatives of TRICARE beneficiaries and health care providers to identify locations where TRICARE Standard beneficiaries are experiencing significant levels of access-to-care problems under TRICARE Standard and shall give a high priority to surveying health care providers in such areas.

(b) SUPERVISION.—(1) The Secretary shall designate a senior official of the Department of Defense to take the actions necessary for achieving and maintaining participation of health care providers in TRICARE Standard in each TRICARE market area in a number that is adequate to ensure the viability of TRICARE Standard for TRICARE beneficiaries in that market area.

(2) The official designated under paragraph (1) shall have the following duties:

(A) To educate health care providers about TRICARE Standard.

(B) To encourage health care providers to accept patients under TRICARE Standard.

(C) To ensure that TRICARE beneficiaries have the information necessary to locate TRICARE Standard providers readily.

(D) To recommend adjustments in TRICARE Standard provider payment rates that the official considers necessary to ensure adequate availability of TRICARE Standard providers for TRICARE Standard beneficiaries.

(c) GAO REVIEW.—(1) The Comptroller General shall, on an ongoing basis, review—

(A) the processes, procedures, and analysis used by the Department of Defense to determine the adequacy of the number of health care providers accepting TRICARE Standard beneficiaries as patients under TRICARE Standard in each TRICARE market area; and

(B) the actions taken by the Department of Defense to ensure ready access of TRICARE Standard beneficiaries to health care under TRICARE Standard in each TRICARE market area.

(2)(A) The Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a semiannual report on the results of the review under paragraph (1). The first semiannual report shall be submitted not later than June 30, 2004.

(B) The semiannual report under subparagraph (A) shall include the following:

(i) An analysis of the adequacy of the surveys under subsection (a).

(ii) The adequacy of existing statutory authority to address inadequate levels of participation by health care providers in TRICARE Standard.

(iii) Identification of policy-based obstacles to achieving adequacy of availability of TRICARE Standard health care in the TRICARE Standard market areas.

(iv) An assessment of the adequacy of Department of Defense education programs to inform health care providers about TRICARE Standard.

(v) An assessment of the adequacy of Department of Defense initiatives to encourage health care providers to accept patients under TRICARE Standard.

(vi) An assessment of the adequacy of information to TRICARE Standard beneficiaries to facilitate access by such beneficiaries to health care under TRICARE Standard.

(vii) Any need for adjustment of health care provider payment rates to attract participation in TRICARE Standard by appropriate numbers of health care providers.

(d) DEFINITION.—In this section, the term ''TRICARE Standard'' means the option of the TRICARE program that is also known as the Civilian Health and Medical Program of the Uniformed Services, as defined in section 1072(4) of title 10, United States Code.

SEC. 706. ELIMINATION OF LIMITATION ON COVERED BENEFICIARIES' ELIGIBILITY TO RECEIVE HEALTH CARE SERVICES FROM FORMER PUBLIC HEALTH SERVICE TREATMENT FACILITIES.

Section 724(d) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 1073 note) is amended by striking ''who—'' and all that follows through ''(2) are enrolled'' and inserting ''who are enrolled''.

SEC. 707. MODIFICATION OF STRUCTURE AND DUTIES OF DEPARTMENT OF VETERANS AFFAIRS-DEPARTMENT OF DEFENSE HEALTH EXECUTIVE COMMITTEE.

(a) IN GENERAL.—Subsection (c) of section 8111 of title 38, United States Code, is amended to read as follows:

''(c) DOD–VA JOINT EXECUTIVE COMMITTEE.—(1) There is established an interagency committee to be known as the Department of Veterans Affairs-Department of Defense Joint Executive Committee (hereinafter in this section referred to as the 'Committee').

''(2) The Committee shall be composed of—

''(A) the Deputy Secretary of Veterans Affairs and such other officers and employees of the Department as the Secretary may designate; and

''(B) the Under Secretary of Defense for Personnel and Readiness and such other officers and employees of the Department of Defense as the Secretary of Defense may designate.

''(3)(A) The Deputy Secretary and the Under Secretary shall determine the size and structure of the Committee, except that the Committee shall have subordinate committees as follows:

''(i) A Health Executive Committee.

''(ii) A Benefits Executive Committee.

''(iii) Such other subordinate committees as the Deputy Secretary and the Under Secretary consider appropriate.

''(B) The Deputy Secretary and the Under Secretary shall establish the administrative and procedural guidelines for the operation of the Committee.

''(C) The two Departments shall supply staff and resources to the Committee in order to provide such administrative support and services for the Committee as are necessary for the efficient operation of the Committee.

''(4) The Committee shall recommend to the Secretaries strategic direction for the joint coordination and sharing of efforts between and within the two Departments under this section, and shall oversee implementation of such coordination and efforts.

''(5) In order to enable the Committee to make recommendations under paragraph (4) in its annual report under paragraph (6), the Committee shall—

''(A) review existing policies, procedures, and practices relating to the coordination and sharing of health care resources and other resources between the two Departments;

''(B) identify changes in policies, procedures, and practices that, in the judgment of the Committee, would promote mutually beneficial coordination, use, or exchange of use of services and health care resources and other resources of the two Departments in order to achieve the goal of improving the quality, efficiency, and effectiveness of the delivery of benefits and services to veterans, members of the Armed Forces, military retirees, and their families through an enhanced partnership between the two Departments;

''(C) identify and assess further opportunities for coordination and collaboration between the two Departments that, in the judgment of the Committee, would not adversely affect the range of services, the quality of care, or the established priorities for benefits provided by either Department;

''(D) review the plans of both agencies for the acquisition of additional health care resources and other resources, especially new facilities and major equipment and technology, in order to assess the potential effect of such plans on further opportunities for the coordination and sharing of such resources; and

''(E) review the implementation of activities designed to promote the coordination and sharing of health care resources and other resources between the two Departments.

''(6) The Committee shall submit to the Secretaries, and to Congress, each year a report containing such recommendations as the Committee considers appropriate, including recommendations in light of activities under paragraph (5).''.

(b) CONFORMING AMENDMENTS.—Subsection (e)(1) of such section is amended by striking ''subsection (c)(2)'' and inserting ''subsection (c)(4)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2003, as if included in the amendments to section 8111 of title 38, United States Code, made by section 721 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2589), to which the amendments made by this section relate.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

SEC. 801. TEMPORARY EMERGENCY PROCUREMENT AUTHORITY TO FACILITATE DEFENSE AGAINST OR RECOVERY FROM TERRORISM OR NUCLEAR, BIOLOGICAL, CHEMICAL, OR RADIOLOGICAL ATTACK.

(a) EXTENSION OF AUTHORITY.—Section 836(a) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1192; 10 U.S.C. 2302 note) is amended by striking ''fiscal year 2002 and 2003'' and inserting ''fiscal years 2002, 2003, 2004, and 2005''.

(b) EXPANDED SCOPE.—Such section 836(a) is further amended—

(1) in paragraph (1), by striking ''the defense against terrorism or biological or chemical attack'' and inserting ''defense against or recovery from terrorism or nuclear, biological, chemical, or radiological attack''; and

(2) in paragraph (2), by striking ''the defense against terrorism or biological attack'' and inserting ''defense against or recovery from terrorism or nuclear, biological, chemical, or radiological attack''.

(c) CONFORMING AMENDMENT.—The heading for such section is amended to read as follows:

''SEC. 836. TEMPORARY EMERGENCY PROCUREMENT AUTHORITY TO FACILITATE DEFENSE AGAINST OR RECOVERY FROM TERRORISM OR NUCLEAR, BIOLOGICAL, CHEMICAL, OR RADIOLOGICAL ATTACK.''.

SEC. 802. SPECIAL TEMPORARY CONTRACT CLOSEOUT AUTHORITY.

(a) AUTHORITY.—The Secretary of Defense may settle any financial account for a contract entered into by the Secretary or the Secretary of a military department before October 1, 1996, that is administratively complete if the financial account has an unreconciled balance, either positive or negative, that is less than $100,000.

(b) FINALITY OF DECISION.—A settlement under this section shall be final and conclusive upon the accounting officers of the United States.

(c) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the administration of the authority under this section.

(d) TERMINATION OF AUTHORITY.—A financial account may not be settled under this section after September 30, 2006.

SEC. 803. DEFENSE ACQUISITION PROGRAM MANAGEMENT FOR USE OF RADIO FREQUENCY SPECTRUM.

(a) REVISION OF DEPARTMENT OF DEFENSE DIRECTIVE.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall revise and reissue Department of Defense Directive 4650.1, relating to management and use of the radio frequency spectrum, last issued on June 24, 1987, to update the procedures applicable to Department of Defense management and use of the radio frequency spectrum.

(b) ACQUISITION PROGRAM REQUIREMENTS.—The Secretary of Defense shall—

(1) require that each military department or Defense Agency carrying out a program for the acquisition of a system that is to use the radio frequency spectrum consult with the official or board designated under subsection (c) on the usage of the spectrum by the system as early as practicable during the concept exploration and technology development phases of the acquisition program;

(2) prohibit the program from proceeding into system development and demonstration, or otherwise obtaining production or procuring any unit of the system, until—

(A) an evaluation of the proposed radio frequency spectrum usage by the system is completed in accordance with requirements prescribed by the Secretary; and

(B) the designated official or board reviews and approves the proposed usage of the spectrum by the system; and

(3) prescribe a procedure for waiving the prohibition imposed under paragraph (2) in any case in which it is determined necessary to do so in the national security interests of the United States.

(c) DESIGNATION OF OFFICIAL OR BOARD.—The Secretary of Defense shall designate an appropriate official or board of the Department of Defense to perform the functions described for the official or board in subsection (b).

SEC. 804. NATIONAL SECURITY AGENCY MODERNIZATION PROGRAM.

(a) RESPONSIBILITIES OF UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall—

(1) direct and manage the acquisitions under the National Security Agency Modernization Program; and

(2) designate the projects under such program as major defense acquisition programs.

(b) PROJECTS COMPRISING PROGRAM.—The National Security Agency Modernization Program includes the following projects of the National Security Agency:

(1) The Trailblazer project.

(2) The Groundbreaker project.

(3) Each cryptological mission management project.

(4) Each other project that—

(A) meets either of the dollar threshold requirements set forth in subsection (a)(2) of section 2430 of title 10, United States Code (as adjusted under subsection (b) of such section); and

(B) is determined by the Under Secretary of Defense for Acquisition, Technology, and Logistics as being a modernization project of the National Security Agency.

(c) MILESTONE DECISION AUTHORITY.—(1) In the administration of subsection (a),

the Under Secretary of Defense for Acquisition, Technology, and Logistics shall exercise the milestone decision authority for—

(A) each major defense acquisition program under the National Security Agency Modernization Program, as designated under subsection (a)(2); and

(B) the acquisition of each major system under the National Security Agency Modernization Program, as described in subsection (d).

(2) The Under Secretary may not delegate the milestone decision authority to any other official before October 1, 2006.

(3) The Under Secretary may delegate the milestone decision authority to the Director of the National Security Agency at any time after the later of September 30, 2006, or the date on which the following conditions are satisfied:

(A) The Under Secretary has determined that the Director has implemented acquisition management policies, procedures, and practices that are sufficiently mature to ensure that National Security Agency acquisitions are conducted in a manner consistent with a sound, efficient acquisition enterprise.

(B) The Under Secretary has consulted with the Under Secretary of Defense for Intelligence and the Deputy Director of Central Intelligence for Community Management on the delegation.

(C) The Secretary of Defense has approved the delegation.

(D) The Under Secretary has transmitted to the Committees on Armed Services of the Senate and the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a notification of the intention to delegate the authority, together with a detailed discussion of the justification for the delegation of authority.

(d) MAJOR SYSTEM DEFINED.—In this section, the term ''major system'' means a system that meets either of the dollar threshold requirements set forth in paragraph (1) or (2) of subsection (a) of section 2302d of title 10, United States Code (as adjusted under subsection (c) of such section).

SEC. 805. QUALITY CONTROL IN PROCUREMENT OF AVIATION CRITICAL SAFETY ITEMS AND RELATED SERVICES.

(a) QUALITY CONTROL POLICY.—The Secretary of Defense shall prescribe a quality control policy for the procurement of aviation critical safety items and the procurement of modifications, repair, and overhaul of such items.

(b) CONTENT OF POLICY.—The policy shall include the following requirements:

(1) That the head of the design control activity for aviation critical safety items establish processes to identify and manage aviation critical safety items and modifications, repair, and overhaul of such items.

(2) That the head of the contracting activity for an aviation critical safety item enter into a contract for such item only with a source approved by the design control activity in accordance with section 2319 of title 10, United States Code.

(3) That the aviation critical safety items delivered, and the services performed with respect to aviation critical safety items, meet all technical and quality requirements specified by the design control activity, except for any requirement determined unnecessary by the Secretary of Defense in writing.

(c) DEFINITIONS.—In this section, the terms ''aviation critical safety item'' and ''design control activity'' have the meanings given such terms in section 2319(g) of title 10, United States Code, as amended by subsection (d).

(d) CONFORMING AMENDMENT TO TITLE 10.—Section 2319 of title 10, United States Code, is amended—

(1) in subsection (c)(3), by inserting after ''the contracting officer'' the following: ''(or, in the case of a contract for the procurement of an aviation critical item, the head of the design control activity for such item)''; and

(2) by adding at the end the following new subsection:

''(g) DEFINITIONS.—In this section:

''(1) The term 'aviation critical safety item' means a part, an assembly, installation equipment, launch equipment, recovery equipment, or support equipment for an aircraft or aviation weapon system if the part, assembly, or equipment contains a characteristic any failure, malfunction, or absence of which could cause a catastrophic or critical failure resulting in the loss of or serious damage to the aircraft or weapon system, an unacceptable risk of personal injury or loss of life, an uncommanded engine shutdown that jeopardizes safety, or the failure of a military mission.

''(2) The term 'design control activity', with respect to an aviation critical safety item, means the systems command of a military department that is specifically responsible for ensuring the airworthiness of an aviation system or equipment in which the item is to be used.''.

Subtitle B—Procurement of Services

SEC. 811. EXPANSION AND EXTENSION OF INCENTIVE FOR USE OF PERFORMANCE-BASED CONTRACTS IN PROCUREMENTS OF SERVICES.

(a) INCREASED MAXIMUM AMOUNT OF PROCUREMENT ELIGIBLE FOR COMMERCIAL ITEMS TREATMENT.—Paragraph (1)(A) of section 821(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–218; 10 U.S.C. 2302 note) is amended by striking ''$5,000,000'' and inserting '$10,000,000''.

(b) EXTENSION OF AUTHORITY.—Paragraph (4) of such section 821(b) is amended by striking ''more than 3 years after the date of the enactment of this Act'' and inserting ''after October 30, 2006''.

SEC. 812. PUBLIC-PRIVATE COMPETITIONS FOR THE PERFORMANCE OF DEPARTMENT OF DEFENSE FUNCTIONS.

(a) PILOT PROGRAM FOR BEST VALUE SOURCE SELECTION FOR THE PERFORMANCE OF INFORMATION TECHNOLOGY SERVICES.—

(1) AUTHORITY.—The Secretary of Defense may carry out a pilot program for use of a best value criterion in the selection of sources for performance of information technology services for the Department of Defense.

(2) CONVERSION TO PRIVATE SECTOR PERFORMANCE.—(A) Under the pilot program, an analysis of the performance of an information technology services function for the Department of Defense under section 2461(b)(3) of title 10, United States Code, shall include an examination of the performance of the function by Department of Defense civilian employees and by one or more private contractors to demonstrate whether change to performance by the private sector will result in the best value to the Government over the life of the contract, including in the examination the following:

(i) The cost to the Government, estimated by the Secretary of Defense (based on offers received), for performance of the function by the private sector.

(ii) The estimated cost to the Government of Department of Defense civilian employees performing the function.

(iii) Benefits in addition to price that warrant performance of the function by a particular source at a cost higher than that of performance by Department of Defense civilian employees.

(iv) In addition to the cost referred to in clause (i), an estimate of all other costs and expenditures that the Government would incur because of the award of such a contract.

(B) Under the pilot program, subparagraph (A) of such section 2461(b)(3) shall not apply to an analysis of the performance of an information technology services function for the Department of Defense.

(3) CONTRACTING FOR INFORMATION TECHNOLOGY SERVICES.—(A) Under the pilot program, except as otherwise provided by law, the Secretary shall procure information technology services necessary for or beneficial to the accomplishment of the authorized functions of the Department of Defense (other than functions which the Secretary of Defense determines must be performed by military or Government personnel) from a source in the private sector if performance by that source represents the best value to the United States, determined in accordance with the competition requirements of Office of Management and Budget Circular A–76.

(B) Under the pilot program, section 2462(a) of title 10, United States Code, shall not apply to a procurement described in paragraph (1).

(4) DURATION OF PILOT PROGRAM.—(A) The period for which the pilot program may be carried out under this subsection shall be fiscal years 2004 through 2008.

(B) An analysis commenced under the pilot program in accordance with paragraph (2), and a procurement for which a solicitation has been issued in accordance with paragraph (3), before the end of the pilot program period may be continued in accordance with paragraph (2) or (3), respectively, after the end of such period.

(5) GAO REVIEW.—(A) The Comptroller General shall review the administration of any pilot program carried out under this subsection to assess the extent to which the program is effective and is equitable for the potential public sources and the potential private sources of information technology services for the Department of Defense.

(B) Not later than February 1, 2008, the Comptroller General shall submit to the congressional defense committees a report on the review of the program under subparagraph (A). The report shall include the Comptroller General's assessment of the matters required under that subparagraph and any other conclusions resulting from the review.

(6) INFORMATION TECHNOLOGY SERVICES DEFINED.—In this subsection, the term ''information technology service'' means any service performed in the operation or maintenance of information technology (as defined in section 11101 of title 40, United States Code).

(b) RESOURCES-BASED SCHEDULES FOR COMPLETION OF PUBLIC-PRIVATE COMPETITIONS.—

(1) APPLICATION OF TIMEFRAMES.—Any interim or final deadline or other schedule-related milestone for the completion of a Department of Defense public-private competition shall be established solely on the basis of considered research and sound analysis regarding the availability of sufficient personnel, training, and technical resources to the Department of Defense to carry out such competition in a timely manner.

(2) EXTENSION OF TIMEFRAMES.—Any interim or final deadline or other schedule-related milestone established (consistent with paragraph (1)) for the completion of a Department of Defense public-private competition shall be extended if the Department of Defense official responsible for managing the competition determines under procedures

prescribed by the Secretary of Defense that the personnel, training, or technical resources available to the Department of Defense to carry out such competition timely are insufficient.

SEC. 813. AUTHORITY TO ENTER INTO PERSONAL SERVICES CONTRACTS.

(a) AUTHORITY.—Chapter 141 of title 10, United States Code, is amended by inserting after section 2396 the following new section:

''§ 2397. Personal services: procurement by certain elements of the Department of Defense

''(a) AUTHORITY.—The head of an element of the Department of Defense referred to in subsection (b) may enter into a contract for the procurement of services described in section 3109 of title 5 that are necessary to carry out a mission of that element without regard to the limitations in such section if the head of that element determines in writing that the services to be procured are unique and that it would not be practicable to obtain such services by other means.

''(b) APPLICABILITY.—Subsection (a) applies to—

''(1) any element of the Department of Defense within the intelligence community, as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)); and

''(2) the United States Special Operations Command, with respect to special operations activities described in paragraphs (1), (2), (3), and (4) of section 167(j) of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2396 the following new item:

''2397. Personal services: procurement by certain elements of the Department of Defense.''.

Subtitle C—Major Defense Acquisition Programs

SEC. 821. CERTAIN WEAPONS-RELATED PROTOTYPE PROJECTS.

(a) EXTENSION OF AUTHORITY.—Subsection (g) of section 845 of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended by striking ''September 30, 2004'' and inserting ''September 30, 2007''.

(b) INCREASED SCOPE OF AUTHORITY.—Subsection (a) of such section is amended by inserting before the period at the end the following: '', or to improvement of weapons or weapon systems in use by the Armed Forces''.

(c) PILOT PROGRAM FOR TRANSITION TO FOLLOW-ON CONTRACTS.—Such section, as amended by subsection (a), is further amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(2) by inserting after subsection (d) the following new subsection (e):

''(e) PILOT PROGRAM FOR TRANSITION TO FOLLOW-ON CONTRACTS.—(1) The Secretary of Defense is authorized to carry out a pilot program for follow-on contracting for the production of items or processes that are developed by nontraditional defense contractors under prototype projects carried out under this section.

''(2) Under the pilot program—

''(A) a qualifying contract for the procurement of such an item or process, or a qualifying subcontract under a contract for the procurement of such an item or process, may be treated as a contract or subcontract, respectively, for the procurement of commercial items, as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)); and

''(B) the item or process may be treated as an item or process, respectively, that is developed in part with Federal funds and in part at private expense for the purposes of section 2320 of title 10, United States Code.

''(3) For the purposes of the pilot program, a qualifying contract or subcontract is a contract or subcontract, respectively, with a nontraditional defense contractor that—

''(A) does not exceed $50,000,000; and

''(B) is either—

''(i) a firm, fixed-price contract or subcontract; or

''(ii) a fixed-price contract or subcontract with economic price adjustment.

''(4) The authority to conduct a pilot program under this subsection shall terminate on September 30, 2007. The termination of the authority shall not affect the validity of contracts or subcontracts that are awarded or modified during the period of the pilot program, without regard to whether the contracts or subcontracts are performed during the period.''.

SEC. 822. APPLICABILITY OF CLINGER-COHEN ACT POLICIES AND REQUIREMENTS TO EQUIPMENT INTEGRAL TO A WEAPON OR WEAPON SYSTEM.

(a) IN GENERAL.—(1) Chapter 131 of title 10, United States Code, is amended by inserting after section 2223 the following:

''§ 2223a. Acquisition of equipment integral to a weapon or a weapon system: applicability of certain acquisition reform authorities and information technology-related requirements

''(a) BOARD OF SENIOR ACQUISITION OFFICIALS.—(1) The Secretary of Defense shall establish a board of senior acquisition officials to administer the implementation of the policies and requirements of chapter 113 of title 40 in procurements of information technology equipment determined by the Secretary as being an integral part of a weapon or a weapon system.

''(2) The Board shall be composed of the following officials:

''(A) Under Secretary of Defense for Acquisition, Technology, and Logistics, who shall be the Chairman.

''(B) The acquisition executive of each of the military departments.

''(C) The Chief Information Officer of the Department of Defense.

''(c) RESPONSIBILITIES OF BOARD.—The Board shall be responsible for ensuring that—

''(1) the acquisition of information technology equipment determined by the Secretary of Defense as being an integral part of a weapon or a weapon system is conducted in a manner that is consistent with the capital planning, investment control, and performance and results-based management processes and requirements provided under sections 11302, 11303, 11312, and 11313 of title 40, to the extent that such processes requirements are applicable to the acquisition of such equipment;

''(2) issues of spectrum availability, interoperability, and information security are appropriately addressed in the development of weapons and weapon systems; and

''(3) in the case of information technology equipment that is to be incorporated into a weapon or a weapon system under a major defense acquisition program, the information technology equipment is incorporated in a manner that is consistent with—

''(A) the planned approach to applying certain provisions of law to major defense acquisition programs following the evolutionary acquisition process that the Secretary of Defense reported to Congress under section 802 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2602);

''(B) the acquisition policies that apply to spiral development programs under section 803 of such Act (116 Stat. 2603; 10 U.S.C. 2430 note); and

''(C) the software acquisition processes of the military department or Defense Agency concerned under section 804 of such Act (116 Stat. 2604; 10 U.S.C. 2430 note).

''(d) INAPPLICABILITY OF OTHER LAWS.—The following provisions of law do not apply to information technology equipment that is determined by the Secretary of Defense as being an integral part of a weapon or a weapon system:

''(1) Section 11315 of title 40.

''(2) The policies and procedures established under section 11316 of title 40.

''(3) Subsections (d) and (e) of section 811 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–211), and the requirements and prohibitions that are imposed by Department of Defense Directive 5000.1 pursuant to subsections (b) and (c) of such section.

''(4) Section 351 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2516; 10 U.S.C. 221 note).

''(e) DEFINITIONS.—In this section:

''(1) The term 'acquisition executive', with respect to a military department, means the official who is designated as the senior procurement executive of the military department under section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3)).

''(2) The term 'information technology' has the meaning given such term in section 11101 of title 40.

''(3) The term 'major defense acquisition program' has the meaning given such term in section 2430 of this title.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2223 the following new item:

''2223a. Acquisition of equipment integral to a weapon or a weapon system: applicability of certain acquisition reform authorities and information technology-related requirements.''.

(b) CONFORMING AMENDMENT.—Section 2223 of such title is amended by adding at the end the following new subsection:

''(c) EQUIPMENT INTEGRAL TO A WEAPON OR WEAPON SYSTEM.—(1) In the case of information technology equipment determined by the Secretary of Defense as being an integral part of a weapon or a weapon system, the responsibilities under this section shall be performed by the board of senior acquisition officials established pursuant to section 2223a of this title.

''(2) In this subsection, the term 'information technology' has the meaning given such term in section 11101 of title 40.''.

SEC. 823. APPLICABILITY OF REQUIREMENT FOR REPORTS ON MATURITY OF TECHNOLOGY AT INITIATION OF MAJOR DEFENSE ACQUISITION PROGRAMS.

Section 804(a) of the National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–107; 115 Stat. 1180) is amended by striking '', as in effect on the date of enactment of this Act,'' and inserting ''(as in effect on the date of the enactment of this Act), and the corresponding provision of any successor to such Instruction,''.

Subtitle D—Domestic Source Requirements

SEC. 831. EXCEPTIONS TO BERRY AMENDMENT FOR CONTINGENCY OPERATIONS AND OTHER URGENT SITUATIONS.

Section 2533a(d) of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting ''or contingency operations'' after ''in support of combat operations''; and

(2) by adding at the end the following new paragraph:

''(4) Procurements for which the use of procedures other than competitive procedures has been approved on the basis of section 2304(c)(2) of this title, relating to unusual and compelling urgency of need.''.

SEC. 832. INAPPLICABILITY OF BERRY AMENDMENT TO PROCUREMENTS OF WASTE AND BYPRODUCTS OF COTTON AND WOOL FIBER FOR USE IN THE PRODUCTION OF PROPELLANTS AND EXPLOSIVES.

Section 2533a(f) of title 10, United States Code, is amended—

(1) by striking ''(f) EXCEPTION'' and all that follows through ''the procurement of'' and inserting the following:

''(f) EXCEPTIONS FOR CERTAIN OTHER COMMODITIES AND ITEMS.—Subsection (a) does not preclude the procurement of the following:

''(1)'';

(2) by capitalizing the initial letter of the word following ''(1)'', as added by paragraph (1); and

(3) by adding at the end the following new paragraph:

''(2) Waste and byproducts of cotton and wool fiber for use in the production of propellants and explosives.''.

SEC. 833. WAIVER AUTHORITY FOR DOMESTIC SOURCE OR CONTENT REQUIREMENTS.

(a) AUTHORITY.—Subchapter V of chapter 148 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2539c. Waiver of domestic source or content requirements

''(a) AUTHORITY.—Except as provided in subsection (f), the Secretary of Defense may waive the application of any domestic source requirement or domestic content requirement referred to in subsection (b) and thereby authorize the procurement of items that are grown, reprocessed, reused, produced, or manufactured—

''(1) in a foreign country that has a reciprocal defense procurement memorandum of understanding or agreement with the United States;

''(2) in a foreign country that has a reciprocal defense procurement memorandum of understanding or agreement with the United States substantially from components and materials grown, reprocessed, reused, produced, or manufactured in the United States or any foreign country that has a reciprocal defense procurement memorandum of understanding or agreement with the United States; or

''(3) in the United States substantially from components and materials grown, reprocessed, reused, produced, or manufactured in the United States or any foreign country that has a reciprocal defense procurement memorandum of understanding or agreement with the United States.

''(b) COVERED REQUIREMENTS.—For purposes of this section:

''(1) A domestic source requirement is any requirement under law that the Department of Defense satisfy its requirements for an item by procuring an item that is grown, reprocessed, reused, produced, or manufactured in the United States or by a manufacturer that is a part of the national technology and industrial base (as defined in section 2500(1) of this title).

''(2) A domestic content requirement is any requirement under law that the Department of Defense satisfy its requirements for an item by procuring an item produced or manufactured partly or wholly from components and materials grown, reprocessed, reused, produced, or manufactured in the United States.

''(c) APPLICABILITY.—The authority of the Secretary to waive the application of a domestic source or content requirements under subsection (a) applies to the procurement of items for which the Secretary of Defense determines that—

''(1) application of the requirement would impede the reciprocal procurement of defense items under a memorandum of understanding providing for reciprocal procurement of defense items between a foreign country and the United States in accordance with section 2531 of this title; and

''(2) such country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

''(d) LIMITATION ON DELEGATION.—The authority of the Secretary to waive the application of domestic source or content requirements under subsection (a) may not be delegated to any officer or employee other than the Under Secretary of Defense for Acquisition, Technology and Logistics.

''(e) CONSULTATIONS.—The Secretary may grant a waiver of the application of a domestic source or content requirement under subsection (a) only after consultation with the United States Trade Representative, the Secretary of Commerce, and the Secretary of State.

''(f) LAWS NOT WAIVABLE.—The Secretary of Defense may not exercise the authority under subsection (a) to waive any domestic source or content requirement contained in any of the following laws:

''(1) The Small Business Act (15 U.S.C. 631 et seq.).

''(2) The Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.).

''(3) Sections 7309 and 7310 of this title.

''(4) Section 2533a of this title.

''(g) RELATIONSHIP TO OTHER WAIVER AUTHORITY.—The authority under subsection (a) to waive a domestic source requirement or domestic content requirement is in addition to any other authority to waive such requirement.

''(h) CONSTRUCTION WITH RESPECT TO LATER ENACTED LAWS.—This section may not be construed as being inapplicable to a domestic source requirement or domestic content requirement that is set forth in a law enacted after the enactment of this section solely on the basis of the later enactment.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2539b the following new item:

''2539c. Waiver of domestic source or content requirements.''.

SEC. 834. BUY AMERICAN EXCEPTION FOR BALL BEARINGS AND ROLLER BEARINGS USED IN FOREIGN PRODUCTS.

Section 2534(a)(5) of title 10, United States Code, is amended by inserting before the period at the end the following: '', except ball bearings and roller bearings being procured for use in an end product manufactured by a manufacturer that does not satisfy the requirements of subsection (b) or in a component part manufactured by such a manufacturer''.

Subtitle E—Defense Acquisition and Support Workforce

SEC. 841. FLEXIBILITY FOR MANAGEMENT OF THE DEFENSE ACQUISITION AND SUPPORT WORKFORCE.

(a) MANAGEMENT STRUCTURE.—(1) Sections 1703, 1705, 1706, and 1707 of title 10, United States Code, are repealed.

(2) Section 1724(d) of such title is amended—

(A) in the first sentence, by striking ''The acquisition career program board concerned'' and all that follows through ''if the board certifies'' and inserting ''The Secretary of Defense may waive any or all of the requirements of subsections (a) and (b) with respect to an employee of the Department of Defense or member of the armed forces if the Secretary determines'';

(B) in the second sentence, by striking ''the board'' and inserting ''the Secretary''; and

(C) by striking the third sentence.

(3) Section 1732(b) of such title is amended—

(A) in paragraph (1)(C), by striking '', as validated by the appropriate career program management board''; and

(B) in paragraph (2)(A)(ii), by striking ''has been certified by the acquisition career program board of the employing military department as possessing'' and inserting ''possess''.

(4) Section 1732(d) of such title is amended—

(A) in paragraph (1)—

(i) in the first sentence, by striking ''the acquisition career program board of a military department'' and all that follows through ''if the board certifies'' and inserting ''The Secretary of Defense may waive any or all of the requirements of subsection (b) with respect to an employee if the Secretary determines'';

(ii) in the second sentence, by striking ''the board'' and inserting ''the Secretary''; and

(iii) by striking the third sentence; and

(B) in paragraph (2), by striking ''The acquisition career program board of a military department'' and inserting ''The Secretary''.

(5) Section 1734(d) of such title is amended—

(A) in subsection (d)—

(i) by striking paragraph (2); and

(ii) in paragraph (3), by striking the second sentence; and

(B) in subsection (e)(2), by striking '', by the acquisition career program board of the department concerned,''.

(6) Section 1737(c) of such title is amended—

(A) by striking paragraph (2); and

(B) by striking ''(1) The Secretary'' and inserting ''The Secretary''.

(b) ELIMINATION OF ROLE OF OFFICE OF PERSONNEL MANAGEMENT.—(1) Section 1725 of such title is repealed.

(2) Section 1731 of such title is amended by striking subsection (c).

(3) Section 1732(c)(2) of such title is amended by striking the second and third sentences.

(4) Section 1734(g) of such title is amended—

(A) by striking paragraph (2); and

(B) in paragraph (1) by striking ''(1) The Secretary'' and inserting ''The Secretary''.

(5) Section 1737 of such title is amended by striking subsection (d).

(6) Section 1744(c)(3)(A)(i) of such title is amended by striking ''and such other requirements as the Office of Personnel Management may prescribe''.

(c) SINGLE ACQUISITION CORPS.—(1) Section 1731 of such title is amended—

(A) in subsection (a)—

(i) by striking ''each of the military departments and one or more Corps, as he considers appropriate, for the other components of'' in the first sentence; and

(ii) by striking the second sentence; and

(B) in subsection (b), by striking ''an Acquisition Corps'' and inserting ''the Acquisition Corps''.

(2) Sections 1732(a), 1732(e)(1), 1732(e)(2), 1733(a), 1734(e)(1), and 1737(a)(1) of such title are amended by striking ''an Acquisition Corps'' and inserting ''the Acquisition Corps''.

(3) Section 1734 of such title is amended—

(A) in subsection (g), by striking ''each Acquisition Corps, a test program in which

members of a Corps'' and inserting ''the Acquisition Corps, a test program in which members of the Corps''; and

(B) in subsection (h), by striking ''making assignments of civilian and military members of the Acquisition Corps of that military department'' and inserting ''making assignments of civilian and military personnel of that military department who are members of the Acquisition Corps''.

(d) CONSOLIDATION OF CERTAIN EDUCATION AND TRAINING PROGRAM REQUIREMENTS.—(1) Section 1742 of such title is amended to read as follows:

''§ 1742. Internship, cooperative education, and scholarship programs

''The Secretary of Defense shall conduct the following education and training programs:

''(1) An intern program for purposes of providing highly qualified and talented individuals an opportunity for accelerated promotions, career broadening assignments, and specified training to prepare them for entry into the Acquisition Corps.

''(2) A cooperative education credit program under which the Secretary arranges, through cooperative arrangements entered into with one or more accredited institutions of higher education, for such institutions to grant undergraduate credit for work performed by students who are employed by the Department of Defense in acquisition positions.

''(3) A scholarship program for the purpose of qualifying personnel for acquisition positions in the Department of Defense.''.

(2) Sections 1743 and 1744 of such title are repealed.

(e) GENERAL MANAGEMENT PROVISIONS.—Subchapter V of chapter 87 of such title is amended—

(1) by striking section 1763; and

(2) by adding at the end the following new section 1764:

''§ 1764. Authority to establish different minimum requirements

''(a) AUTHORITY.—(1) The Secretary of Defense may prescribe a different minimum number of years of experience, different minimum education qualifications, and different tenure of service qualifications to be required for eligibility for appointment or advancement to an acquisition position referred to in subsection (b) than is required for such position under or pursuant to any provision of this chapter.

''(2) Any requirement prescribed under paragraph (1) for a position referred to in any paragraph of subsection (b) shall be applied uniformly to all positions referred to in such paragraph.

''(b) APPLICABILITY.—This section applies to the following acquisition positions in the Department of Defense:

''(1) Contracting officer, except a position referred to in paragraph (5).

''(2) Program executive officer.

''(3) Senior contracting official.

''(4) Program manager.

''(5) A position in the contract contingency force of an armed force that is filled by a member of that armed force.

''(c) DEFINITION.—In this section, the term 'contract contingency force', with respect to an armed force, has the meaning given such term in regulations prescribed by the Secretary concerned.''.

(f) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of subchapter I of chapter 87 of title 10, United States Code, is amended by striking the items relating to sections 1703, 1705, 1706, and 1707.

(2) The table of sections at the beginning of subchapter II of such chapter is amended by striking the item relating to section 1725.

(3) The table of sections at the beginning of subchapter IV of such chapter is amended by striking the items relating to sections 1742, 1743, and 1744 and inserting the following:

''1742. Internship, cooperative education, and scholarship programs.''.

(3) The table of sections at the beginning of subchapter V of such chapter is amended by striking the item relating to section 1763 and inserting the following:

''1764. Authority to establish different minimum requirements.''.

SEC. 842. LIMITATION AND REINVESTMENT AUTHORITY RELATING TO REDUCTION OF THE DEFENSE ACQUISITION AND SUPPORT WORKFORCE.

(a) LIMITATION.—Notwithstanding any other provision of law, the defense acquisition and support workforce may not be reduced, during fiscal years 2004, 2005, and 2006, below the level of that workforce as of September 30, 2002, determined on the basis of full-time equivalent positions, except as may be necessary to strengthen the defense acquisition and support workforce in higher priority positions in accordance with this section.

(b) WORKFORCE FLEXIBILITY.—During fiscal years 2004, 2005, and 2006, the Secretary of Defense may realign any part of the defense acquisition and support workforce to support reinvestment in other, higher priority positions in such workforce.

(c) HIGHER PRIORITY POSITIONS.—For the purposes of this section, higher priority positions in the defense acquisition and support workforce include the following positions:

(1) Positions the responsibilities of which include drafting performance-based work statements for services contracts and overseeing the performance of contracts awarded pursuant to such work statements.

(2) Positions the responsibilities of which include conducting spending analyses, negotiating company-wide pricing agreements, and taking other measures to reduce contract costs.

(3) Positions the responsibilities of which include reviewing contractor quality control systems, assessing and analyzing quality deficiency reports, and taking other measures to improve product quality.

(4) Positions the responsibilities of which include effectively conducting public-private competitions in accordance with Office of Management and Budget Circular A–76.

(5) Any other positions in the defense acquisition and support workforce that the Secretary identifies as being higher priority positions that are staffed at levels not likely to ensure efficient and effective performance of all of the responsibilities of those positions.

(d) DEFENSE ACQUISITION AND SUPPORT WORKFORCE DEFINED.—In this section, the term ''defense acquisition and support workforce'' means members of the Armed Forces and civilian personnel who are assigned to, or are employed in, an organization of the Department of Defense that has acquisition as its predominant mission, as determined by the Secretary of Defense.

SEC. 843. CLARIFICATION AND REVISION OF AUTHORITY FOR DEMONSTRATION PROJECT RELATING TO CERTAIN ACQUISITION PERSONNEL MANAGEMENT POLICIES AND PROCEDURES.

Section 4308 of the National Defense Authorization Act for Fiscal Year 1996 (10 U.S.C. 1701 note) is amended—

(1) in subsection (b), by striking paragraph (3) and inserting the following:

''(3) CONDITIONS.—Paragraph (2) shall not apply with respect to a demonstration project unless—

''(A) for each organization or team participating in the demonstration project—

''(i) at least one-third of the workforce participating in the demonstration project consists of members of the acquisition workforce; and

''(ii) at least two-thirds of the workforce participating in the demonstration project consists of members of the acquisition workforce and supporting personnel assigned to work directly with the acquisition workforce; and

''(B) the demonstration project commences before October 1, 2007.'';

(2) in subsection (d), by striking ''95,000'' in subsection (d) and inserting ''120,000'';

(3) by redesignating subsection (e) as subsection (f); and

(4) by inserting after subsection (d) the following:

''(e) EFFECT OF REORGANIZATIONS.—The applicability of paragraph (2) of subsection (b) to an organization or team shall not terminate by reason that the organization or team, after having satisfied the conditions in paragraph (3) of such subsection when it began to participate in a demonstration project under this section, ceases to meet one or both of the conditions set forth in subparagraph (A) of such paragraph (3) as a result of a reorganization, restructuring, realignment, consolidation, or other organizational change.''.

Subtitle F—Federal Support for Procurement of Anti-Terrorism Technologies and Services by State and Local Governments

SEC. 851. APPLICATION OF INDEMNIFICATION AUTHORITY TO STATE AND LOCAL GOVERNMENT CONTRACTORS.

(a) AUTHORITY.—Subject to the limitations of subsection (b), the President may exercise the discretionary authority under Public Law 85–804 (50 U.S.C. 1431 et seq.) so as to provide under such law for indemnification of contractors and subcontractors in procurements by States or units of local government of an anti-terrorism technology or an anti-terrorism service for the purpose of preventing, detecting, identifying, otherwise deterring, or recovering from acts of terrorism.

(b) LIMITATIONS.—Any authority that is delegated by the President under subsection (a) to the head of a Federal agency to provide for the indemnification of contractors and subcontractors under Public Law 85–804 (50 U.S.C. 1431 et seq.) for procurements by States or units of local government may be exercised only—

(1) in the case of a procurement by a State or unit of local government that—

(A) is made under a contract awarded pursuant to section 852; and

(B) is approved, in writing, for the provision of indemnification by the President or the official designated by the President under section 852(a); and

(2) with respect to—

(A) amounts of losses or damages not fully covered by private liability insurance and State or local government-provided indemnification; and

(B) liabilities of a contractor or subcontractor not arising out of willful misconduct or lack of good faith on the part of the contractor or subcontractor, respectively.

SEC. 852. PROCUREMENTS OF ANTI-TERRORISM TECHNOLOGIES AND ANTI-TERRORISM SERVICES BY STATE AND LOCAL GOVERNMENTS THROUGH FEDERAL CONTRACTS.

(a) IN GENERAL.—

(1) ESTABLISHMENT OF PROGRAM.—The President shall designate an officer or employee of the United States to establish, and the designated official shall establish, a program under which States and units of local government may procure through contracts entered into by the designated official anti-terrorism technologies or anti-terrorism services for the purpose of preventing, detecting, identifying, otherwise deterring, or recovering from acts of terrorism.

(2) DESIGNATED FEDERAL PROCUREMENT OFFICIAL FOR PROGRAM.—In this section, the officer or employee designated by the President under paragraph (1) shall be referred to as the ''designated Federal procurement official''.

(3) AUTHORITIES.—Under the program, the designated Federal procurement official may, but shall not be required to, award contracts using the same authorities as are provided to the Administrator of General Services under section 309(b)(3) of the Federal Property and Administrative Services Act (41 U.S.C. 259(b)(3)).

(4) OFFERS NOT REQUIRED TO STATE AND LOCAL GOVERNMENTS.—A contractor that sells anti-terrorism technology or anti-terrorism services to the Federal Government may not be required to offer such technology or services to a State or unit of local government under the program.

(b) RESPONSIBILITIES OF THE CONTRACTING OFFICIAL.—In carrying out the program established under this section, the designated Federal procurement official shall—

(1) produce and maintain a catalog of anti-terrorism technologies and anti-terrorism services suitable for procurement by States and units of local government under this program; and

(2) establish procedures in accordance with subsection (c) to address the procurement of anti-terrorism technologies and anti-terrorism services by States and units of local government under contracts awarded by the designated official.

(c) REQUIRED PROCEDURES.—The procedures required by subsection (b)(2) shall implement the following requirements and authorities:

(1) SUBMISSIONS BY STATES.—

(A) REQUESTS AND PAYMENTS.—Except as provided in subparagraph (B), each State desiring to participate in a procurement of anti-terrorism technologies or anti-terrorism services through a contract entered into by the designated Federal procurement official under this section shall submit to that official in such form and manner and at such times as such official prescribes, the following:

(i) REQUEST.—A request consisting of an enumeration of the technologies or services, respectively, that are desired by the State and units of local government within the State.

(ii) PAYMENT.—Advance payment for each requested technology or service in an amount determined by the designated official based on estimated or actual costs of the technology or service and administrative costs incurred by such official.

(B) OTHER CONTRACTS.—The designated Federal procurement official may award and designate contracts under which States and units of local government may procure anti-terrorism technologies and anti-terrorism services directly from the contractors. No indemnification may be provided under Public Law 85–804 pursuant to an exercise of authority under section 851 for procurements that are made directly between contractors and States or units of local government.

(2) PERMITTED CATALOG TECHNOLOGIES AND SERVICES.—A State may include in a request submitted under paragraph (1) only a technology or service listed in the catalog produced under subsection (b)(1).

(3) COORDINATION OF LOCAL REQUESTS WITHIN STATE.—The Governor of a State may establish such procedures as the Governor considers appropriate for administering and coordinating requests for anti-terrorism technologies or anti-terrorism services from units of local government within the State.

(4) SHIPMENT AND TRANSPORTATION COSTS.—A State requesting anti-terrorism technologies or anti-terrorism services shall be responsible for arranging and paying for any shipment or transportation of the technologies or services, respectively, to the State and localities within the State.

(d) REIMBURSEMENT OF ACTUAL COSTS.—In the case of a procurement made by or for a State or unit of local government under the procedures established under this section, the designated Federal procurement official shall require the State or unit of local government to reimburse the Department for the actual costs it has incurred for such procurement.

(e) TIME FOR IMPLEMENTATION.—The catalog and procedures required by subsection (b) of this section shall be completed as soon as practicable and no later than 210 days after the enactment of this Act.

SEC. 853. DEFINITIONS.

In this subtitle:

(1) ANTI-TERRORISM TECHNOLOGY AND SERVICE.—The terms ''anti-terrorism technology'' and ''anti-terrorism service'' mean any product, equipment, or device, including information technology, and any service, system integration, or other kind of service (including a support service), respectively, that is related to technology and is designed, developed, modified, or procured for the purpose of preventing, detecting, identifying, otherwise deterring, or recovering from acts of terrorism.

(2) INFORMATION TECHNOLOGY.—The term ''information technology'' has the meaning given such term in section 11101(6) of title 40, United States Code.

(3) STATE.—The term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States.

(4) UNIT OF LOCAL GOVERNMENT.—The term ''unit of local government'' means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State; an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior; or any agency of the District of Columbia Government or the United States Government performing law enforcement functions in and for the District of Columbia or the Trust Territory of the Pacific Islands.

Subtitle G—General Contracting Authorities, Procedures, and Limitations, and Other Matters

SEC. 861. LIMITED ACQUISITION AUTHORITY FOR COMMANDER OF UNITED STATES JOINT FORCES COMMAND.

Section 164 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(h) LIMITED ACQUISITION AUTHORITY FOR COMMANDER OF CERTAIN UNIFIED COMBATANT COMMAND.—(1) The Secretary of Defense shall delegate to the commander of the unified combatant command referred to in paragraph (2) authority of the Secretary under chapter 137 of this title sufficient to enable the commander to develop and acquire equipment described in paragraph (3). The exercise of authority so delegated is subject to the authority, direction, and control of the Secretary.

''(2) The commander to which authority is delegated under paragraph (1) is the commander of the unified combatant command that has the mission for joint warfighting experimentation, as assigned by the Secretary of Defense.

''(3) The equipment referred to in paragraph (1) is as follows:

''(A) Battlefield command, control, communications, and intelligence equipment.

''(B) Any other equipment that the commander referred to in that paragraph determines necessary and appropriate for—

''(i) facilitating the use of joint forces in military operations; or

''(ii) enhancing the interoperability of equipment used by the various components of joint forces on the battlefield.

''(4) The authority delegated under paragraph (1) does not apply to the development or acquisition of a system for which—

''(A) the total expenditure for research, development, test, and evaluation is estimated to be $10,000,000 or more; or

''(B) the total expenditure for procurement of the system is estimated to be $50,000,000 or more.

''(5) The commander of the unified combatant command referred to in paragraph (1) shall require the inspector general of the command to conduct internal audits and inspections of purchasing and contracting administered by the commander under the authority delegated under subsection (a).''.

SEC. 862. OPERATIONAL TEST AND EVALUATION.

(a) LEADERSHIP AND DUTIES OF DEPARTMENT OF DEFENSE TEST RESOURCE MANAGEMENT CENTER.—(1) Subsection (b)(1) of section 196 of title 10, United States Code, is amended—

(A) by striking ''on active duty. The Director'' and inserting ''on active duty or from among senior civilian officers and employees of the Department of Defense. A commissioned officer serving as the Director''; and

(B) by adding at the end the following: ''A civilian officer or employee serving as the Director shall serve in a pay level equivalent in rank to lieutenant general.''.

(2)(A) Subsection (c)(1)(B) of such section is amended by inserting after ''Department of Defense'' the following: ''other than budgets and expenditures for activities described in section 139(i) of this title''.

(B) Subsection (e)(1) of such section is amended—

(i) by striking '', the Director of Operational Test and Evaluation,''; and

(ii) by striking '', Director's''.

(b) DEPLOYMENT BEFORE COMPLETION OF OT&E.—Section 806(c) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2607; 10 U.S.C. 2302 note) is amended by adding at the end the following new paragraph:

''(3) If items are deployed under the rapid acquisition and deployment procedures prescribed pursuant to this section, or under any other authority, before the completion of operational test and evaluation of the items, the Director of Operational Test and Evaluation shall have access to operational records and data relevant to such items in accordance with section 139(e)(3) of title 10, United States Code, for the purpose of completing operational test and evaluation of the items. The access to the operational records and data shall be provided in a time and manner determined by the Secretary of Defense consistent with requirements of operational security and other relevant operational requirements.''.

SEC. 863. MULTIYEAR TASK AND DELIVERY ORDER CONTRACTS.

(a) REPEAL OF APPLICABILITY OF EXISTING AUTHORITY AND LIMITATIONS.—Section 2306c of title 10, United States Code, is amended—

(1) by striking subsection (g); and

(2) by redesignating subsection (h) as subsection (g).

(b) MULTIYEAR CONTRACTING AUTHORITY.—Section 2304a of such title is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) MULTIYEAR CONTRACTS.—The head of an agency entering into a task or delivery order contract under this section may provide for the contract to cover any period up to five years and may extend the contract period for one or more successive periods

pursuant to an option provided in the contract or a modification of the contract. In no event, however, may the total contract period as extended exceed eight years.''.

SEC. 864. REPEAL OF REQUIREMENT FOR CONTRACTOR ASSURANCES REGARDING THE COMPLETENESS, ACCURACY, AND CONTRACTUAL SUFFICIENCY OF TECHNICAL DATA PROVIDED BY THE CONTRACTOR.

Section 2320(b) of title 10, United States Code, is amended—

(1) by striking paragraph (7); and

(2) by redesignating paragraphs (8) and (9) as paragraphs (7) and (8), respectively.

SEC. 865. REESTABLISHMENT OF AUTHORITY FOR SHORT-TERM LEASES OF REAL OR PERSONAL PROPERTY ACROSS FISCAL YEARS.

(a) REESTABLISHMENT OF AUTHORITY.—Subsection (a) of section 2410a of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''The Secretary of Defense'';

(2) by striking ''for procurement of severable services'' and inserting ''for a purpose described in paragraph (2)''; and

(3) by adding at the end the following new paragraph:

''(2) The purpose of a contract described in this paragraph is as follows:

''(A) The procurement of severable services.

''(B) The lease of real or personal property, including the maintenance of such property when contracted for as part of the lease agreement.''.

(b) CONFORMING AND CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

''§ 2410a. Contracts for periods crossing fiscal years: severable service contracts; leases of real or personal property''.

(2) The table of sections at the beginning of chapter 141 of such title is amended by striking the item relating to section 2410a and inserting the following new item:

''2410a. Contracts for periods crossing fiscal years: severable service contracts; leases of real or personal property.''.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department Officers and Agencies

SEC. 901. CLARIFICATION OF RESPONSIBILITY OF MILITARY DEPARTMENTS TO SUPPORT COMBATANT COMMANDS.

Sections 3013(c)(4), 5013(c)(4), and 8013(3)(c)(4) of title 10, United States Code, are amended by striking ''(to the maximum extent practicable)''.

SEC. 902. REDESIGNATION OF NATIONAL IMAGERY AND MAPPING AGENCY AS NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

(a) REDESIGNATION.—The National Imagery and Mapping Agency (NIMA) is hereby redesignated as the National Geospatial-Intelligence Agency (NGA).

(b) CONFORMING AMENDMENTS.—

(1) TITLE 10, UNITED STATES CODE.—(A) Chapter 22 of title 10, United States Code, is amended by striking ''National Imagery and Mapping Agency'' each place it appears (other than the penultimate place it appears in section 461(b) of such title) and inserting ''National Geospatial-Intelligence Agency''.

(B) Section 453(b) of such title is amended by striking ''NIMA'' each place it appears and inserting ''NGA''.

(C)(i) Subsection (b)(3) of section 424 of such title is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

(ii) The heading for such section is amended to read as follows:

''§ 424. Disclosure of organizational and personnel information: exemption for Defense Intelligence Agency, National Reconnaissance Office, and National Geospatial Intelligence Agency''.

(iii) The table of sections at the beginning of subchapter I of chapter 21 of such title is amended in the item relating to section 424 by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

(D) Section 425(a) of such title is amended—

(i) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(ii) by inserting after paragraph (2) the following new paragraph (3):

''(3) The words 'National Geospatial-Intelligence Agency', the initials 'NGA', or the seal of the National Geospatial-Intelligence Agency.''.

(E) Section 1614(2)(C) of such title is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

(F)(i) The heading for chapter 22 of such title is amended to read as follows:

''CHAPTER 22—NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY''.

(ii) The table of chapters at the beginning of subtitle A of such title, and at the beginning of part I of such subtitle, are each amended by striking the item relating to chapter 22 and inserting the following new item:

''22. National Geospatial-Intelligence Agency ..... 441''.

(2) NATIONAL SECURITY ACT OF 1947.—(A) Section 3(4)(E) of the National Security Act of 1947 (50 U.S.C. 401a(4)(E)) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

(B) That Act is further amended by striking ''National Imagery and Mapping Agency'' each place it appears in sections 105, 105A, 105C, 106, and 110 (50 U.S.C. 403–5, 403–5a, 403–5c, 403–6, 404e) and inserting ''National Geospatial-Intelligence Agency''.

(C) Section 105C of that Act (50 U.S.C. 403–5c) is further amended—

(i) by striking ''NIMA'' each place it appears and inserting ''NGA''; and

(ii) in subsection (a)(6)(B)(iv)(II), by striking ''NIMA's'' and inserting ''NGA's''.

(D) The heading for section 105C of that Act (50 U.S.C. 403–5c) is amended to read as follows:

''PROTECTION OF OPERATIONAL FILES OF THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY''.

(E) The heading for section 110 of that Act (50 U.S.C. 404e) is amended to read as follows:

''NATIONAL MISSION OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY''.

(F) The table of contents for that Act is amended—

(i) by striking the item relating to section 105C and inserting the following new item:

''Sec. 105C. Protection of operational files of the National Geospatial-Intelligence Agency.''; and

(ii) by striking the item relating to section 110 and inserting the following new item:

''Sec. 110. National mission of National Geospatial-Intelligence Agency.''.

(c) REFERENCES.—Any reference to the National Imagery and Mapping Agency or NIMA in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to the National Geospatial-Intelligence Agency or NGA, respectively.

(d) MATTERS RELATING TO GEOSPATIAL INTELLIGENCE.—(1) Section 442(a)(2) of title 10, United States Code, is amended by striking ''Imagery, intelligence, and information'' and inserting ''Geospatial intelligence''.

(2) Section 467 of such title is amended by adding at the end the following new paragraph:

''(5) The term 'geospatial intelligence' means the exploitation and analysis of imagery and geospatial information to describe, assess, and visually depict physical features and geographically referenced activities on the earth, and includes imagery, imagery intelligence, and geospatial information.''.

(3) Section 110(a) of the National Security Act of 1947 (50 U.S.C. 404e(a)) is amended by striking ''imagery requirements'' and inserting ''geospatial intelligence requirements''.

SEC. 903. STANDARDS OF CONDUCT FOR MEMBERS OF THE DEFENSE POLICY BOARD AND THE DEFENSE SCIENCE BOARD.

(a) STANDARDS REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall promulgate standards of conduct for members of the Defense Policy Board and the Defense Science Board. The purpose of the standards of conduct shall be to ensure public confidence in the Defense Policy Board and the Defense Science Board.

(b) ISSUES TO BE ADDRESSED.—The standards of conduct promulgated pursuant to subsection (a) shall address, at a minimum, the following:

(1) Conditions governing the access of Board members to classified information and other confidential information about the plans and operations of the Department of Defense and appropriate limitations on any use of such information for private gain.

(2) Guidelines for addressing conflicting financial interests and recusal from participation in matters affecting such interests.

(3) Guidelines regarding the lobbying of Department of Defense officials or other contacts with Department of Defense officials regarding matters in which Board members may have financial interests.

(c) REPORT TO CONGRESS.—The Secretary of Defense shall provide the Committees on Armed Services of the Senate and the House of Representatives with a copy of the standards of conduct promulgated pursuant to subsection (a) immediately upon promulgation of the standards.

Subtitle B—Space Activities

SEC. 911. COORDINATION OF SPACE SCIENCE AND TECHNOLOGY ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) SPACE SCIENCE AND TECHNOLOGY STRATEGY.—(1) The Under Secretary of the Air Force, in consultation with the Director of Defense Research and Engineering, shall develop a space science and technology strategy and shall review and, as appropriate, revise the strategy annually.

(2) The strategy shall, at a minimum, address the following issues:

(A) Short-term and long-term goals of the space science and technology programs of the Department of Defense.

(B) The process for achieving the goals, including an implementation plan.

(C) The process for assessing progress made toward achieving the goals.

(3) Not later than March 15, 2004, the Under Secretary shall submit a report on the space science and technology strategy to the Committees on Armed Services of the Senate and the House of Representatives.

(b) REQUIRED COORDINATION.—In executing the space science and technology strategy, the directors of the research laboratories of the Department of Defense, the heads of other Department of Defense research components, and the heads of all

other appropriate organizations identified jointly by the Under Secretary of the Air Force and the Director of Defense Research and Engineering—

(1) shall identify research laboratory projects that make contributions pertaining directly and uniquely to the development of space technology; and

(2) may execute the identified projects only with the concurrence of the Under Secretary of the Air Force.

(c) GENERAL ACCOUNTING OFFICE REVIEW.—(1) The Comptroller General shall review and assess the space science and technology strategy developed under subsection (a) and the effectiveness of the coordination process required under subsection (b).

(2) Not later than September 1, 2004, the Comptroller General shall submit a report containing the findings and assessment under paragraph (1) to the committees on Armed Services of the Senate and the House of Representatives.

(d) DEFINITIONS.—In this section:

(1) The term ''research laboratory of the Department of Defense'' means the following:

(A) The Air Force Research Laboratory.

(B) The Naval Research Laboratory.

(C) The Office of Naval Research.

(D) The Army Research Laboratory.

(2) The term ''other Department of Defense research component'' means the following:

(A) The Defense Advanced Research Projects Agency.

(B) The National Reconnaissance Office.

SEC. 912. SPACE PERSONNEL CADRE.

(a) STRATEGY REQUIRED.—(1) The Secretary of Defense shall develop a human capital resources strategy for space personnel of the Department of Defense.

(2) The strategy shall be designed to ensure that the space career fields of the military departments are integrated to the maximum extent practicable.

(b) REPORT.—Not later than February 1, 2004, the Secretary shall submit a report on the strategy to the Committees on Armed Services of the Senate and the House of Representatives. The report shall contain the following information:

(1) The strategy.

(2) An assessment of the progress made in integrating the space career fields of the military departments.

(3) A comprehensive assessment of the adequacy of the establishment of the Air Force officer career field for space under section 8084 of title 10, United States Code, as a solution for correcting deficiencies identified by the Commission To Assess United States National Security Space Management and Organization (established under section 1621 of Public Law 106–65; 113 Stat. 813; 10 U.S.C. 111 note).

(c) GENERAL ACCOUNTING OFFICE REVIEW.—(1) The Comptroller General shall review the strategy developed under subsection (a) the space career fields of the military departments and the plans of the military departments for developing space career fields. The review shall include an assessment of how effective the strategy and the space career fields and plans, when implemented, are likely to be for developing the necessary cadre of personnel who are expert in space systems development and space systems operations.

(2) Not later than June 15, 2004, the Comptroller General shall submit to the Committees referred to in subsection (a)(2) a report on the results of the review under paragraph (1), including the assessment required by such paragraph.

SEC. 913. POLICY REGARDING ASSURED ACCESS TO SPACE FOR UNITED STATES NATIONAL SECURITY PAYLOADS.

(a) POLICY.—It is the policy of the United States for the President to undertake actions appropriate to ensure, to the maximum extent practicable, that the United States has the capabilities necessary to launch and insert United States national security payloads into space whenever such payloads are needed in space.

(b) INCLUDED ACTIONS.—The appropriate actions referred to in subsection (a) shall include, at a minimum, providing resources and policy guidance to sustain—

(1) the availability of at least two space launch vehicles or families of space launch vehicles capable of delivering into space all payloads designated as national security payloads by the Secretary of Defense and the Director of Central Intelligence; and

(2) a robust space launch infrastructure and industrial base.

(c) COORDINATION.—The Secretary of Defense shall, to the maximum extent practicable, pursue the attainment of the capabilities described in subsection (a) in coordination with the Administrator of the National Space and Aeronautics Administration.

SEC. 914. PILOT PROGRAM TO PROVIDE SPACE SURVEILLANCE NETWORK SERVICES TO ENTITIES OUTSIDE THE UNITED STATES GOVERNMENT.

(a) ESTABLISHMENT.—The Secretary of Defense shall carry out a pilot program to provide eligible entities outside the Federal Government with satellite tracking services using assets owned or controlled by the Department of Defense.

(b) ELIGIBLE ENTITIES.—The Secretary shall prescribe the requirements for eligibility to obtain services under the pilot program. The requirements shall, at a minimum, provide eligibility for the following entities:

(1) The governments of States.

(2) The governments of political subdivisions of States.

(3) United States commercial entities.

(4) The governments of foreign countries.

(5) Foreign commercial entities.

(c) SALE OF SERVICES.—Services under the pilot program may be provided by sale, except in the case of services provided to a government described in paragraph (1) or (2) of subsection (b).

(d) CONTRACTOR INTERMEDIARIES.—Services under the pilot program may be provided either directly to an eligible entity or through a contractor of the United States or a contractor of an eligible entity.

(e) SATELLITE DATA AND RELATED ANALYSES.—The services provided under the pilot program may include satellite tracking data or any analysis of satellite data if the Secretary determines that it is in the national security interests of the United States for the services to include such data or analysis, respectively.

(f) REIMBURSEMENT OF COSTS.—The Secretary may require an entity purchasing services under the pilot program to reimburse the Department of Defense for the costs incurred by the Department in entering into the sale.

(g) CREDITING TO CHARGED ACCOUNTS.—(1) The proceeds of a sale of services under the pilot program, together with any amounts reimbursed under subsection (f) in connection with the sale, shall be credited to the appropriation for the fiscal year in which collected that is or corresponds to the appropriation charged the costs of such services.

(2) Amounts credited to an appropriation under paragraph (1) shall be merged with other sums in the appropriation and shall be available for the same period and the same purposes as the sums with which merged.

(h) NONTRANSFERABILITY AGREEMENT.—The Secretary shall require a recipient of services under the pilot program to enter into an agreement not to transfer any data or technical information, including any analysis of satellite tracking data, to any other entity without the expressed approval of the Secretary.

(i) PROHIBITION CONCERNING INTELLIGENCE ASSETS OR DATA.—Services and information concerning, or derived from, United States intelligence assets or data may not be provided under the pilot program.

(j) DEFINITIONS.—In this section:

(1) The term ''United States commercial entity'' means an entity that is involved in commerce and is organized under laws of a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, or American Samoa.

(2) The term ''foreign commercial entity'' means an entity that is involved in commerce and is organized under laws of a foreign country.

(k) DURATION OF PILOT PROGRAM.—The pilot program under this section shall be conducted for three years beginning on a date designated by the Secretary of Defense, but not later than 180 days after the date of the enactment of this Act.

SEC. 915. CONTENT OF BIENNIAL GLOBAL POSITIONING SYSTEM REPORT.

(a) REVISED CONTENT.—Paragraph (1) of section 2281(d) of title 10, United States Code, is amended—

(1) by striking subparagraph (C);

(2) in subparagraph (E), by striking ''Any progress made toward'' and inserting ''Progress and challenges in'';

(3) by striking subparagraph (F), and inserting the following:

''(F) Progress and challenges in protecting GPS from jamming, disruption, and interference.'';

(4) by redesignating subparagraphs (D), (E), and (F), as subparagraphs (C), (D), and (E), respectively; and

(5) by inserting after subparagraph (E), as so redesignated, the following new subparagraph (F):

''(F) Progress and challenges in developing the enhanced Global Positioning System required by section 218(b) of Public Law 105–261 (112 Stat. 1951; 10 U.S.C. 2281 note).''.

(b) CONFORMING AMENDMENT.—Paragraph (2) of such section 2281(d) is amended by inserting ''(C),'' after ''under subparagraphs''.

Subtitle C—Other Matters

SEC. 921. COMBATANT COMMANDER INITIATIVE FUND.

(a) REDESIGNATION OF CINC INITIATIVE FUND.—(1) The CINC Initiative Fund administered under section 166a of title 10, United States Code, is redesignated as the ''Combatant Commander Initiative Fund''.

(2) Section 166a of title 10, United States Code, is amended—

(A) by striking the heading for subsection (a) and inserting ''COMBATANT COMMANDER INITIATIVE FUND.—''; and

(B) by striking ''CINC Initiative Fund'' in subsections (a), (c), and (d), and inserting ''Combatant Commander Initiative Fund''.

(3) Any reference to the CINC Initiative Fund in any other provision of law or in any regulation, document, record, or other paper of the United States shall be considered to be a reference to the Combatant Commander Initiative Fund.

(b) AUTHORIZED ACTIVITIES.—Subsection (b) of section 166a of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(10) Joint warfighting capabilities.''.

(c) INCREASED MAXIMUM AMOUNTS AUTHORIZED FOR USE.—Subsection (e)(1) of such section is amended—

(1) in subparagraph (A), by striking ''$7,000,000'' and inserting ''$15,000,000'';

(2) in subparagraph (B), by striking ''$1,000,000'' and inserting ''$10,000,000''; and

(3) in subparagraph (C), by striking ''$2,000,000'' and inserting ''$10,000,000''.

SEC. 922. AUTHORITY FOR THE MARINE CORPS UNIVERSITY TO AWARD THE DEGREE OF MASTER OF OPERATIONAL STUDIES.

Section 7102(b) of title 10, United States Code, is amended—

(1) by striking ''MARINE CORPS WAR COLLEGE.—'' and inserting ''AWARDING OF DEGREES.—(1)''; and

(2) by adding at the end the following new paragraph:

''(2) Upon the recommendation of the Director and faculty of the Command and Staff College of the Marine Corps University, the President of the Marine Corps University may confer the degree of master of operational studies upon graduates of the School of Advanced Warfighting of the Command and Staff College who fulfill the requirements for that degree.''.

SEC. 923. REPORT ON CHANGING ROLES OF UNITED STATES SPECIAL OPERATIONS COMMAND.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the changing roles of the United States Special Operations Command.

(b) CONTENT OF REPORT.—(1) The report shall specifically discuss in detail the following matters:

(A) The expanded role of the United States Special Operations Command in the global war on terrorism.

(B) The reorganization of the United States Special Operations Command to function as a supported combatant command for planning and executing operations.

(C) The role of the United States Special Operations Command as a supporting combatant command.

(2) The report shall also include, in addition to the matters discussed pursuant to paragraph (1), a discussion of the following matters:

(A) The military strategy to employ the United States Special Operations Command to fight the war on terrorism and how that strategy contributes to the overall national security strategy with regard to the global war on terrorism.

(B) The scope of the authority granted to the commander of the United States Special Operations Command to act as a supported commander and to prosecute the global war on terrorism.

(C) The operational and legal parameters within which the commander of the United States Special Operations Command is to exercise command authority in foreign countries when taking action against foreign and United States citizens engaged in terrorist activities.

(D) The decisionmaking procedures for authorizing, planning, and conducting individual missions, including procedures for consultation with Congress.

(E) The procedures for the commander of the United States Special Operations Command to use to coordinate with commanders of other combatant commands, especially geographic commands.

(F) Future organization plans and resource requirements for conducting the global counterterrorism mission.

(G) The impact of the changing role of the United States Special Operations Command on other special operations missions, including foreign internal defense, psychological operations, civil affairs, unconventional warfare, counterdrug activities, and humanitarian activities.

(c) FORMS OF REPORT.—The report shall be submitted in unclassified form and, as necessary, in classified form.

SEC. 924. INTEGRATION OF DEFENSE INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE CAPABILITIES

(a) FINDINGS.—Congress makes the following findings:

(1) As part of transformation efforts within the Department of Defense, each of the Armed Forces is developing intelligence, surveillance, and reconnaissance capabilities that best support future war fighting as envisioned by the leadership of the military department concerned.

(2) Concurrently, intelligence agencies of the Department of Defense outside the military departments are developing transformation roadmaps to best support the future decisionmaking and war fighting needs of their principal customers, but are not always closely coordinating those efforts with the intelligence, surveillance, and reconnaissance development efforts of the military departments.

(3) A senior official of each military department has been designated as the integrator of intelligence, surveillance, and reconnaissance for each of the Armed Forces in such military department, but there is not currently a well-defined forum where the integrators of intelligence, surveillance, and reconnaissance capabilities for each of the Armed Forces can routinely interact with each other and with senior representatives of Department of Defense intelligence agencies, as well as with other members of the intelligence community, to ensure unity of effort and to preclude unnecessary duplication of effort.

(4) The current funding structure of a National Foreign Intelligence Program (NFIP), Joint Military Intelligence Program (JMIP), and Tactical Intelligence and Related Activities Program (TIARA) might not be the best approach for supporting the development of an intelligence, surveillance, and reconnaissance structure that is integrated to meet the national security requirements of the United States in the 21st century.

(5) The position of Under Secretary of Defense for Intelligence was established in 2002 by Public Law 107–314 in order to facilitate resolution of the challenges to achieving an integrated intelligence, surveillance, and reconnaissance structure in the Department of Defense to meet such 21st century requirements.

(b) GOAL.—It shall be a goal of the Department of Defense to fully coordinate and integrate the intelligence, surveillance, and reconnaissance capabilities and developmental activities of the military departments, intelligence agencies of the Department of Defense, and relevant combatant commands as those departments, agencies, and commands transform their intelligence, surveillance, and reconnaissance systems to meet current and future needs.

(c) REQUIREMENT.—(1) The Under Secretary of Defense for Intelligence shall establish an Intelligence, Surveillance, and Reconnaissance Integration Council to provide a permanent forum for the discussion and arbitration of issues relating to the integration of intelligence, surveillance, and reconnaissance capabilities.

(2) The Council shall be composed of the senior intelligence officers of the Armed Forces and the United States Special Operations Command, the Director of Operations of the Joint Staff, and the directors of the intelligence agencies of the Department of Defense.

(3) The Under Secretary of Defense for Intelligence shall invite the participation of the Director of Central Intelligence or his representative in the proceedings of the Council.

(d) ISR INTEGRATION ROADMAP.—The Under Secretary of Defense for Intelligence, in consultation with the Intelligence, Surveillance, and Reconnaissance Integration Council and the Director of Central Intelligence, shall develop a comprehensive Defense Intelligence, Surveillance, and Reconnaissance Integration Roadmap to guide the development and integration of the Department of Defense intelligence, surveillance, and reconnaissance capabilities for 15 years.

(e) REPORT.—(1) Not later than September 30, 2004, the Under Secretary of Defense for Intelligence shall submit to the committees of Congress specified in paragraph (2) a report on the Defense Intelligence, Surveillance, and Reconnaissance Integration Roadmap developed under subsection (d). The report shall include the following matters:

(A) The fundamental goals established in the roadmap.

(B) An overview of the intelligence, surveillance, and reconnaissance integration activities of the military departments and the intelligence agencies of the Department of Defense.

(C) An investment strategy for achieving—

(i) an integration of Department of Defense intelligence, surveillance, and reconnaissance capabilities that ensures sustainment of needed tactical and operational efforts; and

(ii) efficient investment in new intelligence, surveillance, and reconnaissance capabilities.

(D) A discussion of how intelligence gathered and analyzed by the Department of Defense can enhance the role of the Department of Defense in fulfilling its homeland security responsibilities.

(E) A discussion of how counterintelligence activities of the Armed Forces and the Department of Defense intelligence agencies can be better integrated.

(F) Recommendations on how annual funding authorizations and appropriations can be optimally structured to best support the development of a fully integrated Department of Defense intelligence, surveillance, and reconnaissance architecture.

(2) The committees of Congress referred to in paragraph (1) are as follows:

(A) The Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

(B) The Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 925. ESTABLISHMENT OF THE NATIONAL GUARD OF THE NORTHERN MARIANA ISLANDS.

(a) ESTABLISHMENT.—The Secretary of Defense may cooperate with the Governor of the Northern Mariana Islands to establish the National Guard of the Northern Mariana Islands, and may integrate into the Army National Guard of the United States and the Air National Guard of the United States the members of the National Guard of the Northern Mariana Islands who are granted Federal recognition under title 32, United States Code.

(b) AMENDMENTS TO TITLE 10.—(1) Section 101 of title 10, United States Code, is amended—

(A) in subsection (c), by inserting ''the Northern Mariana Islands,'' after ''Puerto Rico,'' in paragraphs (2) and (4); and

(B) in subsection (d)(5), by inserting ''the Commonwealth of the Northern Mariana Islands,'' after ''the Commonwealth of Puerto Rico,''.

(2) Section 10001 of such title is amended by inserting ''the Commonwealth of the Northern Mariana Islands,'' after ''the Commonwealth of Puerto Rico,''.

(c) AMENDMENTS TO TITLE 32.—Title 32, United States Code, is amended as follows:

(1) Section 101 is amended—

(A) in paragraphs (4) and (6), by inserting '', the Northern Mariana Islands,'' after ''Puerto Rico''; and

(B) in paragraph (19), by inserting ''the Commonwealth of the Northern Mariana Islands,'' after ''the Commonwealth of Puerto Rico,''.

(2) Section 103 is amended by inserting '', the Northern Mariana Islands,'' after ''Puerto Rico''.

(3) Section 104 is amended—

(A) in subsection (a), by striking ''and Puerto Rico'' and inserting '', Puerto Rico, and the Northern Mariana Islands''; and

(B) in subsections (c) and (d), by inserting '', the Northern Mariana Islands,'' after ''Puerto Rico''.

(4) Section 107(b) is amended by inserting '', the Northern Mariana Islands,'' after ''Puerto Rico''.

(5) Section 109 is amended by inserting ''the Northern Mariana Islands'' in subsections (a), (b), and (c) after ''Puerto Rico,''.

(6) Section 112(i)(3) is amended by inserting ''the Commonwealth of the Northern Mariana Islands,'' after ''the Commonwealth of Puerto Rico,''.

(7) Section 304 is amended by inserting '', the Northern Mariana Islands,'' after ''or of Puerto Rico'' in the sentence following the oath.

(8) Section 314 is amended by inserting '', the Northern Mariana Islands,'' after ''Puerto Rico'' in subsections (a) and (d).

(9) Section 315 is amended by inserting '', the Northern Mariana Islands,'' after ''Puerto Rico'' each place it appears.

(10) Section 325(a) is amended by inserting '', the Northern Mariana Islands,'' after ''Puerto Rico''.

(11) Section 501(b) is amended by inserting '', the Northern Mariana Islands,'' after ''Puerto Rico''.

(12) Section 503(b) is amended by inserting '', the Northern Mariana Islands,'' after ''Puerto Rico''.

(13) Section 504(b) is amended by inserting '', the Northern Mariana Islands,'' after ''Puerto Rico''.

(14) Section 505 is amended by inserting ''or the Northern Mariana Islands,'' after ''Puerto Rico,'' in the first sentence.

(15) Section 509(l)(1) is amended by inserting ''the Commonwealth of the Northern Mariana Islands,'' after ''the Commonwealth of Puerto Rico,''.

(16) Section 702 is amended—

(A) in subsection (a), by inserting '', or the Northern Mariana Islands,'' after ''Puerto Rico''; and

(B) in subsections (b), (c), and (d), by inserting '', the Northern Mariana Islands,'' after ''Puerto Rico''.

(17) Section 703 is amended by inserting '', the Northern Mariana Islands,'' after ''Puerto Rico'' in subsections (a) and (b).

(18) Section 704 is amended by inserting '', the Northern Mariana Islands,'' after ''Puerto Rico'' in subsections (a) and (b).

(19) Section 708 is amended—

(A) in subsection (a), by striking ''and Puerto Rico,'' and inserting ''Puerto Rico, and the Northern Mariana Islands,''; and

(B) in subsection (d), by inserting '', the Northern Mariana Islands,'' after ''Puerto Rico''.

(20) Section 710 is amended by inserting '', the Northern Mariana Islands,'' after ''Puerto Rico'' each place it appears in subsections (c), (d)(3), (e), and (f)(1).

(21) Section 711 is amended by inserting '', the Northern Mariana Islands,'' after ''Puerto Rico''.

(22) Section 712(1) is amended by inserting '', the Northern Mariana Islands,'' after ''Puerto Rico''.

(23) Section 715(c) is amended by striking ''or the District of Columbia or Puerto Rico,'' and inserting '', the District of Columbia, Puerto Rico, or the Northern Mariana Islands''.

(d) AMENDMENTS TO TITLE 37.—Section 101 of title 37, United States Code, is amended by striking ''the Canal Zone,'' in paragraphs (7) and (9) and inserting ''the Northern Mariana Islands,''.

(e) OTHER REFERENCES.—Any reference that is made in any other provision of law or in any regulation of the United States to a State, or to the Governor of a State, in relation to the National Guard (as defined in section 101(3) of title 32, United States Code) shall be considered to include a reference to the Commonwealth of the Northern Mariana Islands or to the Governor of the Northern Mariana Islands, respectively.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2004 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $3,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. UNITED STATES CONTRIBUTION TO NATO COMMON-FUNDED BUDGETS IN FISCAL YEAR 2004.

(a) FISCAL YEAR 2004 LIMITATION.—The total amount contributed by the Secretary of Defense in fiscal year 2004 for the common-funded budgets of NATO may be any amount up to, but not in excess of, the amount specified in subsection (b) (rather than the maximum amount that would otherwise be applicable to those contributions under the fiscal year 1998 baseline limitation).

(b) TOTAL AMOUNT.—The amount of the limitation applicable under subsection (a) is the sum of the following:

(1) The amounts of unexpended balances, as of the end of fiscal year 2003, of funds appropriated for fiscal years before fiscal year 2004 for payments for those budgets.

(2) The amount specified in subsection (c)(1).

(3) The amount specified in subsection (c)(2).

(4) The total amount of the contributions authorized to be made under section 2501.

(c) AUTHORIZED AMOUNTS.—Amounts authorized to be appropriated by titles II and III of this Act are available for contributions for the common-funded budgets of NATO as follows:

(1) Of the amount provided in section 201(1), $853,000 for the Civil Budget.

(2) Of the amount provided in section 301(1), $207,125,000 for the Military Budget.

(d) DEFINITIONS.—For purposes of this section:

(1) COMMON-FUNDED BUDGETS OF NATO.—The term ''common-funded budgets of NATO'' means the Military Budget, the Security Investment Program, and the Civil Budget of the North Atlantic Treaty Organization (and any successor or additional account or program of NATO).

(2) FISCAL YEAR 1998 BASELINE LIMITATION.—The term ''fiscal year 1998 baseline limitation'' means the maximum annual amount of Department of Defense contributions for common-funded budgets of NATO that is set forth as the annual limitation in section 3(2)(C)(ii) of the resolution of the Senate giving the advice and consent of the Senate to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic (as defined in section 4(7) of that resolution), approved by the Senate on April 30, 1998.

SEC. 1003. AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2003.

(a) DOD AND DOE AUTHORIZATIONS.—Amounts authorized to be appropriated to the Department of Defense and the Department of Energy for fiscal year 2003 in the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased (by a supplemental appropriation) or decreased (by a rescission), or both, or are increased by a transfer of funds, pursuant to title I of Public Law 108–11.

(b) REPORT ON FISCAL YEAR 2003 TRANSFERS.—Not later than 30 days after the end of each fiscal quarter for which unexpended balances of funds appropriated under title I of Public Law 108–11 are available for the Department of Defense, the Secretary of Defense shall submit to the congressional defense committees a report stating, for each transfer of such funds during such fiscal quarter of an amount provided for the Department of Defense through a so-called ''transfer account'', including the Iraqi Freedom Fund or any other similar account—

(1) the amount of the transfer;

(2) the appropriation account to which the transfer was made; and

(3) the specific purpose for which the transferred funds were used or are to be used.

Subtitle B—Improvement of Travel Card Management

SEC. 1011. MANDATORY DISBURSEMENT OF TRAVEL ALLOWANCES DIRECTLY TO TRAVEL CARD CREDITORS.

Section 2784a(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ''The Secretary of Defense may require'' and inserting ''The Secretary of Defense shall require'';

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph (2):

''(2) The Secretary of Defense may waive the requirement for a direct payment to a travel care issuer under paragraph (1) in any

case in which it is determined under regulations prescribed by the Secretary that the direct payment would be against equity and good conscience or would be contrary to the best interests of the United States.''.

SEC. 1012. DETERMINATIONS OF CREDITWORTHINESS FOR ISSUANCE OF DEFENSE TRAVEL CARD.

Section 2784a of title 10, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

''(d) DETERMINATIONS OF CREDITWORTHINESS FOR ISSUANCE OF DEFENSE TRAVEL CARD.—(1) The Secretary of Defense shall require that the creditworthiness of an individual be evaluated before a Defense travel card is issued to the individual. The evaluation may include an examination of the individual's credit history in available credit records.

''(2) An individual may not be issued a Defense travel card if the individual is found not creditworthy as a result of the evaluation required under paragraph (1).''.

SEC. 1013. DISCIPLINARY ACTIONS AND ASSESSING PENALTIES FOR MISUSE OF DEFENSE TRAVEL CARDS.

(a) REQUIREMENT FOR GUIDANCE.—The Secretary of Defense shall prescribe guidelines and procedures for making determinations regarding the taking of disciplinary action, including assessment of penalties, against Department of Defense personnel for improper, fraudulent, or abusive use of Defense travel cards by such personnel.

(b) ACTIONS COVERED.—The disciplinary actions and penalties covered by the guidance and procedures prescribed under subsection (a) may include the following:

(1) Civil actions for false claims under sections 3729 through 3731 of title 31, United States Code.

(2) Administrative remedies for false claims and statements provided under chapter 38 of title 31, United States Code.

(3) In the case of civilian personnel, adverse personnel actions under chapter 75 of title 5, United States Code, and any other disciplinary actions available under law for employees of the United States.

(4) In the case of members of the Armed Forces, disciplinary actions and penalties under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).

(c) REPORT.—Not later than February 1, 2004, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the guidelines and penalties prescribed under subsection (a). The report shall include the following:

(1) The guidelines and penalties.

(2) A discussion of the implementation of the guidelines and penalties.

(3) A discussion of any additional administrative action, or any recommended legislation, that the Secretary considers necessary to effectively take disciplinary action against and penalize Department of Defense personnel for improper, fraudulent, or abusive use of Defense travel cards by such personnel.

(d) DEFENSE TRAVEL CARD DEFINED.—In this section, the term ''Defense travel card'' has the meaning given such term in section 2784a(d)(1) of title 10, United States Code.

Subtitle C—Reports

SEC. 1021. ELIMINATION AND REVISION OF VARIOUS REPORTING REQUIREMENTS APPLICABLE TO THE DEPARTMENT OF DEFENSE.

(a) PROVISIONS OF TITLE 10.—Title 10, United States Code, is amended as follows:

(1) Section 128 is amended by striking subsection (d).

(2) Section 437 is amended—

(A) by striking subsection (b); and

(B) in subsection (c)—

(i) by striking ''and'' at the end of paragraph (2);

(ii) by striking the period at the end of paragraph (3) and inserting ''; and''; and

(iii) by adding at the end the following new paragraph:

''(4) a description of each corporation, partnership, and other legal entity that was established during such fiscal year.''.

(3)(A) Section 520c is amended—

(i) by striking subsection (b);

(ii) by striking ''(a) PROVISION OF MEALS AND REFRESHMENTS.''; and

(iii) by striking the heading for such section and inserting the following:

''§ 520c. Provision of meals and refreshments for recruiting purposes''.

(B) The item relating to such section in the table of sections at the beginning of chapter 31 of such title is amended to read as follow:

''520c. Provision of meals and refreshments for recruiting purposes.''.

(4) Section 986 is amended by striking subsection (e).

(5) Section 1060 is amended by striking subsection (d).

(6) Section 2212 is amended by striking subsections (d) and (e).

(7) Section 2224 is amended by striking subsection (e).

(8) Section 2255(b) is amended—

(A) by striking paragraph (2);

(B) by striking ''(b) EXCEPTION.—(1)'' and inserting ''(b) EXCEPTION.—'';

(C) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(D) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively.

(9) Section 2323(i) is amended by striking paragraph (3).

(10) Section 2350a is amended by striking subsection (f).

(11) Section 2350b(d) is amended—

(A) by striking paragraphs (1) and (2) and inserting the following new paragraph:

''(1) Not later than 90 days after the end of each fiscal year in which the Secretary of Defense has authority delegated as described in subsection (a), the Secretary shall submit to Congress a report on the administration of such authority under this section. The report for a fiscal year shall include the following information:

''(A) Each prime contract that the Secretary required to be awarded to a particular prime contractor during such fiscal year, and each subcontract that the Secretary required be awarded to a particular subcontractor during such fiscal year, to comply with a cooperative agreement, together with the reasons that the Secretary exercised authority to designate a particular contractor or subcontractor, as the case may be.

''(B) Each exercise of the waiver authority under subsection (c) during such fiscal year, including the particular provision or provisions of law that were waived.''; and

(B) by redesignating paragraph (3) as paragraph (2).

(12) Section 2371(h) is amended by adding at the end the following new paragraph:

''(3) No report is required under this section for fiscal years after fiscal year 2006.''.

(13) Section 2515(d) is amended—

(A) by striking ''ANNUAL REPORT.—'' and inserting ''BIENNIAL REPORT.—''; and

(B) in paragraph (1)—

(i) in the second sentence, by striking ''each year'' and inserting ''each even-numbered year''; and

(ii) in the third sentence, by striking ''during the fiscal year'' and inserting ''during the two fiscal years''.

(14) Section 2541d is amended—

(A) by striking subsection (b); and

(B) by striking ''(a) REPORT BY COMMERCIAL FIRMS TO SECRETARY OF DEFENSE.—''.

(15) Section 2645(d) is amended—

(A) by striking ''to Congress'' and all that follows through ''notification of the loss'' in paragraph (1) and inserting ''to Congress notification of the loss'';

(B) by striking ''loss; and'' and inserting ''loss.''; and

(C) by striking paragraph (2).

(16) Section 2680 is amended by striking subsection (e).

(17) Section 2688(e) is amended to read as follows:

''(e) QUARTERLY REPORT.—(1) Not later than 30 days after the end of each quarter of a fiscal year, the Secretary shall submit to the congressional defense committees a report on the conveyances made under subsection (a) during such fiscal quarter. The report shall include, for each such conveyance, an economic analysis (based upon accepted life-cycle costing procedures approved by the Secretary of Defense) demonstrating that—

''(A) the long-term economic benefit of the conveyance to the United States exceeds the long-term economic cost of the conveyance to the United States; and

''(B) the conveyance will reduce the long-term costs of the United States for utility services provided by the utility system concerned.

''(2) In this section, the term 'congressional defense committees' means the following:

''(A) The Committee on Armed Services and the Committee on Appropriations of the Senate.

''(B) The Committee on Armed Services and the Committee on Appropriations of the House of Representatives.''.

(18) Section 2807(b) is amended by striking ''$500,000'' and inserting ''$1,000,000''.

(19) Section 2827 is amended—

(A) by striking subsection (b); and

(B) by striking ''(a) Subject to subsection (b), the Secretary'' and inserting ''The Secretary''.

(20) Section 2902(g) is amended—

(A) by striking paragraph (2); and

(B) by striking ''(g)(1)'' and inserting ''(g)''.

(21) Section 9514 is amended—

(A) in subsection (c)—

(i) by striking ''to Congress'' and all that follows through ''notification of the loss'' in paragraph (1) and inserting ''to Congress notification of the loss'';

(ii) by striking ''loss; and'' and inserting ''loss.''; and

(iii) by striking paragraph (2); and

(B) by striking subsection (f).

(b) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1992 AND 1993.—Section 734 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1411; 10 U.S.C. 1074 note) is amended by striking subsection (c).

(c) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993.—Section 324 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2367; 10 U.S.C. 2701 note) is amended—

(1) by striking subsection (b); and

(2) in subsection (a), by striking ''(a) SENSE OF CONGRESS.—''.

(d) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995.—Section 721 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2804; 10 U.S.C. 1074 note) is amended by striking subsection (h).

(e) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997.—Section 324(c) of the

National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2480; 10 U.S.C. 2706 note) is amended by inserting ''before 2006'' after ''submitted to Congress''.

(f) STROM THURMOND NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999.—The Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261) is amended—

(1) in section 745(e) (112 Stat. 2078; 10 U.S.C. 1071 note)—

(A) by striking paragraph (2); and

(B) by striking ''TRICARE.—(1) The'' and inserting ''TRICARE.—The'' ; and

(2) effective on January 1, 2004, by striking section 1223 (112 Stat. 2154; 22 U.S.C. 1928 note).

(g) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000.—The National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65) is amended—

(1) by striking section 1025 (113 Stat. 748; 10 U.S.C. 113 note);

(2) in section 1039 (113 Stat. 756; 10 U.S.C. 113 note), by striking subsection (b); and

(3) in section 1201 (113 Stat. 779; 10 U.S.C. 168 note) by striking subsection (d).

(h) DEPARTMENT OF DEFENSE AND EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES ACT, 2002.—Section 8009 of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107–117; 115 Stat. 2249) is amended by striking '', and these obligations shall be reported to the Congress as of September 30 of each year''.

SEC. 1022. GLOBAL STRIKE PLAN.

(a) INTEGRATED PLAN FOR PROMPT GLOBAL STRIKE.—The Secretary of Defense shall prescribe an integrated plan for developing, deploying, and sustaining a prompt global strike capability in the Armed Forces. The Secretary shall update the plan annually.

(b) REPORTS REQUIRED.—(1) Not later than April 1 of each of 2004, 2005, and 2006, the Secretary shall submit to the congressional defense committees a report on the plan prescribed under subsection (a).

(2) Each report required under paragraph (1) shall include the following:

(A) A description and assessment of the targets against which long-range strike assets might be directed and the conditions under which the assets might be used.

(B) The role of, and plans for ensuring, sustainment and modernization of current long-range strike assets, including bombers, intercontinental ballistic missiles, and submarine launched ballistic missiles.

(C) A description of the capabilities desired for advanced long-range strike assets and plans to achieve those capabilities.

(D) A description of the capabilities desired for advanced conventional munitions and the plans to achieve those capabilities.

(E) An assessment of advanced nuclear concepts that could contribute to the prompt global strike mission.

(F) An assessment of the command, control, and communications capabilities necessary to support prompt global strike capabilities.

(G) An assessment of intelligence, surveillance, and reconnaissance capabilities necessary to support prompt global strike capabilities.

(H) A description of how prompt global strike capabilities are to be integrated with theater strike capabilities.

(I) An estimated schedule for achieving the desired prompt global strike capabilities.

(J) The estimated cost of achieving the desired prompt global strike capabilities.

(K) A description of ongoing and future studies necessary for updating the plan appropriately.

SEC. 1023. REPORT ON THE CONDUCT OF OPERATION IRAQI FREEDOM.

(a) REPORT REQUIRED.—(1) The Secretary of Defense shall summit to the congressional defense committees, not later than March 31, 2004, a report on the conduct of military operations under Operation Iraqi Freedom.

(2) The report shall be prepared in consultation with the Chairman of the Joint Chiefs of Staff, the Commander of the United States Central Command, and such other officials as the Secretary considers appropriate.

(b) CONTENT.—(1) The report shall include a discussion of the matters described in paragraph (2), with a particular emphasis on accomplishments and shortcomings and on near-term and long-term corrective actions to address the shortcomings.

(2) The matters to be discussed in the report are as follows:

(A) The military objectives of the international coalition conducting Operation Iraqi Freedom, the military strategy selected to achieve the objectives, and an assessment of the execution of the military strategy.

(B) The deployment process, including the adaptability of the process to unforeseen contingencies and changing requirements.

(C) The reserve component mobilization process, including the timeliness of notification, training, and subsequent demobilization.

(D) The use and performance of major items of United States military equipment, weapon systems, and munitions (including items classified under special access procedures and items drawn from prepositioned stocks) and any expected effects of the experience with the use and performance of those items on the doctrinal and tactical employment of such items and on plans for continuing the acquisition of such items.

(E) Any additional identified requirements for military equipment, weapon systems, and munitions, including mix and quantity for future contingencies.

(F) The effectiveness of joint air operations, including the doctrine for the employment of close air support in the varied environments of Operation Iraqi Freedom, and the effectiveness of attack helicopter operations.

(G) The use of special operations forces, including operational and intelligence uses.

(H) The scope of logistics support, including support from other nations.

(I) The incidents of accidental fratricide, together with a discussion of the effectiveness of the tracking of friendly forces and of the combat identification systems in mitigating friendly fire incidents.

(J) The adequacy of spectrum and bandwidth to transmit all necessary information to operational forces and assets, including unmanned aerial vehicles, ground vehicles, and individual soldiers.

(K) The effectiveness of information operations, including the effectiveness of Commando Solo and other psychological operations assets, in achieving established objectives, together with a description of technological and other restrictions on the use of psychological operations capabilities.

(L) The effectiveness of the reserve component forces used in Operation Iraqi Freedom.

(M) The adequacy of intelligence support to the warfighter before, during, and after combat operations, including the adequacy of such support to facilitate searches for weapons of mass destruction.

(N) The rapid insertion and integration, if any, of developmental but mission-essential equipment during all phases of the operation.

(O) The most critical lessons learned that could lead to long-term doctrinal, organizational, and technological changes, and the probable effects that an implementation of those changes would have on current visions, goals, and plans for transformation of the Armed Forces.

(c) FORMS OF REPORT.—The report shall be submitted in unclassified form, but may also be submitted in classified form if necessary.

SEC. 1024. REPORT ON MOBILIZATION OF THE RESERVES.

(a) REQUIREMENT FOR REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the mobilization of reserve component forces during fiscal years 2002 and 2003.

(b) CONTENT.—The report under subsection (a) shall include, for the period covered by the report, the following information:

(1) The number of Reserves who were called or ordered to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

(2) The number of such Reserves who were called or ordered to active duty for one year or more, including any extensions on active duty.

(3) The military specialties of the Reserves counted under paragraph (2).

(4) The number of Reserves who were called or ordered to active duty more than once under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

(5) The military specialties of the Reserves counted under paragraph (4).

(6) The known effects on the reserve components, including the effects on recruitment and retention of personnel for the reserve components, that have resulted from—

(A) the calls and orders of Reserves to active duty; and

(B) the tempo of the service of the Reserves on the active duty to which called or ordered.

(7) The changes in the Armed Forces, including any changes in the allocation of roles and missions between the active components and the reserve components of the Armed Forces, that are envisioned by the Secretary of Defense on the basis of—

(A) the effects discussed under paragraph (6); or

(B) the experienced need for calling and ordering Reserves to active duty during the period.

(8) An assessment of how necessary it would be to call or order Reserves to active duty in the event of a war or contingency operation (as defined in section 101(a)(13) of title 10, United States Code) if such changes were implemented.

(9) On the basis of the experience of calling and ordering Reserves to active duty during the period, an assessment of the process for calling and ordering Reserves to active duty, preparing such Reserves for the active duty, processing the Reserves into the force upon entry onto active duty, and deploying the Reserves, including an assessment of the adequacy of the alert and notification process from the perspectives of the individual Reserves, reserve component units, and employers of Reserves.

Subtitle D—Other Matters

SEC. 1031. BLUE FORCES TRACKING INITIATIVE.

(a) FINDINGS.—Congress makes the following findings:

(1) For military commanders, a principal purpose of technology is to enable the commanders to ascertain the location of the units in their commands in near real time.

(2) Each of the Armed Forces is developing and testing a variety of technologies for tracking friendly forces (known as ''blue forces'').

(3) Situational awareness of blue forces has been much improved since the 1991 Persian Gulf War, but blue forces tracking remains a complex problem characterized by information that is incomplete, not fully accurate, or untimely.

(4) Casualties in recent warfare have declined, but casualties associated with friendly fire incidents have remained relatively constant.

(5) Despite significant investment, a coordinated, interoperable plan for tracking blue forces throughout a United States or coalition forces theater of operations has not been developed.

(b) GOAL.—It shall be a goal of the Department of Defense to fully coordinate the various efforts of the Joint Staff, the commanders of the combatant commands, and the military departments to develop an effective blue forces tracking system.

(c) JOINT BLUE FORCES TRACKING EXPERIMENT.—(1) The Secretary of Defense, through the Commander of the United States Joint Forces Command, shall carry out a joint experiment in fiscal year 2004 to demonstrate and evaluate available joint blue forces tracking technologies.

(2) The objectives of the experiment are as follows:

(A) To explore various options for tracking United States and other friendly forces during combat operations.

(B) To determine an optimal, achievable, and ungradable solution for the development, acquisition, and fielding of a system for tracking all United States military forces that is coordinated and interoperable and also accommodates the participation of military forces of allied nations with United States forces in combat operations.

(d) REPORT.—Not later than 60 days after the conclusion of the experiment under subsection (c), but not later than December 1, 2004, the Secretary shall submit to the congressional defense committees a report on the results of the experiment, together with a comprehensive plan for the development, acquisition, and fielding of a functional, near real time blue forces tracking system.

SEC. 1032. LOAN, DONATION, OR EXCHANGE OF OBSOLETE OR SURPLUS PROPERTY.

During fiscal years 2004 and 2005, the Secretary of the military department concerned may exchange for an historical artifact any obsolete or surplus property held by such military department in accordance with section 2572 of title 10, United States Code, without regard to whether the property is described in subsection (c) of such section.

SEC. 1033. ACCEPTANCE OF GIFTS AND DONATIONS FOR ASIA-PACIFIC CENTER FOR SECURITY STUDIES.

(a) AUTHORIZED SOURCES OF GIFTS AND DONATIONS.—Subsection (a) of section 2611 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ''foreign gifts and donations'' and inserting ''gifts and donations from sources described in paragraph (2)'';

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph (2):

''(2) The sources from which gifts and donations may be accepted under paragraph (1) are as follows:

''(A) A department or agency of the Federal Government.

''(B) The government of a State or of a political subdivision of a State.

''(C) The government of a foreign country.

''(D) A foundation or other charitable organization, including a foundation or charitable organization that is organized or operates under the laws of a foreign country.

''(E) Any source in the private sector of the United States or a foreign country.''.

(b) CONFORMING AMENDMENTS.—(1) The headings for subsections (a) and (f) of such section are amended by striking ''FOREIGN''.

(2) Subsection (c) is amended by striking ''foreign''.

(3) Subsection (f) is amended—

(A) by striking ''foreign''; and

(B) by striking ''faculty services)'' and all that follows and inserting ''faculty services).''.

(4)(A) The heading of such section is amended to read as follows:

''§ 2611. Asia-Pacific Center for Security Studies: acceptance of gifts and donations''.

(B) The item relating to such section in the table of sections at the beginning of chapter 155 is amended to read as follows:

''2611. Asia-Pacific Center for Security Studies: acceptance of gifts and donations.''.

SEC. 1034. PROVISION OF LIVING QUARTERS FOR CERTAIN STUDENTS WORKING AT NATIONAL SECURITY AGENCY LABORATORY.

Section 2195 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) The Director of the National Security Agency may provide living quarters to a student in the Student Educational Employment Program or similar program (as prescribed by the Office of Personnel Management) while the student is employed at the laboratory of the Agency.

''(2) Notwithstanding section 5911(c) of title 5, living quarters may be provided under paragraph (1) without charge, or at rates or charges specified in regulations prescribed by the Director.''.

SEC. 1035. PROTECTION OF OPERATIONAL FILES OF THE NATIONAL SECURITY AGENCY.

(a) IN GENERAL.—Subchapter II of chapter 8 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 204. Operational files of the National Security Agency: authority to withhold from public disclosure

''(a) AUTHORITY.—The Secretary of Defense may withhold from public disclosure operational files of the National Security Agency to the same extent that operational files may be withheld under section 701 of the National Security Act of 1947 (50 U.S.C. 431).

''(b) OPERATIONAL FILES DEFINED.—In this section, the term 'operational files' means files of the National Security Agency that document the means by which foreign intelligence or counterintelligence is collected through technical systems. Files that contain disseminated intelligence are not operational files.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''204. Operational files of the National Security Agency: authority to withhold from public disclosure.''.

SEC. 1036. TRANSFER OF ADMINISTRATION OF NATIONAL SECURITY EDUCATION PROGRAM TO DIRECTOR OF CENTRAL INTELLIGENCE.

(a) IN GENERAL.—Section 802 of the David L. Boren National Security Education Act of 1991 (title VIII of Public Law 102–183; 50 U.S.C. 1902) is amended—

(1) in subsection (a), by striking ''Secretary of Defense'' and inserting ''Director of Central Intelligence''; and

(2) by striking ''Secretary'' each place it appears (other than in subsection (h)) and inserting ''Director''.

(b) AWARDS TO ATTEND FOREIGN LANGUAGE CENTER.—Section 802(h) of such Act (50 U.S.C. 1902(h)) is amended by inserting ''of Defense'' after ''Secretary'' each place it appears.

(c) NATIONAL SECURITY EDUCATION BOARD.—(1) Section 803 of such Act (50 U.S.C. 1903) is amended—

(A) in subsection (a), by striking ''Secretary of Defense'' and inserting ''Director'';

(B) in subsection (b)—

(i) in paragraph (1), by striking ''Secretary of Defense'' and inserting ''Director'';

(ii) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively; and

(iii) by inserting after paragraph (1), as so amended, the following new paragraph (2):

''(2) The Secretary of Defense.'';

(C) in subsection (c), by striking ''subsection (b)(6)'' and inserting ''subsection (b)(8)''; and

(D) in subsection (d), by striking ''Secretary'' each place it appears and inserting ''Director''.

(2) Section 806(d) of such Act (50 U.S.C. 1906(d)) is amended by striking ''paragraphs (1) through (7)'' and inserting ''paragraphs (2) through (8)''.

(d) ADMINISTRATIVE PROVISIONS.—Section 805 of such Act (50 U.S.C. 1905) is amended by striking ''Secretary'' each place it appears and inserting ''Director''.

(e) ANNUAL REPORT.—Section 806 of such Act (50 U.S.C. 1906) is amended by striking ''Secretary'' each place it appears and inserting ''Director''.

(f) AUDITS.—Section 807 of such Act (50 U.S.C. 1907) is amended by striking ''Department of Defense'' and inserting ''Central Intelligence Agency''.

(g) DEFINITION.—Section 808 of such Act (50 U.S.C. 1908) is amended—

(1) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively; and

(2) by inserting before paragraph (2) the following new paragraph (1):

''(1) The term 'Director' means the Director of Central Intelligence.''.

(h) MATTERS RELATING TO NATIONAL FLAGSHIP LANGUAGE INITIATIVE.—(1) Effective as if included therein as enacted by section 333(a) of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2396), section 802(i)(1) of the David L. Boren National Security Education Act of 1991 is amended by striking ''Secretary'' and inserting ''Director''.

(2) Effective as if included therein as enacted by section 333(b) of the Intelligence Authorization Act for Fiscal Year 2003 (116 Stat. 2397), section 811(a) of the David L. Boren National Security Education Act of 1991 is amended by striking ''Secretary'' each place it appears and inserting ''Director''.

(i) EFFECT OF TRANSFER OF ADMINISTRATION ON SERVICE AGREEMENTS.—(1) The transfer to the Director of Central Intelligence of the administration of the National Security Education Program as a result of the amendments made by this section shall not affect the force, validity, or terms of any service agreement entered into under section 802(b) of the David L. Boren National Security Education Act of 1991 (title VIII of Public Law 102–183; 50 U.S.C. 1902(b)) before the date of the enactment of this Act that is in force as of that date, except that the Director shall administer such service agreement in lieu of the Secretary of Defense.

(2) Notwithstanding any other provision of law, the Director of Central Intelligence may, for purposes of the implementation of any service agreement referred to in paragraph (1), adopt regulations for the implementation of such service agreement that

were prescribed by the Secretary of Defense under the David L. Boren National Security Education Act of 1991 before the date of the enactment of this Act.

(j) REPEAL OF SATISFIED REQUIREMENTS.—Section 802(g) of the David L. Boren National Security Education Act of 1991 (title VIII of Public Law 102–183; 50 U.S.C. 1902(g)) is amended—

(1) in paragraph (1)—

(A) by striking ''(1)''; and

(B) by striking the second sentence; and

(2) by striking paragraph (2).

(k) TECHNICAL AMENDMENT.—Paragraph (5)(A) of section 808 of such Act, as redesignated by subsection (g)(1) of this section, is further amended by striking ''a agency'' and inserting ''an agency''.

SEC. 1037. REPORT ON USE OF UNMANNED AERIAL VEHICLES FOR SUPPORT OF HOMELAND SECURITY MISSIONS.

(a) REQUIREMENT FOR REPORT.—Not later than April 1, 2004, the President shall submit to Congress a report on the potential uses of unmanned aerial vehicles for support of the performance of homeland security missions.

(b) CONTENT.—The report shall, at a minimum, include the following matters:

(1) An assessment of the potential for using unmanned aerial vehicles for monitoring activities in remote areas along the northern and southern borders of the United States.

(2) An assessment of the potential for using long-endurance, land-based unmanned aerial vehicles for supporting the Coast Guard in the performance of its homeland security missions, drug interdiction missions, and other maritime missions along the approximately 95,000 miles of inland waterways in the United States.

(3) An assessment of the potential for using unmanned aerial vehicles for monitoring the safety and integrity of critical infrastructure within the territory of the United States, including the following:

(A) Oil and gas pipelines.

(B) Dams.

(C) Hydroelectric power plants.

(D) Nuclear power plants.

(E) Drinking water utilities.

(F) Long-distance power transmission lines.

(4) An assessment of the potential for using unmanned aerial vehicles for monitoring the transportation of hazardous cargo.

(5) A discussion of the safety issues involved in—

(A) the use of unmanned aerial vehicles by agencies other than the Department of Defense; and

(B) the operation of unmanned aerial vehicles over populated areas of the United States.

(6) A discussion of—

(A) the effects on privacy and civil liberties that could result from the monitoring uses of unmanned aerial vehicles operated over the territory of the United States; and

(B) any restrictions on the domestic use of unmanned aerial vehicles that should be imposed, or any other actions that should be taken, to prevent any adverse effect of such a use of unmanned aerial vehicles on privacy or civil liberties.

(7) A discussion of what, if any, legislation and organizational changes may be necessary to accommodate the use of unmanned aerial vehicles of the Department of Defense in support of the performance of homeland security missions, including any amendment of section 1385 of title 18, United States Code (popularly referred to as the ''Posse Comitatus Act'').

(8) An evaluation of the capabilities of manufacturers of unmanned aerial vehicles to produce such vehicles at higher rates if necessary to meet any increased requirements for homeland security and homeland defense missions.

(c) REFERRAL TO COMMITTEES.—The report under subsection (a) shall be referred—

(1) upon receipt in the Senate, to the Committee on Armed Services of the Senate; and

(2) upon receipt in the House of Representatives, to the Committee on Armed Services of the House of Representatives.

SEC. 1038. CONVEYANCE OF SURPLUS T–37 AIRCRAFT TO AIR FORCE AVIATION HERITAGE FOUNDATION, INCORPORATED.

(a) AUTHORITY.—The Secretary of the Air Force may convey, without consideration, to the Air Force Aviation Heritage Foundation, Incorporated, of Georgia (in this section referred to as the ''Foundation''), all right, title, and interest of the United States in and to one surplus T–37 ''Tweet'' aircraft. The conveyance shall be made by means of a conditional deed of gift.

(b) CONDITION OF AIRCRAFT.—The Secretary may not convey ownership of the aircraft under subsection (a) until the Secretary determines that the Foundation has altered the aircraft in such manner as the Secretary determines necessary to ensure that the aircraft does not have any capability for use as a platform for launching or releasing munitions or any other combat capability that it was designed to have. The Secretary is not required to repair or alter the condition of the aircraft before conveying ownership of the aircraft.

(c) CONDITIONS FOR CONVEYANCE.—(1) The conveyance of a T–37 aircraft under this section shall be subject to the following conditions:

(A) That the Foundation not convey any ownership interest in, or transfer possession of, the aircraft to any other party without the prior approval of the Secretary of the Air Force.

(B) That the operation and maintenance of the aircraft comply with all applicable limitations and maintenance requirements imposed by the Administrator of the Federal Aviation Administration.

(C) That if the Secretary of the Air Force determines at any time that the Foundation has conveyed an ownership interest in, or transferred possession of, the aircraft to any other party without the prior approval of the Secretary, or has failed to comply with the condition set forth in subparagraph (B), all right, title, and interest in and to the aircraft, including any repair or alteration of the aircraft, shall revert to the United States, and the United States shall have the right of immediate possession of the aircraft.

(2) The Secretary shall include the conditions under paragraph (1) in the instrument of conveyance of the T–37 aircraft.

(d) CONVEYANCE AT NO COST TO THE UNITED STATES.—Any conveyance of a T–37 aircraft under this section shall be made at no cost to the United States. Any costs associated with such conveyance, costs of determining compliance by the Foundation with the conditions in subsection (b), and costs of operation and maintenance of the aircraft conveyed shall be borne by the Foundation.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Air Force may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

(f) CLARIFICATION OF LIABILITY.—Notwithstanding any other provision of law, upon the conveyance of ownership of a T–37 aircraft to the Foundation under subsection (a), the United States shall not be liable for any death, injury, loss, or damage that results from any use of that aircraft by any person other than the United States.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL POLICY

SEC. 1101. AUTHORITY TO EMPLOY CIVILIAN FACULTY MEMBERS AT THE WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.

Section 1595(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(6) The Western Hemisphere Institute for Security Cooperation.''.

SEC. 1102. PAY AUTHORITY FOR CRITICAL POSITIONS.

(a) AUTHORITY.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1599e. Pay authority for critical positions

''(a) AUTHORITY GENERALLY.—(1) When the Secretary of Defense seeks a grant of authority under section 5377 of title 5 for critical pay for one or more positions within the Department of Defense, the Director of the Office of Management and Budget may fix the rate of basic pay, notwithstanding sections 5377(d)(2) and 5307 of such title, at any rate up to the salary set in accordance with section 104 of title 3.

''(2) Notwithstanding section 5307 of title 5, no allowance, differential, bonus, award, or similar cash payment may be paid to any employee receiving critical pay at a rate fixed under paragraph (1), in any calendar year if, or to the extent that, the employee's total annual compensation will exceed the maximum amount of total annual compensation payable at the salary set in accordance with section 104 of title 3.

''(b) TEMPORARY STREAMLINED CRITICAL PAY AUTHORITY.—(1) The Secretary of Defense may establish, fix the compensation of, and appoint persons to positions designated as critical administrative, technical, or professional positions needed to carry out the functions of the Department of Defense, subject to paragraph (2).

''(2) The authority under paragraph (1) may be exercised with respect to a position only if—

''(A) the position—

''(i) requires expertise of an extremely high level in an administrative, technical, or professional field; and

''(ii) is critical to the successful accomplishment of an important mission by the Department of Defense;

''(B) the exercise of the authority is necessary to recruit or retain a person exceptionally well qualified for the position;

''(C) the number of all positions covered by the exercise of the authority does not exceed 40 at any one time;

''(D) in the case of a position designated as a critical administrative, technical, or professional position by an official other than the Secretary of Defense, the designation is approved by the Secretary;

''(E) the term of appointment to the position is limited to not more than four years;

''(F) the appointee to the position was not a Department of Defense employee before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2004;

''(G) the total annual compensation for the appointee to the position does not exceed the highest total annual compensation payable at the rate determined under section 104 of title 3; and

''(H) the position is excluded from collective bargaining units.

''(3) The authority under this subsection may be exercised without regard to—

''(A) subsection (a);

''(B) the provisions of title 5 governing appointments in the competitive service or the Senior Executive Service; and

''(C) chapters 51 and 53 of title 5, relating to classification and pay rates.

''(4) The authority under this subsection may not be exercised after the date that is 10 years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2004.

''(5) For so long as a person continues to serve without a break in service in a position to which appointed under this subsection, the expiration of authority under this subsection does not terminate the position, terminate the person's appointment in the position before the end of the term for which appointed under this subsection, or affect the compensation fixed for the person's service in the position under this subsection during such term of appointment.

''(6) Subchapter II of chapter 75 of title 5 does not apply to an employee during a term of service in a critical administrative, technical, or professional position to which the employee is appointed under this subsection.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1599e. Pay authority for critical positions.''.

SEC. 1103. EXTENSION, EXPANSION, AND REVISION OF AUTHORITY FOR EXPERIMENTAL PERSONNEL PROGRAM FOR SCIENTIFIC AND TECHNICAL PERSONNEL.

(a) EXTENSION OF PROGRAM.—Subsection (e)(1) of section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2139; 5 U.S.C. 3104 note) is amended by striking ''October 16, 2005'' and inserting ''September 30, 2008''.

(b) INCREASED LIMITATION ON NUMBER OF APPOINTMENTS.—Subsection (b)(1)(A) of such section is amended by striking ''40'' and inserting ''50''.

(c) COMMENSURATE EXTENSION OF REQUIREMENT FOR ANNUAL REPORT.—Subsection (g) of such section is amended by striking ''2006'' and inserting ''2009''.

SEC. 1104. TRANSFER OF PERSONNEL INVESTIGATIVE FUNCTIONS AND RELATED PERSONNEL OF THE DEPARTMENT OF DEFENSE.

(a) TRANSFER OF FUNCTIONS.—(1) With the consent of the Director of the Office of Personnel Management, the Secretary of Defense may transfer to the Office of Personnel Management the personnel security investigations functions that, as of the date of the enactment of this Act, are performed by the Defense Security Service of the Department of Defense.

(2) The Director of the Office of Personnel Management may accept a transfer of functions under paragraph (1).

(3) Any transfer of a function under this subsection is a transfer of function within the meaning of section 3503 of title 5, United States Code.

(b) TRANSFER OF PERSONNEL.—(1) If the Director of the Office of Personnel Management accepts a transfer of functions under subsection (a), the Secretary of Defense shall also transfer to the Office of Personnel Management, and the Director shall accept—

(A) the Defense Security Service employees who perform those functions immediately before the transfer of functions; and

(B) the Defense Security Service employees who, as of such time, are first level supervisors of employees transferred under subparagraph (A).

(2) The Secretary may also transfer to the Office of Personnel Management any Defense Security Service employees (including higher level supervisors) who provide support services for the performance of the functions transferred under subsection (a) or for the personnel (including supervisors) transferred under paragraph (1) if the Director—

(A) determines that the transfer of such additional employees and the positions of such employees to the Office of Personnel Management is necessary in the interest of effective performance of the transferred functions; and

(B) accepts the transfer of the additional employees.

(3) In the case of an employee transferred to the Office of Personnel Management under paragraph (1) or (2), whether a full-time or part-time employee—

(A) subsections (b) and (c) of section 5362 of title 5, United States Code, relating to grade retention, shall apply to the employee, except that—

(i) the grade retention period shall be the one-year period beginning on the date of the transfer; and

(ii) paragraphs (1), (2), and (3) of such subsection (c) shall not apply to the employee; and

(B) the employee may not be separated, other than pursuant to chapter 75 of title 5, United States Code, during such one-year period.

(c) ACTIONS AFTER TRANSFER.—(1) Not later than one year after a transfer of functions to the Office of Personnel Management under subsection (a), the Secretary of Defense shall review all functions performed by personnel of the Defense Security Service at the time of the transfer and make a written determination regarding whether each such function is inherently governmental or is otherwise inappropriate for performance by contractor personnel.

(2) A function performed by Defense Security Service employees as of the date of the enactment of this Act may not be converted to contractor performance by the Director of the Office of Personnel Management until—

(A) the Secretary of Defense reviews the function in accordance with the requirements of paragraph (1) and makes a written determination that the function is not inherently governmental and is not otherwise inappropriate for contractor performance; and

(B) the Director conducts a public-private competition regarding the performance of that function in accordance with the requirements of the Office of Management and Budget Circular A–76.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

SEC. 1201. AUTHORITY TO USE FUNDS FOR PAYMENT OF COSTS OF ATTENDANCE OF FOREIGN VISITORS UNDER REGIONAL DEFENSE COUNTERTERRORISM FELLOWSHIP PROGRAM.

(a) AUTHORITY TO USE FUNDS.—(1) Subchapter I of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2249c. Authority to use appropriated funds for costs of attendance of foreign visitors under Regional Defense Counterterrorism Fellowship Program

''(a) AUTHORITY TO USE FUNDS.—Under regulations prescribed by the Secretary of Defense, funds appropriated to the Department of Defense may be used to pay any costs associated with the attendance of foreign military officers, ministry of defense officials, or security officials at United States military educational institutions, regional centers, conferences, seminars, or other training programs conducted under the Regional Defense Counterterrorism Fellowship Program, including costs of transportation and travel and subsistence costs.

''(b) LIMITATION.—The total amount of funds used under the authority in subsection (a) in any fiscal year may not exceed $20,000,000.

''(c) ANNUAL REPORT.—Not later than December 1 of each year, the Secretary of Defense shall submit to Congress a report on the administration of this section during the fiscal year ended in such year. The report shall include the following matters:

''(1) A complete accounting of the expenditure of appropriated funds for purposes authorized under subsection (a), including—

''(A) the countries of the foreign officers and officials for whom costs were paid; and

''(B) for each such country, the total amount of the costs paid.

''(2) The training courses attended by the foreign officers and officials, including a specification of which, if any, courses were conducted in foreign countries.

''(3) An assessment of the effectiveness of the Regional Defense Counterterrorism Fellowship Program in increasing the cooperation of the governments of foreign countries with the United States in the global war on terrorism.

''(4) A discussion of any actions being taken to improve the program.''.

(2) The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''2249c. Authority to use appropriated funds for costs of attendance of foreign visitors under Regional Defense Counterterrorism Fellowship Program.''.

(b) NOTIFICATION OF CONGRESS.—Not later than December 1, 2003, the Secretary of Defense shall—

(1) promulgate the final regulations for carrying out section 2249c of title 10, United States Code, as added by subsection (a); and

(2) notify the congressional defense committees of the promulgation of such regulations.

SEC. 1202. AVAILABILITY OF FUNDS TO RECOGNIZE SUPERIOR NONCOMBAT ACHIEVEMENTS OR PERFORMANCE OF MEMBERS OF FRIENDLY FOREIGN FORCES AND OTHER FOREIGN NATIONALS.

(a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by inserting the following new section:

''§ 1051a. Bilateral or regional cooperation programs: availability of funds to recognize superior noncombat achievements or performance

''(a) IN GENERAL.—The Secretary of Defense may expend amounts available to the Department of Defense or the military departments for operation and maintenance for the purpose of recognizing superior noncombat achievements or performance of members of friendly foreign forces, or other foreign nationals, that significantly enhance or support the national security strategy of the United States.

''(b) COVERED ACHIEVEMENTS OR PERFORMANCE.—The achievements or performance that may be recognized under subsection (a) include achievements or performance that—

''(1) play a crucial role in shaping the international security environment in a manner that protects and promotes the interests of the United States;

''(2) support or enhance the United States presence overseas or support or enhance United States peacetime engagement activities such as defense cooperation initiatives, security assistance training and programs, or training and exercises with the armed forces of the United States;

''(3) help deter aggression and coercion, build coalitions, or promote regional stability; or

''(4) serve as models for appropriate conduct for military forces in emerging democracies.

''(c) LIMITATION ON VALUE OF MEMENTOS.—The value of any memento procured or produced under subsection (a) may not exceed

the minimal value in effect under section 7342(a)(5) of title 5.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1051 the following new item:

''1051a. Bilateral or regional cooperation programs: availability of funds to recognize superior noncombat achievements or performance.''.

SEC. 1203. CHECK CASHING AND EXCHANGE TRANSACTIONS FOR FOREIGN PERSONNEL IN ALLIANCE OR COALITION FORCES.

Section 3342(b) of title 31, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(8) a member of the armed forces of a foreign nation who is participating in a combined operation, combined exercise, or combined humanitarian or peacekeeping mission that is carried out with armed forces of the United States pursuant to an alliance or coalition of the foreign nation with the United States if—

''(A) the senior commander of the armed forces of the United States participating in the operation, exercise, or mission has authorized the action under paragraph (1) or (2) of subsection (a);

''(B) the government of the foreign nation has guaranteed payment for any deficiency resulting from such action; and

''(C) in the case of an action on a negotiable instrument, the negotiable instrument is drawn on a financial institution located in the United States or on a foreign branch of such an institution.''.

SEC. 1204. CLARIFICATION AND EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE FOR INTERNATIONAL NONPROLIFERATION ACTIVITIES.

(a) LIMITATION ON AMOUNT OF ASSISTANCE IN FISCAL YEAR 2004.—The total amount of the assistance for fiscal year 2004 that is provided by the Secretary of Defense under section 1505 of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a), including funds used for activities of the Department of Defense in support of the United Nations Monitoring, Verification and Inspection Commission, shall not exceed $15,000,000.

(b) EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE.—Subsection (f) of section 1505 of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a) is amended by striking ''fiscal year 2003'' and inserting ''fiscal year 2004''.

(c) REFERENCES TO UNITED NATIONS SPECIAL COMMISSION ON IRAQ.—Section 1505 of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a) is further amended—

(1) in subsection (b)(2), by striking ''United Nations Special Commission on Iraq (or any successor organization)'' and inserting ''United Nations Monitoring, Verification and Inspection Commission''; and

(2) in subsection (d)(4)(A), by striking ''United Nations Special Commission on Iraq (or any successor organization)'' and inserting ''United Nations Monitoring, Verification and Inspection Commission''.

SEC. 1205. REIMBURSABLE COSTS RELATING TO NATIONAL SECURITY CONTROLS ON SATELLITE EXPORT LICENSING.

(a) DIRECT COSTS OF MONITORING FOREIGN LAUNCHES OF SATELLITES.—Section 1514(a)(1)(A) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 22 U.S.C. 2778 note) is amended by striking ''The costs of such monitoring services'' in the second sentence and inserting the following: ''The Department of Defense costs that are directly related to monitoring the launch, including transportation and per diem costs,''.

(b) GAO STUDY.—(1) The Comptroller General shall conduct a study of the Department of Defense costs of monitoring launches of satellites in a foreign country under section 1514 of Public Law 105–261.

(2) Not later than April 1, 2004, the Comptroller General shall submit a report on the study to the Committees on Armed Services of the Senate and the House of Representatives. The report shall include the following:

(A) An assessment of the Department of Defense costs of monitoring the satellite launches described in paragraph (1).

(B) A review of the costs reimbursed to the Department of Defense by each person or entity receiving the satellite launch monitoring services, including the extent to which indirect costs have been included.

SEC. 1206. ANNUAL REPORT ON THE NATO PRAGUE CAPABILITIES COMMITMENT AND THE NATO RESPONSE FORCE.

(a) FINDINGS.—Congress makes the following findings:

(1) At the meeting of the North Atlantic Council held in Prague in November 2002, the heads of states and governments of the North Atlantic Treaty Organization (NATO) launched a Prague Capabilities Commitment and decided to create a NATO Response Force.

(2) The Prague Capabilities Commitment is part of the continuing NATO effort to improve and develop new military capabilities for modern warfare in a high-threat environment. As part of this commitment, individual NATO allies have made firm and specific political commitments to improve their capabilities in the areas of—

(A) chemical, biological, radiological, and nuclear defense;

(B) intelligence, surveillance, and target acquisition;

(C) air-to-ground surveillance;

(D) command, control, and communications;

(E) combat effectiveness, including precision guided munitions and suppression of enemy air defenses;

(F) strategic air and sea lift;

(G) air-to-air refueling; and

(H) deployable combat support and combat service support units.

(3) The NATO Response Force is envisioned to be a technologically advanced, flexible, deployable, interoperable, and sustainable force that includes land, sea, and air elements ready to move quickly to wherever needed, as determined by the North Atlantic Council. The NATO Response Force is also intended to be a catalyst for focusing and promoting improvements in NATO's military capabilities. It is expected to have initial operational capability by October 2004, and full operational capability by October 2006.

(b) ANNUAL REPORT.—(1) Not later than January 31 of each year, the Secretary of Defense shall submit to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and International Relations of the House of Representatives a report, to be prepared in consultation with the Secretary of State, on implementation of the Prague Capabilities Commitment and development of the NATO Response Force by the member nations of NATO. The report shall include the following matters:

(A) A description of the actions taken by NATO as a whole and by each member nation of NATO other than the United States to further the Prague Capabilities Commitment, including any actions taken to improve capability shortfalls in the areas identified for improvement.

(B) A description of the actions taken by NATO as a whole and by each member nation of NATO, including the United States, to create the NATO Response Force.

(C) A discussion of the relationship between NATO's efforts to improve capabilities through the Prague Capabilities Commitment and those of the European Union to enhance European capabilities through the European Capabilities Action Plan, including the extent to which they are mutually reinforcing.

(2) The report shall be submitted in unclassified form, but may also be submitted in classified form if necessary.

SEC. 1207. EXPANSION AND EXTENSION OF AUTHORITY TO PROVIDE ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES.

(a) GENERAL EXTENSION OF AUTHORITY.—Section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881), as amended by section 1021 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–255), is further amended—

(1) in subsection (a)—

(A) by inserting after ''subsection (f),'' the following: ''during fiscal years 1998 through 2006 in the case of the foreign governments named in paragraphs (1) and (2) of subsection (b), and fiscal years 2004 through 2006 in the case of the foreign governments named in paragraphs (3) through (9) of subsection (b),''; and

(B) by striking ''either or both'' and inserting ''any''; and

(2) in subsection (b)—

(A) in paragraph (1), by striking '', for fiscal years 1998 through 2002''; and

(B) in paragraph (2), by striking '', for fiscal years 1998 through 2006''.

(b) ADDITIONAL GOVERNMENTS ELIGIBLE TO RECEIVE SUPPORT.—Subsection (b) of such section 1033 is further amended by adding at the end the following new paragraphs:

''(3) The Government of Afghanistan.

''(4) The Government of Bolivia.

''(5) The Government of Ecuador.

''(6) The Government of Pakistan.

''(7) The Government of Tajikistan.

''(8) The Government of Turkmenistan.

''(9) The Government of Uzbekistan.''.

(c) TYPES OF SUPPORT.—Subsection (c) of such section 1033 is amended—

(1) in paragraph (2), by striking ''riverine''; and

(2) in paragraph (3), by inserting ''or upgrade'' after ''maintenance and repair''.

(d) MAXIMUM ANNUAL AMOUNT OF SUPPORT.—Subsection (e)(2) of such section 1033, as amended by such section 1021, is further amended by striking ''$20,000,000 during any of the fiscal years 1999 through 2006'' and inserting ''$20,000,000 during any of fiscal years 1999 through 2003, or $40,000,000 during any of fiscal years 2004 through 2006''.

(e) COUNTER-DRUG PLAN.—(1) Subsection (h) of such section 1033 is amended—

(A) in the subsection caption, by striking ''RIVERINE'';

(B) in the matter preceding paragraph (1)—

(i) by inserting ''in the case of the governments named in paragraphs (1) and (2) of subsection (b) and for fiscal year 2004 in the case of the governments named in paragraphs (3) through (9) of subsection (b)''; and

(ii) by striking ''riverine''; and

(C) by striking ''riverine'' each place it appears in paragraphs (2), (7), (8), and (9).

(2) Subsection (f)(2)(A) of such section 1033 is amended by striking ''riverine''.

(f) CLERICAL AMENDMENT.—The heading for such section 1033 is amended by striking ''**PERU AND COLOMBIA**'' and inserting ''**OTHER COUNTRIES**''.

SEC. 1208. USE OF FUNDS FOR UNIFIED COUNTERDRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

(a) AUTHORITY.—(1) In fiscal years 2004 and 2005, the Secretary of Defense may use funds available for assistance to the Government of Colombia to support a unified campaign against narcotics trafficking and against activities by organizations designated as terrorist organizations such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC).

(2) The authority to provide assistance for a campaign under this subsection includes authority to take actions to protect human health and welfare in emergency circumstances, including the undertaking of rescue operations.

(b) APPLICABILITY OF CERTAIN LAWS AND LIMITATIONS.—The use of funds pursuant to the authority in subsection (a) shall be subject to the following:

(1) Sections 556, 567, and 568 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002 (Public Law 107–115; 115 Stat. 2160, 2165, and 2166).

(2) Section 8093 of the Department of Defense Appropriations Act, 2002 (division A of Public Law 107–117; 115 Stat. 2267).

(3) The numerical limitations on the number of United States military personnel and United States individual civilian contractors in section 3204(b)(1) of the Emergency Supplemental Act, 2000 (division B of Public Law 106–246; 114 Stat. 575).

(c) LIMITATION ON PARTICIPATION OF UNITED STATES PERSONNEL.—No United States Armed Forces personnel or United States civilian contractor personnel employed by the United States may participate in any combat operation in connection with assistance using funds pursuant to the authority in subsection (a), except for the purpose of acting in self defense or of rescuing any United States citizen (including any United States Armed Forces personnel, United States civilian employee, or civilian contractor employed by the United States).

(d) CONSTRUCTION WITH OTHER AUTHORITY.—The authority in subsection (a) to use funds to provide assistance to the Government of Colombia is in addition to any other authority in law to provide assistance to the Government of Colombia.

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF CTR PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note).

(b) FISCAL YEAR 2004 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term ''fiscal year 2004 Cooperative Threat Reduction funds'' means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $450,800,000 authorized to be appropriated to the Department of Defense for fiscal year 2004 in section 301(22) for Cooperative Threat Reduction programs, not more than the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $57,600,000.

(2) For strategic nuclear arms elimination in Ukraine, $3,900,000.

(3) For nuclear weapons transportation security in Russia, $23,200,000.

(4) For weapons storage security in Russia, $48,000,000.

(5) For weapons of mass destruction proliferation prevention activities in the states of the former Soviet Union, $39,400,000.

(6) For chemical weapons destruction in Russia, $200,300,000.

(7) For biological weapons proliferation prevention activities in the former Soviet Union, $54,200,000.

(8) For defense and military contacts, $11,000,000.

(9) For activities designated as Other Assessments/Administrative Support, $13,100,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2004 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (9) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2004 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—(1) Subject to paragraphs (2) and (3), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2004 for a purpose listed in any of the paragraphs in subsection (a) in excess of the amount specifically authorized for such purpose.

(2) An obligation of funds for a purpose stated in any of the paragraphs in subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

(3) The Secretary may not, under the authority provided in paragraph (1), obligate amounts for a purpose stated in any of paragraphs (6) through (9) of subsection (a) in excess of 125 percent of the specific amount authorized for such purpose.

SEC. 1303. ANNUAL CERTIFICATIONS ON USE OF FACILITIES BEING CONSTRUCTED FOR COOPERATIVE THREAT REDUCTION PROJECTS OR ACTIVITIES.

(a) CERTIFICATION ON USE OF FACILITIES BEING CONSTRUCTED.—Not later than the first Monday of February each year, the Secretary of Defense shall submit to the congressional defense committees a certification for each facility for a Cooperative Threat Reduction project or activity for which construction occurred during the preceding fiscal year on matters as follows:

(1) Whether or not such facility will be used for its intended purpose by the country in which the facility is constructed.

(2) Whether or not the country remains committed to the use of such facility for its intended purpose.

(b) APPLICABILITY.—Subsection (a) shall apply to—

(1) any facility the construction of which commences on or after the date of the enactment of this Act; and

(2) any facility the construction of which is ongoing as of that date.

SEC. 1304. AUTHORITY TO USE COOPERATIVE THREAT REDUCTION FUNDS OUTSIDE THE FORMER SOVIET UNION.

(a) AUTHORITY.—The President may obligate and expend Cooperative Threat Reduction funds for a fiscal year, and any Cooperative Threat Reduction funds for a fiscal year before such fiscal year that remain available for obligation, for a proliferation threat reduction project or activity outside the states of the former Soviet Union if the President determines that such project or activity will—

(1) assist the United States in the resolution of a critical emerging proliferation threat; or

(2) permit the United States to take advantage of opportunities to achieve long-standing nonproliferation goals.

(b) SCOPE OF AUTHORITY.—The authority in subsection (a) to obligate and expend funds for a project or activity includes authority to provide equipment, goods, and services for the project or activity utilizing such funds, but does not include authority to provide cash directly to the project or activity.

(c) LIMITATION.—The amount that may be obligated in a fiscal year under the authority in subsection (a) may not exceed $50,000,000.

(d) ADDITIONAL LIMITATIONS AND REQUIREMENTS.—Except as otherwise provided in subsections (a) and (b), the exercise of the authority in subsection (a) shall be subject to any requirement or limitation under another provision of law as follows:

(1) Any requirement for prior notice or other reports to Congress on the use of Cooperative Threat Reduction funds or on Cooperative Threat Reduction projects or activities.

(2) Any limitation on the obligation or expenditure of Cooperative Threat Reduction funds.

(3) Any limitation on Cooperative Threat Reduction projects or activities.

SEC. 1305. ONE-YEAR EXTENSION OF INAPPLICABILITY OF CERTAIN CONDITIONS ON USE OF FUNDS FOR CHEMICAL WEAPONS DESTRUCTION.

Section 8144 of Public Law 107–248 (116 Stat. 1571) is amended—

(1) in subsection (a), by striking ''and 2003'' and inserting ''2003, and 2004''; and

(2) in subsection (b), by striking ''September 30, 2003'' and inserting ''September 30, 2004''.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2004''.

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: INSIDE THE UNITED STATES

State	Installation or location	Amount
Alabama	Redstone Arsenal	$5,500,000
	Fort Richardson	$10,700,000
Alaska	Fort Wainwright	$138,800,000
Georgia	Fort Benning	$30,000,000
	Fort Stewart/Hunter Army Air Field	$138,550,000
	Fort Gordon	$4,350,000
Hawaii	Helemano Military Reservation	$20,800,000
	Schofield Barracks	$100,000,000
Kansas	Fort Leavenworth	$115,000,000
	Fort Riley	$40,000,000
Kentucky	Fort Knox	$13,500,000
Louisiana	Fort Polk	$72,000,000
Maryland	Aberdeen Proving Ground	$13,000,000
	Fort Meade	$9,600,000
New York	Fort Drum	$125,500,000
North Carolina	Fort Bragg	$152,000,000
Oklahoma	Fort Sill	$3,500,000
Texas	Fort Hood	$49,800,000
Virginia	Fort Myer	$9,000,000
Washington	Fort Lewis	$3,900,000
	Total	$1,055,500,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

ARMY: OUTSIDE THE UNITED STATES

Country	Installation or location	Amount
Italy	Aviano Air Base	$15,500,000
	Livorno	$22,000,000
Korea	Camp Humphreys	$105,000,000
Kwajalein Atoll	Kwajalein Atoll	$9,400,000
	Total	$151,900,000

(c) UNSPECIFIED WORLDWIDE.—(1) Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(3) and amounts, not to exceed $150,000,000, provided under Public Law 107–38 (115 Stat. 220), the Secretary of the Army may acquire personal services and real property, and may provide for the operation and construction of critical infrastructure and allied systems to ensure essential governmental functions for the installation or location, and in the amount, set forth in the following table:

ARMY: UNSPECIFIED WORLDWIDE

Location	Installation	Amount
Worldwide Unspecified	Unspecified Worldwide	$663,900,000
	Total	$663,900,000

(2) Military construction projects, including those funded in whole or in part using amounts made available under Public Law 107–38, containing national security classified information and carried out for the purpose of preventing, responding to, or countering the effects of, terrorist attacks shall comply, to the extent practical, with applicable Federal, State, and local laws and other orders regarding regulatory compliance, consultation, coordination and inspection, except that in carrying out such a project—

(A) no such compliance, consultation, coordination, or inspection may expose, endanger, or otherwise compromise national security; and

(B) any anticipated exception to such compliance, consultation, coordination or inspection shall be addressed in project documentation submitted to Congress under paragraph (3).

(3) When applicable, project documentation submitted to the congressional defense committees with respect to a military construction project described in paragraph (2) shall satisfy the requirements of section 1001 of Public Law 107–117 (115 Stat. 2326) and address any exception to compliance, consultation, coordination, or inspection anticipated under subparagraph (A) of paragraph (2).

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations, for the purposes, and in the amounts set forth in the following table:

ARMY: FAMILY HOUSING

State	Installation or location	Purpose	Amount
Alaska	Fort Wainwright	140 Units	$64,000,000
Arizona	Fort Huachuca	220 Units	$41,000,000
Kansas	Fort Riley	72 Units	$16,700,000
Kentucky	Fort Knox	178 Units	$41,000,000
New Mexico	White Sands Missile Range	58 Units	$14,600,000
Oklahoma	Fort Sill	120 Units	$25,373,000
Virginia	Fort Lee	90 Units	$18,000,000
		Total:	$220,673,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $34,488,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $156,030,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2003, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,980,454,000, as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $843,500,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $151,900,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2101(c), $178,700,000.

(4) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $20,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $122,710,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $409,191,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,031,853,000.

(7) For the construction of phase 3 of Saddle Access Road, Pohakoula Training Facility, Hawaii, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–389)), as amended by section 2107 of this Act, $17,000,000.

(8) For the construction of phase 3 of a barracks complex, D Street, at Fort Richardson, Alaska, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1280), as amended by section 2107 of this Act, $33,000,000.

(9) For the construction of phase 3 of a barracks complex, 17th and B Streets, at Fort Lewis, Washington, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1280), $48,000,000.

(10) For the construction of phase 2 of a barracks complex, Capron Road, at Schofield Barracks, Hawaii, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2681), $49,000,000.

(11) For the construction of phase 2 of a combined arms collective training facility at Fort Riley, Kansas, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2681), $13,600,000.

(12) For the construction of phase 2 of a barracks complex, Range Road, at Fort Campbell, Kentucky, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2681), $49,000,000.

(13) For the construction of phase 2 of a maintenance complex at Fort Sill, Oklahoma, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal year 2003 (division B of Public Law 107–314; 116 Stat. 2681) $13,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the sum of—

(1) the total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a);

(2) $32,000,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks, Fort Stewart, Georgia);

(3) $87,000,000 (the balance of the amount authorized under section 2101(a) for construction of a Lewis and Clark instructional facility, Fort Leavenworth, Kansas);

(4) $43,000,000 (the balance of the amount authorized under section 2101(a) for the construction of a barracks complex, Wheeler-Sack Army Airfield, Fort Drum, New York); and

(5) $50,000,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks complex, Bastogne Drive, Fort Bragg, North Carolina).

SEC. 2105. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2003 PROJECTS.

(a) MILITARY CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.—The table in section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2682) is amended—

(1) by striking the item relating to Area Support Group, Bamberg, Germany;

(2) by striking the item relating to Coleman Barracks, Germany;

(3) by striking the item relating to Darmstadt, Germany;

(4) by striking the item relating to Mannheim, Germany;

(5) by striking the item relating to Schweinfurt, Germany; and

(6) by striking the amount identified as the total in the amount column and inserting ''$288,066,000''.

(b) FAMILY HOUSING OUTSIDE THE UNITED STATES.—The table in section 2102(a) of that Act (116 Stat. 2683) is amended—

(1) by striking the item relating to Yongsan, Korea; and

(2) by striking the amount identified as the total in the amount column and inserting ''$23,852,000''.

(c) IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.—Section 2103 of that Act (116 Stat. 2683) is amended by striking ''$239,751,000'' and inserting ''$190,551,000''.

(d) CONFORMING AMENDMENTS.—Section 2104(a) of that Act (116 Stat. 2683) is amended—

(1) in the matter preceding paragraph (1), by striking ''$3,104,176,000'' and inserting ''$2,985,826,000'';

(2) in paragraph (2), by striking ''$354,116,000'' and inserting ''$288,066,000''; and

(3) in paragraph (6)(A), by striking ''$282,356,000'' and inserting ''$230,056,000''.

SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2003 PROJECTS.

(a) MILITARY CONSTRUCTION INSIDE THE UNITED STATES.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2681) is amended—

(1) in the item relating to Fort Riley, Kansas, by striking ''$81,095,000'' in the amount column and inserting ''$81,495,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$1,156,167,000''.

(b) MILITARY CONSTRUCTION OUTSIDE THE UNITED STATES.—The table in section 2101(b) of that Act (116 Stat. 2682) is amended—

(1) by striking the item relating to Camp Castle, Korea;

(2) by striking the item relating to Camp Hovey, Korea;

(3) in the item relating to Camp Humphreys, Korea, by striking ''$36,000,000'' in the amount column and inserting ''$107,800,000'' ; and

(4) by striking the item relating to K16 Airfield, Korea.

(c) CONFORMING AMENDMENT.—Section 2104(b)(4) of that Act (116 Stat. 2684) is amended by striking ''$13,200,000'' and inserting ''$13,600,000''.

SEC. 2107. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2002 PROJECT.

(a) MODIFICATION.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107-107; 115 Stat. 1281), as amended by section 2105 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2689), is further amended—

(1) in the item relating to Fort Richardson, Alaska, by striking ''$115,000,000'' in the amount column and inserting ''$117,000,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$1,364,750,000''.

(b) CONFORMING AMENDMENT.—Section 2104(b)(2) of that Act (115 Stat. 1284) is amended by striking ''$52,000,000'' and inserting ''$54,000,000''.

SEC. 2108. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2001 PROJECT.

(a) IN GENERAL.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–389)), as amended by section 2105 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1285), is further amended—

(1) in the item relating to Pohakoula Training Facility, Hawaii, by striking ''$32,000,000'' in the amount column and inserting ''$42,000,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$636,374,000''.

(b) CONFORMING AMENDMENT.—Section 2104(b)(7) of the Military Construction Authorization Act for Fiscal Year 2001 (114 Stat. 1654A–392) is amended by striking ''$20,000,000'' and inserting ''$30,000,000''.

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

NAVY: INSIDE THE UNITED STATES

State	Installation or location	Amount
Arizona	Marine Corps Air Station, Yuma	$22,230,000
California	Marine Corps Base, Camp Pendleton	$73,580,000
	Naval Air Station, Lemoore	$34,510,000
	Marine Corps Air Station, Miramar	$4,740,000
	Naval Air Station, North Island	$49,240,000

NAVY: INSIDE THE UNITED STATES—Continued

State	Installation or location	Amount
	Naval Air Warfare Center, China Lake	$12,890,000
	Naval Air Warfare Center, Point Mugu, San Nicholas Island	$9,150,000
	Naval Air Facility, San Clemente Island	$18,940,000
	Naval Postgraduate School, Monterey	$35,550,000
	Naval Station, San Diego	$42,710,000
	Marine Air Ground Task Force Training Center, Twentynine Palms	$28,390,000
Connecticut	New London	$3,000,000
District of Columbia	Marine Corps Barracks	$1,550,000
Florida	Naval Air Station, Jacksonville	$3,190,000
	Naval Air Station, Whiting Field, Milton	$4,830,000
	Naval Surface Warfare Center, Coastal Systems Station, Panama City	$9,550,000
	Blount Island (Jacksonville)	$115,711,000
Georgia	Strategic Weapons Facility Atlantic, Kings Bay	$11,510,000
Hawaii	Fleet and Industrial Supply Center, Pearl Harbor	$32,180,000
	Naval Magazine, Lualualei	$6,320,000
	Naval Shipyard, Pearl Harbor	$7,010,000
Illinois	Naval Training Center, Great Lakes	$137,120,000
Maryland	Naval Air Warfare Center, Patuxent River	$24,370,000
	Naval Surface Warfare Center, Indian Head	$14,850,000
Mississippi	Naval Air Station, Meridian	$4,570,000
Nevada	Naval Air Station, Fallon	$4,700,000
New Jersey	Naval Air Warfare Center, Lakehurst	$20,681,000
	Naval Weapons Station, Earle	$123,720,000
North Carolina	Marine Corps Air Station, Cherry Point	$1,270,000
	Marine Corps Air Station, New River	$6,240,000
	Marine Corps Base, Camp Lejeune	$29,450,000
Pennsylvania	Philadelphia Foundry	$10,200,000
Rhode Island	Naval Station, Newport	$18,690,000
	Naval Undersea Warfare Center, Newport	$10,890,000
Texas	Naval Station, Ingleside	$7,070,000
Virginia	Henderson Hall, Arlington	$1,970,000
	Marine Corps Combat Development Command, Quantico	$18,120,000
	Naval Amphibious Base, Little Creek	$3,810,000
	Naval Station, Norfolk	$182,240,000
	Naval Space Command Center, Dahlgren	$24,020,000
	Norfolk Naval Shipyard, Portsmouth	$17,770,000
Washington	Naval Magazine, Indian Island	$2,240,000
	Naval Submarine Base, Bangor	$33,820,000
	Strategic Weapons Facility Pacific, Bangor	$6,530,000
Various Locations	Various Locations, CONUS	$56,360,000
	Total	$1,287,482,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

NAVY: OUTSIDE THE UNITED STATES

Country	Installation or location	Amount
Bahrain	Naval Support Activity, Bahrain	$18,030,000
Italy	Naval Support Activity, La Madalena	$39,020,000
	Naval Air Station, Sigonella	$34,070,000
United Kingdom	Joint Maritime Facility, St. Mawgan	$7,070,000
	Total	$98,190,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations, for the purposes, and in the amounts set forth in the following table:

NAVY: FAMILY HOUSING

State or Country	Installation or location	Purpose	Amount
California	Naval Air Station, Lemoore	187 Units	$41,585,000
Florida	Naval Air Station, Pensacola	25 Units	$3,197,000
North Carolina	Marine Corps Base, Camp Lejeune	519 Units	$67,781,000
	Marine Corps Air Station, Cherry Point	339 Units	$42,803,000
		Total	$155,366,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriation in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $8,381,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $20,446,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2003, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,179,919,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $959,702,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $98,190,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $12,334,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $65,612,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $184,193,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $813,158,000.

(6) For construction of phase 2 of a bachelor enlisted quarters shipboard ashore at

Naval Shipyard Norfolk, Virginia, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2687), $46,730,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the sum of—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) $25,690,000 (the balance of the amount authorized under section 2201(a) for the construction of a tertiary sewage treatment complex, Marine Corps Base, Camp Pendleton, California);

(3) $58,190,000 (the balance of the amount authorized under section 2201(a) for the construction of a battle station training facility, Naval Training Center, Great Lakes, Illinois);

(4) $96,980,000 (the balance of the amount authorized under section 2201(a) for replacement of a general purpose berthing pier, Naval Weapons Station, Earle, New Jersey);

(5) $118,170,000 (the balance of the amount authorized under section 2201(a) for replacement of pier 11, Naval Station, Norfolk, Virginia); and

(6) $28,750,000 (the balance of the amount authorized under section 2201(a) for the construction of an outlying landing field and facilities at a location to be determined).

SEC. 2205. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2003 PROJECT.

(a) TERMINATION.—The table in section 2201(b) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2687) is amended—

(1) by striking the item relating to Naval Air Station, Keflavik, Iceland; and

(2) by striking the amount identified as the total in the amount column and inserting ''$135,900,000''.

(b) CONFORMING AMENDMENTS.—Section 2204(a) of that Act (116 Stat. 2688) is amended—

(1) in the matter preceding paragraph (1), by striking ''$2,576,381,000'' and inserting ''$2,561,461,000''; and

(2) in paragraph (2), by striking ''$148,250,000'' and inserting ''$133,330,000''.

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

AIR FORCE: INSIDE THE UNITED STATES

State	Installation or location	Amount
Alabama	Maxwell Air Force Base	$13,400,000
Alaska	Eielson Air Force Base	$48,774,000
	Elmendorf Air Force Base	$2,000,000
Arizona	Davis-Monthan Air Force Base	$9,864,000
	Luke Air Force Base	$14,300,000
Arkansas	Little Rock Air Force Base	$7,372,000
California	Beale Air Force Base	$22,300,000
	Edwards Air Force Base	$19,060,000
	Los Angeles Air Force Base	$5,000,000
	Vandenberg Air Force Base	$16,500,000
Colorado	Buckley Air Force Base	$6,957,000
	Peterson Air Force Base	$10,200,000
Delaware	Dover Air Force Base	$8,500,000
District of Columbia	Bolling Air Force Base	$9,300,000
Florida	Hurlburt Field	$27,200,000
	Patrick Air Force Base	$8,800,000
	Tyndall Air Force Base	$6,195,000
Georgia	Moody Air Force Base	$7,600,000
	Robins Air Force Base	$28,685,000
Hawaii	Hickam Air Force Base	$78,276,000
Idaho	Mountain Home Air Force Base	$15,137,000
Illinois	Scott Air Force Base	$1,900,000
Mississippi	Columbus Air Force Base	$5,500,000
	Keesler Air Force Base	$2,900,000
Nevada	Nellis Air Force Base	$11,800,000
New Jersey	McGuire Air Force Base	$11,627,000
New Mexico	Cannon Air Force Base	$9,000,000
	Kirtland Air Force Base	$6,957,000
	Tularosa Radar Test Site	$3,600,000
North Carolina	Pope Air Force Base	$24,015,000
	Seymour Johnson Air Force Base	$22,430,000
North Dakota	Minot Air Force Base	$12,550,000
Ohio	Wright-Patterson Air Force Base	$10,500,000
Oklahoma	Altus Air Force Base	$1,144,000
	Tinker Air Force Base	$25,560,000
	Vance Air Force Base	$15,000,000
South Carolina	Charleston Air Force Base	$8,863,000
	Shaw Air Force Base	$8,500,000
South Dakota	Ellsworth Air Force Base	$9,300,000
Texas	Goodfellow Air Force Base	$19,970,000
	Lackland Air Force Base	$64,926,000
	Randolph Air Force Base	$13,600,000
	Sheppard Air Force Base	$28,590,000
Utah	Hill Air Force Base	$21,711,000
Virginia	Langley Air Force Base	$24,969,000
Washington	McChord Air Force Base	$19,000,000
Wyoming	F.E. Warren Air Force Base	$10,000,000
	Total	$740,909,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

AIR FORCE: OUTSIDE THE UNITED STATES

Country	Installation or location	Amount
Germany	Ramstein Air Base	$35,616,000
	Spangdahlem Air Base	$5,411,000
Italy	Aviano Air Base	$14,025,000
Korea	Kunsan Air Base	$7,059,000
	Osan Air Base	$16,638,000
Portugal	Lajes Field, Azores	$4,086,000
United Kingdom	Royal Air Force, Lakenheath	$42,487,000
	Royal Air Force, Mildenhall	$10,558,000
Wake Island	Wake Island	$24,000,000

AIR FORCE: OUTSIDE THE UNITED STATES—Continued

Country	Installation or location	Amount
	Total	$159,880,000

(c) UNSPECIFIED WORLDWIDE.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(3), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installation and location, and in the amount, set forth in the following table:

AIR FORCE: UNSPECIFIED WORLDWIDE

Location	Installation or location	Amount
Unspecified Worldwide	Classified Location	$28,981,000
	Total	$28,981,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations, for the purposes, and in the amounts set forth in the following table:

AIR FORCE: FAMILY HOUSING

State or Country	Installation or location	Purpose	Amount
Arizona	Davis-Monthan Air Force Base	93 Units	$19,357,000
California	Travis Air Force Base	56 Units	$12,723,000
Delaware	Dover Air Force Base	112 Units	$19,601,000
Florida	Eglin Air Force Base	279 Units	$32,166,000
Idaho	Mountain Home Air Force Base	186 Units	$37,126,000
Maryland	Andrews Air Force Base	50 Units	$20,233,000
Missouri	Whiteman Air Force Base	100 Units	$18,221,000
Montana	Malmstrom Air Force Base	94 Units	$19,368,000
North Carolina	Seymour Johnson Air Force Base	138 Units	$18,336,000
North Dakota	Grand Forks Air Force Base	144 Units	$29,550,000
	Minot Air Force Base	200 Units	$41,117,000
South Dakota	Ellsworth Air Force Base	75 Units	$16,240,000
Texas	Dyess Air Force Base	116 Units	$19,973,000
	Randolph Air Force Base	96 Units	$13,754,000
Korea	Osan Air Base	111 Units	$44,765,000
Portugal	Lajes Field, Azores	42 Units	$13,428,000
United Kingdom	Royal Air Force, Lakenheath	89 Units	$23,640,000
		Total	$399,598,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $33,488,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $223,979,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2003, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,505,373,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $760,332,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $159,880,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2301(c), $28,981,000.

(4) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $12,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $74,345,000.

(6) For military housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $657,065,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $812,770,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a).

SEC. 2305. MODIFICATION OF FISCAL YEAR 2003 AUTHORITY RELATING TO IMPROVEMENT OF MILITARY FAMILY HOUSING UNITS.

(a) MODIFICATION.—Section 2303 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2693) is amended by striking ''$226,068,000'' and inserting ''$206,721,000''.

(b) CONFORMING AMENDMENTS.—Section 2304(a) of that Act (116 Stat. 2693) is amended—

(1) in the matter preceding paragraph (1), by striking ''$2,633,738,000'' and inserting ''$2,614,391,000''; and

(2) in paragraph (6)(A), by striking ''$689,824,000'' and inserting ''$670,477,000''.

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Defense Education Activity	Marine Corps Base, Camp Lejeune, North Carolina	$15,259,000
Defense Logistics Agency	Defense Distribution Depot, New Cumberland, Pennsylvania	$27,000,000
	Eglin Air Force Base, Florida	$4,800,000
	Eielson Air Force Base, Alaska	$17,000,000
	Hickam Air Force Base, Hawaii	$14,100,000
	Hurlburt Field, Florida	$3,500,000
	Langley Air Force Base, Virginia	$13,000,000
	Laughlin Air Force Base, Texas	$4,688,000
	McChord Air Force Base, Washington	$8,100,000
	Nellis Air Force Base, Nevada	$12,800,000
	Offutt Air Force Base, Nebraska	$13,400,000
National Security Agency	Fort Meade, Maryland	$1,842,000
Special Operations Command	Dam Neck, Virginia	$15,281,000
	Fort Benning, Georgia	$2,100,000
	Fort Bragg, North Carolina	$36,300,000
	Fort Campbell, Kentucky	$7,800,000
	Harrisburg International Airport, Pennsylvania	$3,000,000
	Hurlburt Field, Florida	$6,000,000
	Little Creek, Virginia	$9,000,000
	MacDill Air Force Base, Florida	$25,500,000
Tri-Care Management Activity	Naval Station, Anacostia, District of Columbia	$15,714,000
	Naval Submarine Base, New London, Connecticut	$6,400,000
	United States Air Force Academy, Colorado	$21,500,000
	Walter Reed Medical Center, District of Columbia	$9,000,000
Washington Headquarters Services	Arlington, Virginia	$38,086,000
	Total	$331,170,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Defense Education Agency	Grafenwoehr, Germany	$36,247,000
	Heidelberg, Germany	$3,086,000
	Sigonella, Italy	$30,234,000
	Vicenza, Italy	$16,374,000
	Vilseck, Germany	$1,773,000
Special Operations Command	Stuttgart, Germany	$11,400,000
Tri-Care Management Activity	Andersen Air Force Base, Guam	$24,900,000
	Grafenwoehr, Germany	$12,585,000
	Total	$136,599,000

SEC. 2402. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(8)(A), the Secretary of Defense may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $300,000.

SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(8)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed $50,000.

SEC. 2404. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(6), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code, in the amount of $69,500,000.

SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2003, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $1,154,402,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $331,170,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $102,703,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $16,153,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $8,960,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $59,884,000.

(6) For energy conservation projects authorized by section 2404, $69,500,000.

(7) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $370,427,000.

(8) For military family housing functions:

(A) For planning, design, and improvement of military family housing and facilities, $350,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $49,440,000.

(C) For credit to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code, $300,000.

(9) For construction of the Defense Threat Reduction Center at Fort Belvoir, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2695), $25,700,000.

(10) For construction of phase 5 of an ammunition demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839) and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $88,388,000.

(11) For construction of phase 6 of an ammunition demilitarization facility at Newport Army Depot, Indiana, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2193), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107-107; 115 Stat. 1299) and section 2406 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $15,207,000.

(12) For construction of phase 4 of an ammunition demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $16,220,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the sum of—

(1) the total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a);

(2) $16,265,000 (the balance of the amount authorized under section 2401(b) for the renovation and construction of an elementary and high school, Naval Station Sigonella, Italy); and

(3) $17,631,000 (the balance of the amount authorized under section 2401(b) for the construction of an elementary and middle school, Grafenwoehr, Germany).

SEC. 2406. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2003 PROJECT.

The table in section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2695) is amended in the matter relating to Department of Defense Dependent Schools by striking ''Seoul, Korea'' in the installation or location column and inserting ''Camp Humphreys, Korea''.

SEC. 2407. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2003 PROJECTS.

(a) MODIFICATION.—The table in section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2695) is amended—

(1) in the matter relating to Department of Defense Dependent Schools—

(A) by striking ''Seoul, Korea'' in the installation or location column and inserting ''Camp Humphreys, Korea''; and

(B) by striking the item relating to Spangdahlem Air Base, Germany; and

(2) by striking the amount identified as the total in the amount column and inserting ''$205,586,000''.

(b) CONFORMING AMENDMENTS.—Section 2404(a) of that Act (116 Stat. 2696) is amended—

(1) in the matter preceding paragraph (1), by striking $1,434,795,000'' and inserting ''$1,433,798,000''; and

(2) in paragraph (2), by striking ''$206,583,000'' and inserting ''$205,586,000''.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2003, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment program authorized by section 2501, in the amount of $169,300,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 2003, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $276,779,000; and

(B) for the Army Reserve, $74,478,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $34,132,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $208,530,000; and

(B) for the Air Force Reserve, $53,912,000.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2006; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2007.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects, and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) for which appropriated funds have been obligated before the later of—

(1) October 1, 2006; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2007 for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2001 PROJECTS.

(a) EXTENSION OF CERTAIN PROJECTS.—Notwithstanding section 2701 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–407), authorizations set forth in the tables in subsection (b), as provided in section 2102, 2201, 2401, or 2601 of that Act, shall remain in effect until October 1, 2004, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2005, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 2001 Project Authorization

State	Installation or location	Project	Amount
South Carolina	Fort Jackson	New Construction—Family Housing (1 Unit)	$250,000

Navy: Extension of 2001 Project Authorization

State	Installation or location	Project	Amount
Pennsylvania	Naval Surface Warfare Center Shipyard Systems Engineering Station, Philadelphia	Gas Turbine Test Facility	$10,680,000

Defense Agencies: Extension of 2001 Project Authorizations

State or country	Installation or location	Project	Amount
Defense Education Activity	Seoul, Korea	Elementary School Full Day Kindergarten Classroom Addition	$2,317,000
	Taegu, Korea	Elementary/High School Full Day Kindergarten Classroom Addition	$762,000

Army National Guard: Extension of 2001 Project Authorizations

State	Installation or location	Project	Amount
Arizona	Papago Park	Add/Alter Readiness Center	$2,265,000
Pennsylvania	Mansfield	Readiness Center	$3,100,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2000 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 841), authorizations set forth in the tables in subsection (b), as provided in section 2302 or 2601 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2700), shall remain in effect until October 1, 2004, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2005, whichever is later.

(b) TABLES.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2000 Project Authorization

State	Installation or location	Project	Amount
Oklahoma	Tinker Air Force Base	Replace Family Housing (41 Units)	$6,000,000

Army National Guard: Extension of 2000 Project Authorization

State	Installation or location	Project	Amount
Virginia	Fort Pickett	Multi-purpose Range-Heavy	$13,500,000

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI of this Act shall take effect on the later of—

(1) October 1, 2003; or

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. MODIFICATION OF GENERAL DEFINITIONS RELATING TO MILITARY CONSTRUCTION.

(a) MILITARY CONSTRUCTION.—Subsection (a) of section 2801 of title 10, United States Code, is amended by inserting before the period the following: '', whether to satisfy temporary or permanent requirements''.

(b) MILITARY INSTALLATION.—Subsection (c)(2) of such section is amended by inserting before the period the following: '', without regard to the duration of operational control''.

SEC. 2802. INCREASE IN NUMBER OF FAMILY HOUSING UNITS IN ITALY AUTHORIZED FOR LEASE BY THE NAVY.

Section 2828(e)(2) of title 10, United States Code, is amended by striking ''2,000'' and inserting ''2,800''.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. INCREASE IN THRESHOLD FOR REPORTS TO CONGRESS ON REAL PROPERTY TRANSACTIONS.

Section 2662 of title 10, United States Code, is amended by striking ''$500,000'' each place it appears and inserting ''$750,000''.

SEC. 2812. ACCEPTANCE OF IN-KIND CONSIDERATION FOR EASEMENTS.

(a) EASEMENTS FOR RIGHTS-OF-WAY.—Section 2668 of title 10, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

''(e) Subsection (c) of section 2667 of this title shall apply with respect to in-kind consideration received by the Secretary of a military department in connection with an easement granted under this section in the same manner as such subsection applies to in-kind consideration received pursuant to leases entered into by that Secretary under such section.''.

(b) EASEMENTS FOR UTILITY LINES.—Section 2669 of such title is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

''(e) Subsection (c) of section 2667 of this title shall apply with respect to in-kind consideration received by the Secretary of a military department in connection with an easement granted under this section in the same manner as such subsection applies to in-kind consideration received pursuant to leases entered into by that Secretary under such section.''.

SEC. 2813. EXPANSION TO MILITARY UNACCOMPANIED HOUSING OF AUTHORITY TO TRANSFER PROPERTY AT MILITARY INSTALLATIONS TO BE CLOSED IN EXCHANGE FOR MILITARY HOUSING.

Section 2905(f)(1) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) by inserting ''unaccompanied members of the Armed Forces or'' before ''members of the Armed Forces and their dependents''; and

(2) by striking ''FAMILY'' in the subsection heading.

SEC. 2814. EXEMPTION FROM SCREENING AND USE REQUIREMENTS UNDER MCKINNEY-VENTO HOMELESS ASSISTANCE ACT OF DEPARTMENT OF DEFENSE PROPERTY IN EMERGENCY SUPPORT OF HOMELAND SECURITY.

Section 501 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411) is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following new subsection (i):

''(i) APPLICABILITY TO DEPARTMENT OF DEFENSE PROPERTY IN EMERGENCY SUPPORT OF HOMELAND SECURITY.—The provisions of this section shall not apply to a building or property under the jurisdiction of the Department of Defense that the Secretary of Defense determines should be made available for use by a State or local government, or private entity, on a temporary basis, for emergency activities in support of homeland security.''.

Subtitle C—Land Conveyances

SEC. 2821. TRANSFER OF LAND AT FORT CAMPBELL, KENTUCKY AND TENNESSEE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the State of Tennessee, all right, title, and interest of the United States in and to a parcel of real property (right-of-way), including improvements thereon, located at Fort Campbell, Kentucky and Tennessee, for the purpose of realigning and upgrading United States Highway 79 from a 2-lane highway to a 4-lane highway.

(b) CONSIDERATION.—

(1) PAYMENT.—As consideration for the conveyance of the right-of-way parcel to be conveyed by subsection (a), the State of Tennessee shall pay from any source (including Federal funds made available to the State from the Highway Trust Fund) all of the Secretary's costs associated with the following:

(A) COSTS OF CONVEYANCE.—The conveyance of the right-of-way parcel, including the preparation of documents under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), surveys (including surveys under subsection (c)), appraisals, cultural reviews, administrative expenses, cemetery relocation, and other expenses necessary to transfer the property.

(B) ACQUISITION OF REPLACEMENT LAND.—The acquisition of approximately 200 acres of mission-essential replacement land required to support the training mission at Fort Campbell.

(C) DISPOSAL OF RESIDUAL PROPERTY.—The disposal of residual land located south of the realigned highway.

(2) ACCEPTANCE AND CREDIT.—The Secretary may accept funds under this subsection from the Federal Highway Administration or the State of Tennessee to pay the costs described in paragraph (1) and shall credit the funds to the appropriate Department of the Army accounts for the purpose of paying such costs.

(3) PERIOD OF AVAILABILITY.—All funds accepted by the Secretary under this subsection shall remain available until expended.

(c) DESCRIPTION OF PROPERTY.—The acreage of the real property to be conveyed, acquired, and disposed of under this section shall be determined by surveys satisfactory to the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2822. LAND CONVEYANCE, FORT KNOX, KENTUCKY.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Department of Veterans Affairs of the Commonwealth of Kentucky (in this section referred to as the ''Department''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 93 acres at Fort Knox, Kentucky, for the purpose of permitting the Department to establish and operate a State-run cemetery for veterans of the Armed Forces.

(b) REIMBURSEMENT FOR COSTS OF CONVEYANCE.—(1) The Department shall reimburse the Secretary for any costs incurred by the Secretary in making the conveyance authorized by subsection (a), including costs related to environmental documentation and other administrative costs. This paragraph does not apply to costs associated with the environmental remediation of the real property to be conveyed under such subsection.

(2) Any reimbursements received under paragraph (1) for costs described in that paragraph shall be deposited into the accounts from which the costs were paid, and amounts so deposited shall be merged with amounts in such accounts and available for the same purposes, and subject to the same conditions and limitations, as the amounts in such accounts with which merged.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Department.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2823. LAND CONVEYANCE, MARINE CORPS LOGISTICS BASE, ALBANY, GEORGIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey through negotiated sale to the Preferred Development Group Corporation, a corporation incorporated in the State of Georgia and authorized to do business in the State of Georgia (referred to in this section as the ''Corporation''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 10.44 acres located at Boyett Village/Turner Field and McAdams Road in Albany, Georgia, for the purpose of permitting the Corporation to use the property for economic development.

(b) CONDITIONS OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the following conditions:

(1) That the Corporation accept the real property conveyed under subsection (a) as is.

(2) That the Corporation bear all costs related to the use and redevelopment of the real property.

(c) CONSIDERATION.—As consideration for the conveyance authorized by subsection (a), the Corporation shall pay the United States an amount, determined pursuant to negotiations between the Secretary and the Corporation and based upon the fair market value of the property (as determined pursuant to an appraisal acceptable to the Secretary), that is appropriate for the property.

(d) REIMBURSEMENT FOR COSTS OF CONVEYANCE.—The Secretary may require the Corporation to reimburse the Secretary for any costs incurred by the Secretary in making the conveyance authorized by subsection (a).

(e) DEPOSIT OF AMOUNTS.—(1) The consideration received under subsection (c) shall be deposited in the Department of Defense Base Closure Account 1990 established by section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(2) Any reimbursements received under subsection (d) for costs described in that subsection shall be deposited into the accounts from which the costs were paid, and amounts so deposited shall be merged with amounts in such accounts and available for the same purposes, and subject to the same conditions and limitations, as the amounts in such accounts with which merged.

(f) EXEMPTION.—The conveyance authorized by subsection (a) shall be exempt from the requirement in section 2696 of title 10, United States Code, to screen the property for further Federal use.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2824. LAND CONVEYANCE, AIR FORCE AND ARMY EXCHANGE SERVICE PROPERTY, DALLAS, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of Defense may authorize the Army and Air Force Exchange Service to convey through negotiated sale all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 7.5 acres located at 1515 Roundtable Drive in Dallas, Texas.

(b) CONSIDERATION.—As consideration for the conveyance authorized by subsection (a), the purchaser shall pay the United States a single payment equal to the fair market value of the real property, as determined pursuant to an appraisal acceptable to the Secretary.

(c) DEPOSIT OF AMOUNTS.—Section 574 of title 40, United States Code, shall apply to the consideration received under subsection (b), except that in the application of such section, all of the proceeds shall be returned to the Army and Air Force Exchange Service.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the purchaser.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Subtitle D—Review of Overseas Military Facility Structure

SEC. 2841. SHORT TITLE.

This subtitle may be cited as the ''Overseas Military Facility and Range Structure Review Act of 2003''.

SEC. 2842. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established the Commission on the Review of the Overseas Military Facility and Range Structure of the United States (in this subtitle referred to as the ''Commission'').

(b) MEMBERSHIP.—(1) The Commission shall be composed of 9 members of whom—

(A) one shall be appointed by the Secretary of Defense;

(B) two shall be appointed by the Majority Leader of the Senate, in consultation with the Chairman of the Committee on Armed Services of the Senate and the Chairman of the Subcommittee on Defense of the Committee on Appropriations of the Senate;

(C) two shall be appointed by the Minority Leader of the Senate, in consultation with the Ranking Member of the Committee on Armed Services of the Senate and the Ranking Member of the Subcommittee on Defense of the Committee on Appropriations of the Senate;

(D) two shall be appointed by the Speaker of the House of Representatives, in consultation with the Chairman of the Committee on Armed Services of the House of Representatives and the Chairman of the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives; and

(E) two shall be appointed by the Minority Leader of the House of Representatives, in consultation with the Ranking Member of the Committee on Armed Services of the House of Representatives and the Ranking Member of the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

(2) Individuals appointed to the Commission shall have significant experience in the national security or foreign policy of the United States.

(3) Appointments of the members of the Commission shall be made not later than 45 days after the date of the enactment of this Act.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) MEETINGS.—The Commission shall meet at the call of the Chairman.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRMAN AND VICE CHAIRMAN.—The Commission shall select a Chairman and Vice Chairman from among its members.

SEC. 2843. DUTIES OF COMMISSION.

(a) STUDY.—The Commission shall conduct a thorough study of matters relating to the military facility and range structure of the United States overseas.

(b) MATTERS TO BE STUDIED.—In conducting the study, the Commission shall—

(1) assess the number of military personnel of the United States required to be based outside the United States;

(2) examine the current state of the military facilities and training ranges of the United States overseas for all permanent stations and deployed locations, including the condition of land and improvements at such facilities and ranges and the availability of additional land, if required, for such facilities and ranges;

(3) identify the amounts received by the United States, whether in direct payments, in-kind contributions, or otherwise, from foreign countries by reason of military facilities of the United States overseas;

(4) assess whether or not the current military basing and training range structure of the United States overseas is adequate to meet the current and future mission of the Department of Defense, including contingency, mobilization, and future force requirements;

(5) assess the feasibility and advisability of the closure or realignment of military facilities of the United States overseas, or the establishment of new military facilities of the United States overseas, to meet the requirements of the Department of Defense to provide for the national security of the United States; and

(6) consider or assess any other issue relating to military facilities and ranges of the United States overseas that the Commission considers appropriate.

(c) REPORT.—(1) Not later than August 30, 2004, the Commission shall submit to the President and Congress a report which shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

(2) In addition to the matters specified in paragraph (1), the report shall also include a proposal by the Commission for an overseas basing strategy for the Department of Defense in order to meet the current and future mission of the Department.

SEC. 2844. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this subtitle.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this subtitle. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) ADMINISTRATIVE SUPPORT SERVICES.—Upon request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support necessary for the Commission to carry out its duties under this subtitle.

(d) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(e) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 2845. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission under this subtitle. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL.—(1) Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission under this subtitle.

(2) Members and staff of the Commission may receive transportation on aircraft of the Military Airlift Command to and from the United States, and overseas, for purposes of the performance of the duties of the Commission to the extent that such transportation will not interfere with the requirements of military operations.

(c) STAFF.—(1) The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties under this subtitle. The employment of an executive director shall be subject to confirmation by the Commission.

(2) The Commission may employ a staff to assist the Commission in carrying out its duties. The total number of the staff of the Commission, including an executive director under paragraph (1), may not exceed 12.

(3) The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any employee of the Department of Defense, the Department of State, or the General Accounting Office may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 2846. SECURITY.

(a) SECURITY CLEARANCES.—Members and staff of the Commission, and any experts and consultants to the Commission, shall possess security clearances appropriate for their duties with the Commission under this subtitle.

(b) IN GENERAL.—The Secretary of Defense shall assume responsibility for the handling and disposition of any information relating to the national security of the United States that is received, considered, or used by the Commission under this subtitle.

SEC. 2847. TERMINATION OF COMMISSION.

The Commission shall terminate 45 days after the date on which the Commission submits its report under section 2843(c).

SEC. 2848. FUNDING.

(a) IN GENERAL.—Of the amount authorized to be appropriated by section 301(5) for the Department of Defense for operation and maintenance, Defense-wide, $3,000,000 shall be available to the Commission to carry out this subtitle.

(b) AVAILABILITY.—The amount authorized to be appropriated by subsection (a) shall remain available, without fiscal year limitation, until September 30, 2005.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2004 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $8,933,847,000, to be allocated as follows:

(1) For weapons activities, $6,457,272,000.

(2) For defense nuclear nonproliferation activities, $1,340,195,000.

(3) For naval reactors, $788,400,000.

(4) For the Office of the Administrator for Nuclear Security, $347,980,000.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for weapons activities, as follows:

(1) Project 04–D–101, test capabilities revitalization, phase I, Sandia National Laboratories, Albuquerque, New Mexico, $36,450,000.

(2) Project 04–D–102, exterior communications infrastructure modernization, Sandia National Laboratories, Albuquerque, New Mexico, $20,000,000.

(3) Project 04–D–103, project engineering and design, various locations, $2,000,000.

(4) Project 04–D–125, chemistry and metallurgy research (CMR) facility replacement, Los Alamos National Laboratory, Los Alamos, New Mexico, $20,500,000.

(5) Project 04–D–126, building 12–44 production cells upgrade, Pantex Plant, Amarillo, Texas, $8,780,000.

(6) Project 04–D–127, cleaning and loading modifications (CALM), Savannah River Site, Aiken, South Carolina, $2,750,000.

(7) Project 04–D–128, TA–18 mission relocation project, Los Alamos National Laboratory, Los Alamos, New Mexico, $8,820,000.

(8) Project 04–D–203, project engineering and design, facilities and infrastructure recapitalization program, various locations, $3,719,000.

(9) Project 03–D–102, sm.43 replacement administration building, Los Alamos National Laboratory, Los Alamos, New Mexico, $50,000,000.

SEC. 3102. DEFENSE ENVIRONMENTAL MANAGEMENT.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2004 for environmental management activities in carrying out programs necessary for national security in the amount of $6,809,814,000, to be allocated as follows:

(1) For defense site acceleration completion, $5,814,635,000.

(2) For defense environmental services in carrying out environmental restoration and waste management activities necessary for national security programs, $995,179,000.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for defense site acceleration completion activities, as follows:

(1) Project 04–D–408, glass waste storage building #2, Savannah River Site, Aiken, South Carolina, $20,259,000.

(2) Project 04–D–414, project engineering and design, various locations, $23,500,000.

(3) Project 04–D–423, 3013 container surveillance capability in 235–F, Savannah River Site, Aiken, South Carolina, $1,134,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2004 for other defense activities in carrying out programs necessary for national security in the amount of $465,059,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2004 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $360,000,000.

SEC. 3105. DEFENSE ENERGY SUPPLY.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2004 for defense energy supply in carrying out programs necessary for national security in the amount of $110,473,000.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3131. REPEAL OF PROHIBITION ON RESEARCH AND DEVELOPMENT OF LOW-YIELD NUCLEAR WEAPONS.

(a) REPEAL.—Section 3136 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1946; 42 U.S.C. 2121 note) is repealed.

(b) CONSTRUCTION.—Nothing in the repeal made by subsection (a) shall be construed as authorizing the testing, acquisition, or deployment of a low-yield nuclear weapon.

SEC. 3132. READINESS POSTURE FOR RESUMPTION BY THE UNITED STATES OF UNDERGROUND NUCLEAR WEAPONS TESTS.

(a) 18-MONTH READINESS POSTURE REQUIRED.—Commencing not later than October 1, 2006, the Secretary of Energy shall achieve, and thereafter maintain, a readiness posture of 18 months for resumption by the United States of underground nuclear tests, subject to subsection (b).

(b) ALTERNATIVE READINESS POSTURE.—If as a result of the review conducted by the Secretary for purposes of the report required by section 3142(c) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2733) the Secretary, in consultation with the Administrator for Nuclear Security, determines that the optimal, advisable, and preferred readiness posture for resumption by the United States of underground nuclear tests is a number of months other than 18 months, the Secretary may, and is encouraged to, achieve and thereafter maintain under subsection (a) such optimal, advisable, and preferred readiness posture instead of the readiness posture of 18 months.

(c) REPORT ON DETERMINATION.—(1) The Secretary shall submit to the congressional defense committees a report on a determination described in subsection (b) if the determination leads to the achievement by the

Secretary of a readiness posture of other than 18 months under that subsection.

(2) The report under paragraph (1) shall set forth—

(A) the determination described in that paragraph, including the reasons for the determination; and

(B) the number of months of the readiness posture to be achieved and maintained under subsection (b) as a result of the determination.

(3) The requirement for a report, if any, under paragraph (1) is in addition to the requirement for a report under section 3142(c) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, and the requirement in that paragraph shall not be construed as terminating, modifying, or otherwise affecting the requirement for a report under such section.

(d) READINESS POSTURE.—For purposes of this section, a readiness posture of a specified number of months for resumption by the United States of underground nuclear weapons tests is achieved when the Department of Energy has the capability to resume such tests, if directed by the President to resume such tests, not later than the specified number of months after the date on which the President so directs.

SEC. 3133. TECHNICAL BASE AND FACILITIES MAINTENANCE AND RECAPITALIZATION ACTIVITIES.

(a) DEADLINE FOR INCLUSION OF PROJECTS IN FACILITIES AND INFRASTRUCTURE RECAPITALIZATION PROGRAM.—(1) The Administrator for Nuclear Security shall complete the selection of projects for inclusion in the Facilities and Infrastructure Recapitalization Program (FIRP) of the National Nuclear Security Administration not later than September 30, 2004.

(2) No project may be included in the Facilities and Infrastructure Recapitalization Program after September 30, 2004, unless such project has been selected for inclusion in that program as of that date.

(b) TERMINATION OF FACILITIES AND INFRASTRUCTURE RECAPITALIZATION PROGRAM.—The Administrator shall terminate the Facilities and Infrastructure Recapitalization Program not later than September 30, 2011.

(c) READINESS IN TECHNICAL BASE AND FACILITIES PROGRAM.—(1) Not later than September 30, 2004, the Administrator shall submit to the congressional defense committees a report setting forth guidelines on the conduct of the Readiness in Technical Base and Facilities (RTBF) program of the National Nuclear Security Administration.

(2) The guidelines on the Readiness in Technical Base and Facilities program shall include the following:

(A) Criteria for the inclusion of projects in the program, and for establishing priorities among projects included in the program.

(B) Mechanisms for the management of facilities under the program, including maintenance as provided pursuant to subparagraph (C).

(C) A description of the scope of maintenance activities under the program, including recurring maintenance, construction of facilities, recapitalization of facilities, and decontamination and decommissioning of facilities.

(3) The guidelines on the Readiness in Technical Base and Facilities program shall ensure that the maintenance activities provided for under paragraph (2)(C) are carried out in a timely and efficient manner designed to avoid maintenance backlogs.

(d) OPERATIONS OF FACILITIES PROGRAM.—(1) The Administration shall provide for the administration of the Operations of Facilities Program of the National Nuclear Security Administration as a program independent of the Readiness in Technical Base and Facilities Program and of any other programs that the Operations of Facilities Program is intended to support.

(2) The Operations of Facilities Program shall be managed by the Associate Administrator of the National Nuclear Security Administration for Facilities and Operations, or by such other official within the National Nuclear Security Administration as the Administrator shall designate for that purpose.

SEC. 3134. CONTINUATION OF PROCESSING, TREATMENT, AND DISPOSITION OF LEGACY NUCLEAR MATERIALS.

(a) CONTINUATION OF H–CANYON FACILITY.—Subsection (a) of section 3137 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–460) is amended by striking ''F–canyon and H–canyon facilities'' and inserting ''H–canyon facility''.

(b) MODIFICATION OF LIMITATION ON USE OF FUNDS FOR DECOMMISSIONING F–CANYON FACILITY.—Subsection (b) of such section is amended—

(1) by striking ''and the Defense Nuclear Facilities Safety Board'' and all that follows through ''House of Representatives'' and inserting ''submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, and the Defense Nuclear Facilities Safety Board,''; and

(2) by striking ''the following:'' and all that follows and inserting ''a report setting forth—

''(1) an assessment whether or not all materials present in the F–canyon facility as of the date of the report that required stabilization have been safely stabilized as of that date;

''(2) an assessment whether or not the requirements applicable to the F–canyon facility to meet the future needs of the United States for fissile materials disposition can be met through full use of the H–canyon facility at the Savannah River Site; and

''(3) if it appears that one or more of the requirements described in paragraph (2) cannot be met through full use of the H–canyon facility—

''(A) an identification by the Secretary of each such requirement that cannot be met through full use of the H–canyon facility; and

''(B) for each requirement so identified, the reasons why such requirement cannot be met through full use of the H–canyon facility and a description of the alternative capability for fissile materials disposition that is needed to meet such requirement.''.

(c) REPEAL OF SUPERSEDED PLAN REQUIREMENT.—Subsection (c) of such section is repealed.

Subtitle C—Proliferation Matters

SEC. 3141. EXPANSION OF INTERNATIONAL MATERIALS PROTECTION, CONTROL, AND ACCOUNTING PROGRAM.

(a) EXPANSION OF PROGRAM TO ADDITIONAL COUNTRIES.—The Secretary of Energy may expand the International Materials, Protection, Control, and Accounting Program to carry out nuclear nonproliferation threat reduction activities and projects outside the states of the former Soviet Union.

(b) NOTICE TO CONGRESS OF USE OF FUNDS.—Not later than 15 days before the Secretary obligates funds for the International Materials Protection, Control, and Accounting Program for a project or activity in or with respect to a country outside the former Soviet Union pursuant to the authority in subsection (a), the Secretary shall submit to the congressional defense committees a notice on the obligation of such funds for the project or activity that shall specify—

(1) the project or activity, and forms of assistance, for which the Secretary proposes to obligate such funds;

(2) the amount of the proposed obligation; and

(3) the projected involvement (if any) of any United States department or agency (other than the Department of Energy), or the private sector, in the project, activity, or assistance for which the Secretary proposes to obligate such funds.

SEC. 3142. SEMI-ANNUAL FINANCIAL REPORTS ON DEFENSE NUCLEAR NONPROLIFERATION PROGRAM.

(a) SEMIANNUAL REPORTS REQUIRED.—Not later than April 30 and October 30 each year, the Administrator for Nuclear Security shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the financial status during the half fiscal year ending at the end of the preceding month of all Department of Energy defense nuclear nonproliferation programs for which funds were authorized to be appropriated for the fiscal year in which such half fiscal year falls.

(b) CONTENTS.—Each report on a half fiscal year under subsection (a) shall set forth for each Department of Energy defense nuclear nonproliferation program for which funds were authorized to be appropriated for the fiscal year in which such half fiscal year falls—

(1) the aggregate amount appropriated for such fiscal year for such program; and

(2) of the aggregate amount appropriated for such fiscal year for such program—

(A) the amounts obligated for such program as of the end of the half fiscal year;

(B) the amounts committed for such program as of the end of the half fiscal year;

(C) the amounts disbursed for such program as of the end of the half fiscal year; and

(D) the amounts that remain available for obligation for such program as of the end of the half fiscal year.

(c) APPLICABILITY.—This section shall apply with respect to fiscal years after fiscal year 2003.

SEC. 3143. REPORT ON REDUCTION OF EXCESSIVE UNCOSTED BALANCES FOR DEFENSE NUCLEAR NONPROLIFERATION ACTIVITIES.

(a) CONTINGENT REQUIREMENT FOR REPORT.—If as of September 30, 2004, the aggregate amount obligated but not expended for defense nuclear nonproliferation activities from amounts authorized to be appropriated for such activities in fiscal year 2004 exceeds an amount equal to 20 percent of the aggregate amount so obligated for such activities, the Administrator for Nuclear Security shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing an aggressive plan to provide for the timely expenditure of amounts so obligated but not expended.

(b) SUBMITTAL DATE.—If required to be submitted under subsection (a), the submittal date for the report under that subsection shall be November 30, 2004.

Subtitle D—Other Matters

SEC. 3151. MODIFICATION OF AUTHORITIES ON DEPARTMENT OF ENERGY PERSONNEL SECURITY INVESTIGATIONS.

(a) IN GENERAL.—Subsection e. of section 145 of the Atomic Energy Act of 1954 (42 U.S.C. 2165) is amended by striking paragraph (2) and inserting the following new paragraph (2):

''(2) In the case of any program designated by the Secretary of Energy as sensitive, the Secretary may require that any investigation required by subsections a., b., and c. of an individual employed in the program be made by the Federal Bureau of Investigation.''.

(b) CONFORMING AMENDMENT.—Subsection f. of such section is amended by striking ''a

majority of the members of the Commission shall certify those specific positions'' and inserting ''the Secretary of Energy may certify specific positions (in addition to positions in programs designated as sensitive under subsection e.)''.

SEC. 3152. RESPONSIBILITIES OF ENVIRONMENTAL MANAGEMENT PROGRAM AND NATIONAL NUCLEAR SECURITY ADMINISTRATION OF DEPARTMENT OF ENERGY FOR ENVIRONMENTAL CLEANUP, DECONTAMINATION AND DECOMMISSIONING, AND WASTE MANAGEMENT.

(a) DELINEATION OF RESPONSIBILITIES.—The Secretary of Energy shall include in the budget justification materials submitted to Congress in support of the Department of Energy budget for fiscal year 2005 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a report setting forth a delineation of responsibilities between and among the Environmental Management (EM) program and the National Nuclear Security Administration (NNSA) of the Department of Energy for activities on each of the following:

(1) Environmental cleanup.

(2) Decontamination and decommissioning (D&D).

(3) Waste management.

(b) PLAN FOR IMPLEMENTATION OF DELINEATED RESPONSIBILITIES.—(1) The Secretary shall include in the budget justification materials submitted to Congress in support of the Department of Energy budget for fiscal year 2006 (as so submitted) a report setting forth a plan to implement among the Environmental Management program and the National Nuclear Security Administration the responsibilities for activities referred to in subsection (a) as delineated under that subsection.

(2) The report under paragraph (1) shall include such recommendations for legislative action as the Secretary considers appropriate in order to—

(A) clarify in law the responsibilities delineated under subsection (a); and

(B) facilitate the implementation of the plan set forth in the report.

(c) CONSULTATION.—The Secretary shall carry out this section in consultation with the Administrator for Nuclear Security and the Under Secretary of Energy for Energy, Science, and Environment.

SEC. 3153. UPDATE OF REPORT ON STOCKPILE STEWARDSHIP CRITERIA.

(a) UPDATE OF REPORT.—Not later than March 1, 2005, the Secretary of Energy shall submit to the committees referred to in subsection (c) of section 4202 of the Atomic Energy Defense Act a report updating the report submitted under subsection (a) of such section.

(b) ELEMENTS.—The report under subsection (a) of this section shall—

(1) update any information or criteria described in the report submitted under such section 4202;

(2) describe any additional information identified, or criteria established, on matters covered by such section 4202 during the period beginning on the date of the submittal of the report under such section 4202 and ending on the date of the submittal of the report under subsection (a) of this section; and

(3) for each science-based tool developed by the Department of Energy during such period—

(A) a description of the relationship of such science-based tool to the collection of information needed to determine that the nuclear weapons stockpile is safe and reliable; and

(B) a description of the criteria for judging whether or not such science-based tool provides for the collection of such information.

SEC. 3154. PROGRESS REPORTS ON ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

(a) REPORT ON ACCESS TO INFORMATION FOR PERFORMANCE OF RADIATION DOSE RECONSTRUCTIONS.—(1) Not later than 90 days after the date of the enactment of this Act, the National Institute for Occupational Safety and Health shall submit to Congress a report on the ability of the Institute to obtain, in a timely, accurate, and complete manner, information necessary for the purpose of carrying out radiation dose reconstructions under the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384 et seq.), including information requested from any element of the Department of Energy.

(2) The report shall include the following:

(A) An identification of each matter adversely affecting the ability of the Institute to obtain information described in paragraph (1) in a timely, accurate, and complete manner.

(B) For each facility with respect to which the Institute is carrying out one or more dose reconstructions described in paragraph (1)—

(i) a specification of the total number of claims requiring dose reconstruction;

(ii) a specification of the number of claims for which dose reconstruction has been adversely affected by any matter identified under paragraph (1); and

(iii) a specification of the number of claims requiring dose reconstruction for which, because of any matter identified under paragraph (1), dose reconstruction has not been completed within 150 days after the date on which the Secretary of Labor submitted the claim to the Secretary of Health and Human Services.

(b) REPORT ON DENIAL OF CLAIMS.—(1) Not later than 90 days after the date of the enactment of this Act, the Secretary of Labor shall submit to Congress a report on the denial of claims under the Energy Employees Occupational Illness Compensation Program Act of 2000 as of the date of such report.

(2) The report shall include for each facility with respect to which the Secretary has received one or more claims under that Act the following:

(A) The number of claims received with respect to such facility that have been denied, including the percentage of total number of claims received with respect to such facility that have been denied.

(B) The reasons for the denial of such claims, including the number of claims denied for each such reason.

Subtitle E—Consolidation of General Provisions on Department of Energy National Security Programs

SEC. 3161. CONSOLIDATION AND ASSEMBLY OF RECURRING AND GENERAL PROVISIONS ON DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.

(a) PURPOSE.—

(1) IN GENERAL.—The purpose of this section is to assemble together, without substantive amendment but with technical and conforming amendments of a non-substantive nature, recurring and general provisions of law on Department of Energy national security programs that remain in force in order to consolidate and organize such provisions of law into a single Act intended to comprise general provisions of law on such programs.

(2) CONSTRUCTION OF TRANSFERS.—The transfer of a provision of law by this section shall not be construed as amending, altering, or otherwise modifying the substantive effect of such provision.

(3) TREATMENT OF SATISFIED REQUIREMENTS.—Any requirement in a provision of law transferred under this section that has been fully satisfied in accordance with the terms of such provision of law as of the date of transfer under this section shall be treated as so fully satisfied, and shall not be treated as being revived solely by reason of transfer under this section.

(4) CLASSIFICATION.—The provisions of the Atomic Energy Defense Act, as amended by this section, shall be classified to the United States Code as a new chapter of title 50, United States Code.

(b) DIVISION HEADING.—The Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314) is amended by adding at the end the following new division heading:

''DIVISION D—ATOMIC ENERGY DEFENSE PROVISIONS''.

(c) SHORT TITLE; DEFINITION.—

(1) SHORT TITLE.—Section 3601 of the Atomic Energy Defense Act (title XXXVI of Public Law 107–314; 116 Stat. 2756) is—

(A) transferred to the end of the Bob Stump National Defense Authorization Act for Fiscal Year 2003;

(B) redesignated as section 4001;

(C) inserted after the heading for division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as added by subsection (b); and

(D) amended by striking ''title'' and inserting ''division''.

(2) DEFINITION.—Division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, is further amended by adding at the end the following new section:

''SEC. 4002. DEFINITION.

''In this division, the term 'congressional defense committees' means—

''(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

''(2) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.''.

(d) ORGANIZATIONAL MATTERS.—

(1) TITLE HEADING.—Division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, is further amended by adding at the end the following:

''TITLE XLI—ORGANIZATIONAL MATTERS''.

(2) NAVAL NUCLEAR PROPULSION PROGRAM.—Section 1634 of the Department of Defense Authorization Act, 1985 (Public Law 98–525; 98 Stat. 2649) is—

(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as added by paragraph (1);

(B) inserted after the title heading for such title, as so added; and

(C) amended—

(i) by striking the section heading and inserting the following new section heading:

''SEC. 4101. NAVAL NUCLEAR PROPULSION PROGRAM.'';

and

(ii) by striking ''SEC. 1634.''.

(3) MANAGEMENT STRUCTURE FOR FACILITIES AND LABORATORIES.—Section 3140 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2833) is—

(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4102;

(C) inserted after section 4101, as added by paragraph (2); and

(D) amended in subsection (d)(2), by striking ''120 days after the date of the enactment of this Act,'' and inserting ''January 21, 1997,''.

(4) RESTRICTION ON LICENSING REQUIREMENTS FOR CERTAIN ACTIVITIES AND FACILITIES.—Section 210 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1981 (Public Law 96–540; 94 Stat. 3202) is—

(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) inserted after section 4102, as added by paragraph (3); and

(C) amended—

(i) by striking the section heading and inserting the following new section heading:

"SEC. 4103. RESTRICTION ON LICENSING REQUIREMENT FOR CERTAIN DEFENSE ACTIVITIES AND FACILITIES.";

(ii) by striking ''SEC. 210.''; and

(iii) by striking ''this or any other Act'' and inserting ''the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1981 (Public Law 96–540) or any other Act''.

(e) NUCLEAR WEAPONS STOCKPILE MATTERS.—

(1) HEADINGS.—Division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, is further amended by adding at the end the following new headings:

"TITLE XLII—NUCLEAR WEAPONS STOCKPILE MATTERS

"Subtitle A—Stockpile Stewardship and Weapons Production".

(2) STOCKPILE STEWARDSHIP PROGRAM.—Section 3138 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1946), as amended by section 3152(e) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2042), is—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as added by paragraph (1);

(B) redesignated as section 4201; and

(C) inserted after the heading for subtitle A of such title, as so added.

(3) STOCKPILE STEWARDSHIP CRITERIA.—Section 3158 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2257), as amended, is—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4202; and

(C) inserted after section 4201, as added by paragraph (2).

(4) PLAN FOR STEWARDSHIP, MANAGEMENT, AND CERTIFICATION OF WARHEADS IN STOCKPILE.—Section 3151 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2041) is—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4203; and

(C) inserted after section 4202, as added by paragraph (3).

(5) STOCKPILE LIFE EXTENSION PROGRAM.—Section 3133 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 926) is—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4204;

(C) inserted after section 4203, as added by paragraph (4); and

(D) amended in subsection (c)(1) by striking ''the date of the enactment of this Act'' and inserting ''October 5, 1999''.

(6) ANNUAL ASSESSMENTS AND REPORTS ON CONDITION OF STOCKPILE.—Section 3141 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2730) is—

(A) transferred to title XLII of division D of such Act, as amended by this subsection;

(B) redesignated as section 4205;

(C) inserted after section 4204, as added by paragraph (5); and

(D) amended in subsection (d)(3)(B) by striking ''section 3137 of the National Defense Authorization Act for Fiscal Year 1996 (42 U.S.C. 2121 note)'' and inserting ''section 4213''.

(7) FORM OF CERTAIN CERTIFICATIONS REGARDING STOCKPILE.—Section 3194 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–481) is—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4206; and

(C) inserted after section 4205, as added by paragraph (6).

(8) NUCLEAR TEST BAN READINESS PROGRAM.—Section 1436 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 2075) is—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4207;

(C) inserted after section 4206, as added by paragraph (7); and

(D) amended in the section heading by adding a period at the end.

(9) STUDY ON NUCLEAR TEST READINESS POSTURES.—Section 3152 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 623), as amended by section 3192 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–480), is—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4208; and

(C) inserted after section 4207, as added by paragraph (8).

(10) REQUIREMENTS FOR REQUESTS FOR NEW OR MODIFIED NUCLEAR WEAPONS.—Section 3143 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2733) is—

(A) transferred to title XLII of division D of such Act, as amended by this subsection;

(B) redesignated as section 4209; and

(C) inserted after section 4208, as added by paragraph (9).

(11) LIMITATION ON UNDERGROUND NUCLEAR WEAPONS TESTS.—Subsection (f) of section 507 of the Energy and Water Development Appropriations Act, 1993 (Public Law 102–337; 106 Stat. 1345) is—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) inserted after section 4209, as added by paragraph (10); and

(C) amended—

(i) by inserting before the text the following new section heading:

"SEC. 4210. LIMITATION ON UNDERGROUND NUCLEAR WEAPONS TESTS.";

and

(ii) by striking ''(f)''.

(12) PROHIBITION ON RESEARCH AND DEVELOPMENT OF LOW-YIELD NUCLEAR WEAPONS.—Section 3136 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1946) is—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4211;

(C) inserted after section 4210, as added by paragraph (11); and

(D) amended in subsection (b) by striking ''the date of the enactment of this Act,'' and inserting ''November 30, 1993,''.

(13) TESTING OF NUCLEAR WEAPONS.—Section 3137 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1946) is—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4212;

(C) inserted after section 4211, as added by paragraph (12); and

(D) amended—

(i) in subsection (a), by inserting ''of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160)'' after ''section 3101(a)(2)''; and

(ii) in subsection (b), by striking ''this Act'' and inserting ''the National Defense Authorization Act for Fiscal Year 1994''.

(14) MANUFACTURING INFRASTRUCTURE FOR STOCKPILE.—Section 3137 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 620), as amended by section 3132 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2829), is—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4213;

(C) inserted after section 4212, as added by paragraph (13); and

(D) amended in subsection (d) by inserting ''of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106)'' after ''section 3101(b)''.

(15) REPORTS ON CRITICAL DIFFICULTIES AT LABORATORIES AND PLANTS.—Section 3159 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2842), as amended by section 1305 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1954) and section 3163 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 944), is—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4214; and

(C) inserted after section 4213, as added by paragraph (14).

(16) SUBTITLE HEADING ON TRITIUM.—Title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:

"Subtitle B—Tritium".

(17) TRITIUM PRODUCTION PROGRAM.—Section 3133 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 618) is—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4231;

(C) inserted after the heading for subtitle B of such title XLII, as added by paragraph (16); and

(D) amended—

(i) by striking ''the date of the enactment of this Act'' each place it appears and inserting ''February 10, 1996''; and

(ii) in subsection (b), by inserting ''of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106)'' after ''section 3101''.

(18) TRITIUM RECYCLING.—Section 3136 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 620) is—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4232; and

(C) inserted after section 4231, as added by paragraph (17).

(19) TRITIUM PRODUCTION.—Subsections (c) and (d) of section 3133 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2830) are—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) inserted after section 4232, as added by paragraph (18); and

(C) amended—

(i) by inserting before the text the following new section heading:

''SEC. 4233. TRITIUM PRODUCTION.'';

(ii) by redesignating such subsections as subsections (a) and (b), respectively; and

(iii) in subsection (a), as so redesignated, by inserting ''of Energy'' after ''The Secretary''.

(20) MODERNIZATION AND CONSOLIDATION OF TRITIUM RECYCLING FACILITIES.—Section 3134 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2830) is—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4234;

(C) inserted after section 4233, as added by paragraph (19); and

(D) amended in subsection (b) by inserting ''of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201)'' after ''section 3101''.

(21) PROCEDURES FOR MEETING TRITIUM PRODUCTION REQUIREMENTS.—Section 3134 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 927) is—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4235; and

(C) inserted after section 4234, as added by paragraph (20).

(f) PROLIFERATION MATTERS.—

(1) TITLE HEADING.—Division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, is further amended by adding at the end the following new title heading:

''TITLE XLIII—PROLIFERATION MATTERS''.

(2) INTERNATIONAL COOPERATIVE STOCKPILE STEWARDSHIP.—Section 3133 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2036), as amended by sections 1069 and 3131 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2136, 2246), is—

(A) transferred to title XLIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as added by paragraph (1);

(B) redesignated as section 4301;

(C) inserted after the heading for such title, as so added; and

(D) amended in subsection (b)(3) by striking ''of this Act'' and inserting ''of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85)''.

(3) NONPROLIFERATION INITIATIVES AND ACTIVITIES.—Section 3136 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 927) is—

(A) transferred to title XLIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4302;

(C) inserted after section 4301, as added by paragraph (2); and

(D) amended in subsection (b)(1) by striking ''this title'' and inserting ''title XXXI of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65)''.

(4) ANNUAL REPORT ON MATERIALS PROTECTION, CONTROL, AND ACCOUNTING PROGRAM.—Section 3171 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1645A–475) is—

(A) transferred to title XLIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4303;

(C) inserted after section 4302, as added by paragraph (3); and

(D) amended in subsection (c)(1) by striking ''this Act'' and inserting ''the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398)''.

(5) NUCLEAR CITIES INITIATIVE.—Section 3172 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1645A–476) is—

(A) transferred to title XLIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4304; and

(C) inserted after section 4303, as added by paragraph (4).

(6) PROGRAMS ON FISSILE MATERIALS.—Section 3131 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 617), as amended by section 3152 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2738), is—

(A) transferred to title XLIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4305; and

(C) inserted after section 4304, as added by paragraph (5).

(7) DISPOSITION OF WEAPONS USABLE PLUTONIUM.—Section 3182 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2747) is—

(A) transferred to title XLIII of division D of such Act, as amended by this subsection;

(B) redesignated as section 4306; and

(C) inserted after section 4305, as added by paragraph (7).

(8) DISPOSITION OF SURPLUS DEFENSE PLUTONIUM.—Section 3155 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1378) is—

(A) transferred to title XLIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4307; and

(C) inserted after section 4306, as added by paragraph (7).

(g) ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT MATTERS.—

(1) HEADINGS.—Division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, is further amended by adding at the end the following new headings:

''TITLE XLIV—ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT MATTERS

''Subtitle A—Environmental Restoration and Waste Management''.

(2) DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT ACCOUNT.—Section 3134 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1575) is—

(A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as added by paragraph (1);

(B) redesignated as section 4401; and

(C) inserted after the heading for subtitle A of such title, as so added.

(3) FUTURE USE PLANS FOR ENVIRONMENTAL MANAGEMENT PROGRAM.—Section 3153 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2839) is—

(A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4402;

(C) inserted after section 4401, as added by paragraph (2); and

(D) amended—

(i) in subsection (d), by striking ''the date of the enactment of this Act'' and inserting ''September 23, 1996,''; and

(ii) in subsection (h)(1), by striking ''the date of the enactment of this Act'' and inserting ''September 23, 1996''.

(4) INTEGRATED FISSILE MATERIALS MANAGEMENT PLAN.—Section 3172 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 948) is—

(A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4403; and

(C) inserted after section 4402, as added by paragraph (3).

(5) BASELINE ENVIRONMENTAL MANAGEMENT REPORTS.—Section 3153 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1950), as amended by section 3160 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3094), section 3152 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2839), and section 3160 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2048), is—

(A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4404; and

(C) inserted after section 4403, as added by paragraph (4).

(6) ACCELERATED SCHEDULE FOR ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.—Section 3156 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 625) is—

(A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4405;

(C) inserted after section 4404, as added by paragraph (5); and

(D) amended in subsection (b)(2) by inserting before the period the following: '', the predecessor provision to section 4404 of this Act''.

(7) DEFENSE WASTE CLEANUP TECHNOLOGY PROGRAM.—Section 3141 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1679) is—

(A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4406;

(C) inserted after section 4405, as added by paragraph (6); and

(D) amended in the section heading by adding a period at the end.

(8) REPORT ON ENVIRONMENTAL RESTORATION EXPENDITURES.—Section 3134 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1833) is—

(A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4407;

(C) inserted after section 4406, as added by paragraph (7); and

(D) amended in the section heading by adding a period at the end.

(9) PUBLIC PARTICIPATION IN PLANNING FOR ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.—Subsection (e) of section 3160 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3095) is—

(A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) inserted after section 4407, as added by paragraph (8); and

(C) amended—

(i) by inserting before the text the following new section heading:

"SEC. 4408. PUBLIC PARTICIPATION IN PLANNING FOR ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT AT DEFENSE NUCLEAR FACILITIES.";

and

(ii) by striking ''(e) PUBLIC PARTICIPATION IN PLANNING.—''.

(10) SUBTITLE HEADING ON CLOSURE OF FACILITIES.—Title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:

"Subtitle B—Closure of Facilities".

(11) PROJECTS TO ACCELERATE CLOSURE ACTIVITIES AT DEFENSE NUCLEAR FACILITIES.—Section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2836) is—

(A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4421;

(C) inserted after the heading for subtitle B of such title, as added by paragraph (10); and

(D) amended in subsection (i), by striking ''the expiration of the 15-year period beginning on the date of the enactment of this Act'' and inserting ''September 23, 2011''.

(12) REPORTS IN CONNECTION WITH PERMANENT CLOSURE OF DEFENSE NUCLEAR FACILITIES.—Section 3156 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1683) is—

(A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4422;

(C) inserted after section 4421, as added by paragraph (11); and

(D) amended in the section heading by adding a period at the end.

(13) SUBTITLE HEADING ON PRIVATIZATION.—Title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:

"Subtitle C—Privatization".

(14) DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION PROJECTS.—Section 3132 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2034) is—

(A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4431;

(C) inserted after the heading for subtitle C of such title, as added by paragraph (13); and

(D) amended—

(i) in subsections (a), (c)(1)(B)(i), and (d), by inserting ''of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85)'' after ''section 3102(i)''; and

(ii) in subsections (c)(1)(B)(ii) and (f), by striking ''the date of enactment of this Act'' and inserting ''November 18, 1997''.

(h) SAFEGUARDS AND SECURITY MATTERS.—(1) HEADINGS.—Division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, is further amended by adding at the end the following new headings:

"TITLE XLV—SAFEGUARDS AND SECURITY MATTERS

"Subtitle A—Safeguards and Security".

(2) PROHIBITION ON INTERNATIONAL INSPECTIONS OF FACILITIES WITHOUT PROTECTION OF RESTRICTED DATA.—Section 3154 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 624) is—

(A) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as added by paragraph (1);

(B) redesignated as section 4501;

(C) inserted after the heading for subtitle A of such title, as so added; and

(D) amended—

(i) by striking ''(1) The'' and inserting ''The''; and

(ii) by striking ''(2) For purposes of paragraph (1),'' and inserting ''(c) RESTRICTED DATA DEFINED.—In this section,''.

(3) RESTRICTIONS ON ACCESS TO LABORATORIES BY FOREIGN VISITORS FROM SENSITIVE COUNTRIES.—Section 3146 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 935) is—

(A) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4502;

(C) inserted after section 4501, as added by paragraph (2); and

(D) amended—

(i) in subsection (b)(2)—

(I) in the matter preceding subparagraph (A), by striking ''30 days after the date of the enactment of this Act'' and inserting ''on November 4, 1999,''; and

(II) in subparagraph (A), by striking ''The date that is 90 days after the date of the enactment of this Act'' and inserting ''January 3, 2000'';

(ii) in subsection (d)(1), by striking ''the date of the enactment of this Act,'' and inserting ''October 5, 1999,''; and

(iii) in subsection (g), by adding at the end the following new paragraphs:

''(3) The term 'national laboratory' means any of the following:

''(A) Lawrence Livermore National Laboratory, Livermore, California.

''(B) Los Alamos National Laboratory, Los Alamos, New Mexico.

''(C) Sandia National Laboratories, Albuquerque, New Mexico and Livermore, California.

''(4) The term 'Restricted Data' has the meaning given that term in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).''.

(4) BACKGROUND INVESTIGATIONS ON CERTAIN PERSONNEL.—Section 3143 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 934) is—

(A) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4503;

(C) inserted after section 4502, as added by paragraph (3); and

(D) amended—

(i) in subsection (b), by striking ''the date of the enactment of this Act'' and inserting ''October 5, 1999,''; and

(ii) by adding at the end the following new subsection:

''(c) DEFINITIONS.—In this section, the terms 'national laboratory' and 'Restricted Data' have the meanings given such terms in section 4502(g)).''.

(5) COUNTERINTELLIGENCE POLYGRAPH PROGRAM.—

(A) DEPARTMENT OF ENERGY COUNTERINTELLIGENCE POLYGRAPH PROGRAM.—Section 3152 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1376) is—

(i) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(ii) redesignated as section 4504;

(iii) inserted after section 4503, as added by paragraph (4); and

(iv) amended in subsection (c) by striking ''section 3154 of the Department of Energy Facilities Safeguards, Security, and Counterintelligence Enhancement Act of 1999 (subtitle D of title XXXI of Public Law 106–65; 42 U.S.C. 7383h)'' and inserting ''section 4504A''.

(B) COUNTERINTELLIGENCE POLYGRAPH PROGRAM.—Section 3154 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 941), as amended by section 3135 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–456), is—

(i) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(ii) redesignated as section 4504A;

(iii) inserted after section 4504, as added by subparagraph (A); and

(iv) amended in subsection (h) by striking ''180 days after the date of the enactment of this Act,'' and inserting ''April 5, 2000,''.

(6) NOTICE OF SECURITY AND COUNTERINTELLIGENCE FAILURES.—Section 3150 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 939) is—

(A) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4505;

(C) inserted after section 4504A, as added by paragraph (5)(B).

(7) ANNUAL REPORT ON SECURITY FUNCTIONS AT NUCLEAR WEAPONS FACILITIES.—Section 3162 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2049) is—

(A) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4506;

(C) inserted after section 4505, as added by paragraph (6); and

(D) amended in subsection (b) by inserting ''of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2048; 42 U.S.C. 7251 note)'' after ''section 3161''.

(8) REPORT ON COUNTERINTELLIGENCE AND SECURITY PRACTICES AT LABORATORIES.—Section 3152 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 940) is—

(A) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4507;

(C) inserted after section 4506, as added by paragraph (7); and

(D) amended by adding at the end the following new subsection:

''(c) NATIONAL LABORATORY DEFINED.—In this section, the term 'national laboratory' has the meaning given that term in section 4502(g)(3).''.

(9) REPORT ON SECURITY VULNERABILITIES OF NATIONAL LABORATORY COMPUTERS.—Section 3153 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 940) is—

(A) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4508;

(C) inserted after section 4507, as added by paragraph (8); and

(D) amended by adding at the end the following new subsection:

''(f) NATIONAL LABORATORY DEFINED.—In this section, the term 'national laboratory' has the meaning given that term in section 4502(g)(3).''.

(10) SUBTITLE HEADING ON CLASSIFIED INFORMATION.—Title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:

''Subtitle B—Classified Information''.

(11) REVIEW OF CERTAIN DOCUMENTS BEFORE DECLASSIFICATION AND RELEASE.—Section 3155 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 625) is—

(A) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4521; and

(C) inserted after the heading for subtitle B of such title, as added by paragraph (10).

(12) PROTECTION AGAINST INADVERTENT RELEASE OF RESTRICTED DATA AND FORMERLY RESTRICTED DATA.—Section 3161 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2259), as amended by section 1067(3) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 774) and section 3193 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–480), is—

(A) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4522;

(C) inserted after section 4521, as added by paragraph (11); and

(D) amended—

(i) in subsection (c)(1), by striking ''the date of the enactment of this Act'' and inserting ''October 17, 1998,'';

(ii) in subsection (f)(1), by striking ''the date of the enactment of this Act'' and inserting ''October 17, 1998''; and

(iii) in subsection (f)(2), by striking ''The Secretary'' and inserting ''Commencing with inadvertent releases discovered on or after October 30, 2000, the Secretary''.

(13) SUPPLEMENT TO PLAN FOR DECLASSIFICATION OF RESTRICTED DATA AND FORMERLY RESTRICTED DATA.—Section 3149 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 938) is—

(A) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4523;

(C) inserted after section 4522, as added by paragraph (12); and

(D) amended—

(i) in subsection (a), by striking ''subsection (a) of section 3161 of the Strom Thurmond National Defense Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2260; 50 U.S.C. 435 note)'' and inserting ''subsection (a) of section 4522'';

(ii) in subsection (b)—

(I) by striking ''section 3161(b)(1) of that Act'' and inserting ''subsection (b)(1) of section 4522''; and

(II) by striking ''the date of the enactment of that Act'' and inserting ''October 17, 1998,'';

(iii) in subsection (c)—

(I) by striking ''section 3161(c) of that Act'' and inserting ''subsection (c) of section 4522''; and

(II) by striking ''section 3161(a) of that Act'' and inserting ''subsection (a) of such section''; and

(iv) in subsection (d), by striking ''section 3161(d) of that Act'' and inserting ''subsection (d) of section 4522''.

(14) PROTECTION OF CLASSIFIED INFORMATION DURING LABORATORY-TO-LABORATORY EXCHANGES.—Section 3145 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 935) is—

(A) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4524; and

(C) inserted after section 4523, as added by paragraph (13).

(15) IDENTIFICATION IN BUDGETS OF AMOUNT FOR DECLASSIFICATION ACTIVITIES.—Section 3173 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 949) is—

(A) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4525;

(C) inserted after section 4524, as added by paragraph (14); and

(D) amended in subsection (b) by striking ''the date of the enactment of this Act'' and inserting ''October 5, 1999,''.

(16) SUBTITLE HEADING ON EMERGENCY RESPONSE.—Title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:

''Subtitle C—Emergency Response''.

(17) RESPONSIBILITY FOR DEFENSE PROGRAMS EMERGENCY RESPONSE PROGRAM.—Section 3158 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 626) is—

(A) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4541; and

(C) inserted after the heading for subtitle C of such title, as added by paragraph (16).

(i) PERSONNEL MATTERS.—

(1) HEADINGS.—Division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, is further amended by adding at the end the following new headings:

''TITLE XLVI—PERSONNEL MATTERS

''Subtitle A—Personnel Management''.

(2) AUTHORITY FOR APPOINTMENT OF CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL.—Section 3161 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3095), as amended by section 3139 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2040), sections 3152 and 3155 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2253, 2257), and section 3191 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–480), is—

(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as added by paragraph (1);

(B) redesignated as section 4601; and

(C) inserted after the heading for subtitle A of such title, as so added.

(3) WHISTLEBLOWER PROTECTION PROGRAM.—Section 3164 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 946) is—

(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4602;

(C) inserted after section 4601, as added by paragraph (2); and

(D) amended in subsection (n) by striking ''60 days after the date of the enactment of this Act,'' and inserting ''December 5, 1999,''.

(4) EMPLOYEE INCENTIVES FOR WORKERS AT CLOSURE PROJECT FACILITIES.—Section 3136 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–458) is—

(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4603;

(C) inserted after section 4602, as added by paragraph (3); and

(D) amended—

(i) in subsections (c) and (i)(1)(A), by striking ''section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (42 U.S.C. 7274n)'' and inserting ''section 4421''; and

(ii) in subsection (g), by striking ''section 3143(h) of the National Defense Authorization Act for Fiscal Year 1997'' and inserting ''section 4421(h)''.

(5) DEFENSE NUCLEAR FACILITY WORKFORCE RESTRUCTURING PLAN.—Section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2644), as amended by section 1070(c)(2) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2857), Public Law 105–277 (112 Stat. 2681–419, 2681–430), and section 1048(h)(1) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1229), is—

(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4604;

(C) inserted after section 4603, as added by paragraph (4); and

(D) amended—

(i) in subsection (a), by striking ''(hereinafter in this subtitle referred to as the 'Secretary')''; and

(ii) by adding at the end the following new subsection:

''(g) DEPARTMENT OF ENERGY DEFENSE NUCLEAR FACILITY DEFINED.—In this section, the term 'Department of Energy defense nuclear facility' means—

''(1) a production facility or utilization facility (as those terms are defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014)) that is under the control or jurisdiction of the Secretary and that is operated for national security purposes (including the tritium loading facility at Savannah River, South Carolina, the 236 H facility at Savannah River, South Carolina; and the Mound Laboratory, Ohio), but the term does not include any facility that does not conduct atomic energy defense activities and does not include any facility or activity covered by Executive Order Number 12344, dated February 1, 1982, pertaining to the naval nuclear propulsion program;

''(2) a nuclear waste storage or disposal facility that is under the control or jurisdiction of the Secretary;

''(3) a testing and assembly facility that is under the control or jurisdiction of the Secretary and that is operated for national security purposes (including the Nevada Test Site, Nevada; the Pinnellas Plant, Florida; and the Pantex facility, Texas);

''(4) an atomic weapons research facility that is under the control or jurisdiction of the Secretary (including Lawrence Livermore, Los Alamos, and Sandia National Laboratories); or

''(5) any facility described in paragraphs (1) through (4) that—

''(A) is no longer in operation;

''(B) was under the control or jurisdiction of the Department of Defense, the Atomic Energy Commission, or the Energy Research and Development Administration; and

''(C) was operated for national security purposes.''.

(6) AUTHORITY TO PROVIDE CERTIFICATE OF COMMENDATION TO EMPLOYEES.—Section 3195 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–481) is—

(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4605; and

(C) inserted after section 4604, as added by paragraph (5).

(7) SUBTITLE HEADING ON TRAINING AND EDUCATION.—Title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:

''Subtitle B—Education and Training''.

(8) EXECUTIVE MANAGEMENT TRAINING.—Section 3142 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1680) is—

(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4621;

(C) inserted after the heading for subtitle B of such title, as added by paragraph (7); and

(D) amended in the section heading by adding a period at the end.

(9) STOCKPILE STEWARDSHIP RECRUITMENT AND TRAINING PROGRAM.—Section 3131 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3085) is—

(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4622;

(C) inserted after section 4621, as added by paragraph (8); and

(D) amended—

(i) in subsection (a)(1), by striking ''section 3138 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1946; 42 U.S.C. 2121 note)'' and inserting ''section 4201''; and

(ii) in subsection (b)(2), by inserting ''of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337)'' after ''section 3101(a)(1)''.

(10) FELLOWSHIP PROGRAM FOR DEVELOPMENT OF SKILLS CRITICAL TO NUCLEAR WEAPONS COMPLEX.—Section 3140 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat 621), as amended by section 3162 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 943), is—

(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4623; and

(C) inserted after section 4622, as added by paragraph (9).

(11) SUBTITLE HEADING ON WORKER SAFETY.—Title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:

''Subtitle C—Worker Safety''.

(12) WORKER PROTECTION AT NUCLEAR WEAPONS FACILITIES.—Section 3131 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1571) is—

(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4641;

(C) inserted after the heading for subtitle C of such title, as added by paragraph (11); and

(D) amended in subsection (e) by inserting ''of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190)'' after ''section 3101(9)(A)''.

(13) SAFETY OVERSIGHT AND ENFORCEMENT AT DEFENSE NUCLEAR FACILITIES.—Section 3163 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3097) is—

(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4642;

(C) inserted after section 4641, as added by paragraph (12); and

(D) amended in subsection (b) by striking ''90 days after the date of the enactment of this Act,'' and inserting ''January 5, 1995,''.

(14) PROGRAM TO MONITOR WORKERS AT DEFENSE NUCLEAR FACILITIES EXPOSED TO HAZARDOUS AND RADIOACTIVE SUBSTANCES.—Section 3162 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2646) is—

(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4643;

(C) inserted after section 4642, as added by paragraph (13); and

(D) amended—

(i) in subsection (b)(6), by striking ''1 year after the date of the enactment of this Act'' and inserting ''October 23, 1993'';

(ii) in subsection (c), by striking ''180 days after the date of the enactment of this Act,'' and inserting ''April 23, 1993,''; and

(iii) by adding at the end the following new subsection:

''(c) DEFINITIONS.—In this section:

''(1) The term 'Department of Energy defense nuclear facility' has the meaning given that term in section 4604(g).

''(2) The term 'Department of Energy employee' means any employee of the Department of Energy employed at a Department of Energy defense nuclear facility, including any employee of a contractor of subcontractor of the Department of Energy employed at such a facility.''.

(j) BUDGET AND FINANCIAL MANAGEMENT MATTERS.—

(1) HEADINGS.—Division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, is further amended by adding at the end the following new headings:

''TITLE XLVII—BUDGET AND FINANCIAL MANAGEMENT MATTERS

''Subtitle A—Recurring National Security Authorization Provisions''.

(2) RECURRING NATIONAL SECURITY AUTHORIZATION PROVISIONS.—Sections 3620 through 3631 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2756) are—

(A) transferred to title XLVII of division D of such Act, as added by paragraph (1);

(B) redesignated as sections 4701 through 4712, respectively;

(C) inserted after the heading for subtitle A of such title, as so added; and

(D) amended—

(i) in section 4702, as so redesignated, by striking ''sections 3629 and 3630'' and inserting ''sections 4710 and 4711'';

(ii) in section 4706(a)(3)(B), as so redesignated, by striking ''section 3626'' and inserting ''section 4707'';

(iii) in section 4707(c), as so redesignated, by striking ''section 3625(b)(2)'' and inserting ''section 4706(b)(2)'';

(iv) in section 4710(c), as so redesignated, by striking ''section 3621'' and inserting ''section 4702'';

(v) in section 4711(c), as so redesignated, by striking ''section 3621'' and inserting ''section 4702''; and

(vi) in section 4712, as so redesignated, by striking ''section 3621'' and inserting ''section 4702''.

(3) SUBTITLE HEADING ON PENALTIES.—Title XLVII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:

''Subtitle B—Penalties''.

(4) RESTRICTION ON USE OF FUNDS TO PAY PENALTIES UNDER ENVIRONMENTAL LAWS.—Section 3132 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661; 100 Stat. 4063) is—

(A) transferred to title XLVII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4721;

(C) inserted after the heading for subtitle B of such title, as added by paragraph (3); and

(D) amended in the section heading by adding a period at the end.

(5) RESTRICTION ON USE OF FUNDS TO PAY PENALTIES UNDER CLEAN AIR ACT.—Section 211 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1981 (Public Law 96–540; 94 Stat. 3203) is—

(A) transferred to title XLVII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) inserted after section 4721, as added by paragraph (4); and

(C) amended—

(i) by striking the section heading and inserting the following new section heading:

"SEC. 4722. RESTRICTION ON USE OF FUNDS TO PAY PENALTIES UNDER CLEAN AIR ACT.";

(ii) by striking SEC. 211.''; and

(iii) by striking ''this or any other Act'' and inserting ''the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1981 (Public Law 96–540) or any other Act''.

(6) SUBTITLE HEADING ON OTHER MATTERS.—Title XLVII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:

"Subtitle C—Other Matters".

(7) SINGLE REQUEST FOR AUTHORIZATION OF APPROPRIATIONS FOR COMMON DEFENSE AND SECURITY PROGRAMS.—Section 208 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1979 (Public Law 95–509; 92 Stat. 1779) is—

(A) transferred to title XLVII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) inserted after the heading for subtitle C of such title, as added by paragraph (6); and

(C) amended—

(i) by striking the section heading and inserting the following new section heading:

"SEC. 4731. SINGLE REQUEST FOR AUTHORIZATION OF APPROPRIATIONS FOR COMMON DEFENSE AND SECURITY PROGRAMS."; and

(ii) by striking ''SEC. 208.''.

(k) ADMINISTRATIVE MATTERS.—

(1) HEADINGS.—Division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, is further amended by adding at the end the following new headings:

"TITLE XLVIII—ADMINISTRATIVE MATTERS

"Subtitle A—Contracts".

(2) COSTS NOT ALLOWED UNDER CERTAIN CONTRACTS.—Section 1534 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 774), as amended by section 3131 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1238), is—

(A) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as added by paragraph (1);

(B) redesignated as section 4801;

(C) inserted after the heading for subtitle A of such title, as so added; and

(D) amended—

(i) in the section heading, by adding a period at the end; and

(ii) in subsection (b)(1), by striking ''the date of the enactment of this Act,'' and inserting ''November 8, 1985,''.

(3) PROHIBITION ON BONUSES TO CONTRACTORS OPERATING DEFENSE NUCLEAR FACILITIES.—Section 3151 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1682) is—

(A) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4802;

(C) inserted after section 4801, as added by paragraph (2); and

(D) amended—

(i) in the section heading, by adding a period at the end;

(ii) in subsection (a), by striking ''the date of the enactment of this Act'' and inserting ''November 29, 1989'';

(iii) in subsection (b), by striking ''6 months after the date of the enactment of this Act,'' and inserting ''May 29, 1990,''; and

(iv) in subsection (d), by striking ''90 days after the date of the enactment of this Act'' and inserting ''March 1, 1990''.

(4) CONTRACTOR LIABILITY FOR INJURY OR LOSS OF PROPERTY ARISING FROM ATOMIC WEAPONS TESTING PROGRAMS.—Section 3141 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1837) is—

(A) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4803;

(C) inserted after section 4802, as added by paragraph (3); and

(D) amended—

(i) in the section heading, by adding a period at the end; and

(ii) in subsection (d), by striking ''the date of the enactment of this Act'' each place it appears and inserting ''November 5, 1990,''.

(5) SUBTITLE HEADING ON RESEARCH AND DEVELOPMENT.—Title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:

"Subtitle B—Research and Development".

(6) LABORATORY-DIRECTED RESEARCH AND DEVELOPMENT.—Section 3132 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1832) is—

(A) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4811;

(C) inserted after the heading for subtitle B of such title, as added by paragraph (5); and

(D) amended in the section heading by adding a period at the end.

(7) LIMITATIONS ON USE OF FUNDS FOR LABORATORY DIRECTED RESEARCH AND DEVELOPMENT.—

(A) LIMITATIONS ON USE OF FUNDS FOR LABORATORY DIRECTED RESEARCH AND DEVELOPMENT.—Section 3137 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2038) is—

(i) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(ii) redesignated as section 4812;

(iii) inserted after section 4811, as added by paragraph (6); and

(iv) amended—

(I) in subsection (b), by striking ''section 3136(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2831; 42 U.S.C. 7257b)'' and inserting ''section 4812A(b)'';

(II) in subsection (d)—

(aa) by striking ''section 3136(b)(1)'' and inserting ''section 4812A(b)(1)''; and

(bb) by striking ''section 3132(c) of the National Defense Authorization Act for Fiscal Year 1991 (42 U.S.C. 7257a(c))'' and inserting ''section 4811(c)''; and

(III) in subsection (e), by striking ''section 3132(d) of the National Defense Authorization Act for Fiscal Year 1991 (42 U.S.C. 7257a(d))'' and inserting ''section 4811(d)''.

(B) LIMITATION ON USE OF FUNDS FOR CERTAIN RESEARCH AND DEVELOPMENT PURPOSES.—Section 3136 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2830), as amended by section 3137 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2038), is—

(i) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(ii) redesignated as section 4812A;

(iii) inserted after section 4812, as added by paragraph (7); and

(iv) amended in subsection (a) by inserting ''of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201)'' after ''section 3101''.

(8) CRITICAL TECHNOLOGY PARTNERSHIPS.—Section 3136 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1577), as amended by section 203(b)(3) of Public Law 103–35 (107 Stat. 102), is—

(A) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4813; and

(C) inserted after section 4812A, as added by paragraph (7)(B).

(9) UNIVERSITY-BASED RESEARCH COLLABORATION PROGRAM.—Section 3155 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2044) is—

(A) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4814;

(C) inserted after section 4813, as added by paragraph (8); and

(D) amended in subsection (c) by striking ''this title'' and inserting ''title XXXI of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85)''.

(10) SUBTITLE HEADING ON FACILITIES MANAGEMENT.—Title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:

"Subtitle C—Facilities Management".

(11) TRANSFERS OF REAL PROPERTY AT CERTAIN FACILITIES.—Section 3158 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2046) is—

(A) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4831; and

(C) inserted after the heading for subtitle C of such title, as added by paragraph (10).

(12) ENGINEERING AND MANUFACTURING RESEARCH, DEVELOPMENT, AND DEMONSTRATION AT CERTAIN NUCLEAR WEAPONS PRODUCTION PLANTS.—Section 3156 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–467) is—

(A) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4832; and

(C) inserted after section 4831, as added by paragraph (11).

(13) PILOT PROGRAM ON USE OF PROCEEDS OF DISPOSAL OR UTILIZATION OF CERTAIN ASSETS.—Section 3138 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2039) is—

(A) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4833;

(C) inserted after section 4832, as added by paragraph (12); and

(D) amended in subsection (d) by striking ''sections 202 and 203(j) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483 and 484(j))'' and inserting ''subchapter II of chapter 5 and section 549 of title 40, United States Code,''.

(14) SUBTITLE HEADING ON OTHER MATTERS.—Title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:

''Subtitle D—Other Matters''.

(15) SEMIANNUAL REPORTS ON LOCAL IMPACT ASSISTANCE.—Subsection (f) of section 3153 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2044) is—

(A) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) inserted after the heading for subtitle D of such title, as added by paragraph (14); and

(C) amended—

(i) by inserting before the text the following new section heading:

''SEC. 4851. SEMIANNUAL REPORTS ON LOCAL IMPACT ASSISTANCE.'';

(ii) by striking ''(f) SEMIANNUAL REPORTS ON LOCAL IMPACT ASSISTANCE.—''; and

(iii) by striking ''section 3161(c)(6) of the National Defense Authorization Act of Fisca Year 1993 (42 U.S.C. 7274h(c)(6))'' and inserting ''section 4604(c)(6)''.

(l) MATTERS RELATING TO PARTICULAR FACILITIES.—

(1) HEADINGS.—Division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, is further amended by adding at the end the following new headings:

''TITLE XLIX—MATTERS RELATING TO PARTICULAR FACILITIES

''Subtitle A—Hanford Reservation, Washington''.

(2) SAFETY MEASURES FOR WASTE TANKS.—Section 3137 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1833) is—

(A) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as added by paragraph (1);

(B) redesignated as section 4901;

(C) inserted after the heading for subtitle A of such title, as so added; and

(D) amended—

(i) in the section heading, by adding a period at the end;

(ii) in subsection (a), by striking ''Within 90 days after the date of the enactment of this Act,'' and inserting ''Not later than February 3, 1991,'';

(iii) in subsection (b), by striking ''Within 120 days after the date of the enactment of this Act,'' and inserting ''Not later than March 5, 1991,'';

(iv) in subsection (c), by striking ''Beginning 120 days after the date of the enactment of this Act,'' and inserting ''Beginning March 5, 1991,''; and

(v) in subsection (d), by striking ''Within six months of the date of the enactment of this Act,'' and inserting ''Not later than May 5, 1991,''.

(3) PROGRAMS FOR PERSONS WHO MAY HAVE BEEN EXPOSED TO RADIATION RELEASED FROM HANFORD RESERVATION.—Section 3138 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1834), as amended by section 3138 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3087), is—

(A) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4902;

(C) inserted after section 4901, as added by paragraph (2); and

(D) amended—

(i) in the section heading, by adding a period at the end;

(ii) in subsection (a), by striking ''this title'' and inserting ''title XXXI of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510)''; and

(iii) in subsection (c)—

(I) in paragraph (2), by striking ''six months after the date of the enactment of this Act,'' and inserting ''May 5, 1991,''; and

(II) in paragraph (3), by striking ''18 months after the date of the enactment of this Act,'' and inserting ''May 5, 1992,''.

(4) WASTE TANK CLEANUP PROGRAM.—Section 3139 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2250), as amended by section 3141 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–463) and section 3135 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1368), is—

(A) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4903;

(C) inserted after section 4902, as added by paragraph (3); and

(D) amended in subsection (d) by striking ''30 days after the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001,'' and inserting ''November 29, 2000,''.

(5) RIVER PROTECTION PROJECT.—Subsection (a) of section 3141 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–462) is—

(A) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) inserted after section 4903, as added by paragraph (4); and

(C) amended—

(i) by inserting before the text the following new section heading:

''SEC. 4904. RIVER PROTECTION PROJECT.''; and

(ii) by striking ''(a) REDESIGNATION OF PROJECT.—''.

(6) FUNDING FOR TERMINATION COSTS OF RIVER PROTECTION PROJECT.—Section 3131 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–454) is—

(A) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4905;

(C) inserted after section 4904, as added by paragraph (5); and

(D) amended—

(i) by striking ''section 3141'' and inserting ''section 4904''; and

(ii) by striking ''the date of the enactment of this Act'' and inserting ''October 30, 2000''.

(7) SUBTITLE HEADING ON SAVANNAH RIVER SITE, SOUTH CAROLINA.—Title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:

''Subtitle B—Savannah River Site, South Carolina''.

(8) ACCELERATED SCHEDULE FOR ISOLATING HIGH-LEVEL NUCLEAR WASTE AT DEFENSE WASTE PROCESSING FACILITY.—Section 3141 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2834) is—

(A) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4911; and

(C) inserted after the heading for subtitle B of such title, as added by paragraph (7).

(9) MULTI-YEAR PLAN FOR CLEAN-UP.—Subsection (e) of section 3142 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2834) is—

(A) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) inserted after section 4911, as added by paragraph (8); and

(C) amended—

(i) by inserting before the text the following new section heading:

''SEC. 4912. MULTI-YEAR PLAN FOR CLEAN-UP.''; and

(ii) by striking ''(e) MULTI-YEAR PLAN FOR CLEAN-UP AT SAVANNAH RIVER SITE.—The Secretary'' and inserting ''The Secretary of Energy''.

(10) CONTINUATION OF PROCESSING, TREATMENT, AND DISPOSAL OF LEGACY NUCLEAR MATERIALS.—

(A) FISCAL YEAR 2001.—Subsection (a) of section 3137 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat 1654A–460) is—

(i) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(ii) inserted after section 4912, as added by paragraph (9); and

(iii) amended—

(I) by inserting before the text the following new section heading:

''SEC. 4913. CONTINUATION OF PROCESSING, TREATMENT, AND DISPOSAL OF LEGACY NUCLEAR MATERIALS.''; and

(II) by striking ''(a) CONTINUATION.—''.

(B) FISCAL YEAR 2000.—Section 3132 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 924) is—

(i) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(ii) redesignated as section 4913A; and

(iii) inserted after section 4913, as added by subparagraph (A).

(C) FISCAL YEAR 1999.—Section 3135 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2248) is—

(i) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(ii) redesignated as section 4913B; and

(iii) inserted after section 4913A, as added by subparagraph (B).

(D) FISCAL YEAR 1998.—Subsection (b) of section 3136 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2038) is—

(i) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(ii) inserted after section 4913B, as added by subparagraph (C); and

(iii) amended—

(I) by inserting before the text the following new section heading:

"SEC. 4913C. CONTINUATION OF PROCESSING, TREATMENT, AND DISPOSAL OF LEGACY NUCLEAR MATERIALS."; and

(II) by striking ''(b) REQUIREMENT FOR CONTINUING OPERATIONS AT SAVANNAH RIVER SITE.—''.

(E) FISCAL YEAR 1997.—Subsection (f) of section 3142 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2836) is—

(i) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(ii) inserted after section 4913C, as added by subparagraph (D); and

(iii) amended—

(I) by inserting before the text the following new section heading:

"SEC. 4913D. CONTINUATION OF PROCESSING, TREATMENT, AND DISPOSAL OF LEGACY NUCLEAR MATERIALS.";

(II) by striking ''(f) REQUIREMENT FOR CONTINUING OPERATIONS AT SAVANNAH RIVER SITE.—The Secretary'' and inserting ''The Secretary of Energy''; and

(III) by striking ''subsection (e)'' and inserting ''section 4912''.

(11) LIMITATION ON USE OF FUNDS FOR DECOMMISSIONING F–CANYON FACILITY.—Subsection (b) of section 3137 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–460) is—

(A) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) inserted after section 4913D, as added by paragraph (10)(E); and

(C) amended—

(i) by inserting before the text the following new section heading:

"SEC. 4914. LIMITATION ON USE OF FUNDS FOR DECOMMISSIONING F–CANYON FACILITY.";

(ii) by striking ''(b) LIMITATION ON USE OF FUNDS FOR DECOMMISSIONING F–CANYON FACILITY.—'';

(iii) by striking ''this or any other Act'' and inserting ''the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398) or any other Act''; and

(iv) by striking ''the Secretary'' in the matter preceding paragraph (1) and inserting ''the Secretary of Energy''.

(12) SUBTITLE HEADING ON OTHER FACILITIES.—Title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:

"Subtitle C—Other Facilities".

(13) PAYMENT OF COSTS OF OPERATION AND MAINTENANCE OF INFRASTRUCTURE AT NEVADA TEST SITE.—Section 3144 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2838) is—

(A) transferred to title XLIX of division D of such Act, as amended by this subsection;

(B) redesignated as section 4921; and

(C) inserted after the heading for subtitle C of such title, as added by paragraph (12).

(m) CONFORMING AMENDMENTS.—(1) Title XXXVI of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 1756) is repealed.

(2) Subtitle E of title XXXI of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C. 7274h et seq.) is repealed.

(3) Section 8905a(d)(5)(A) of title 5, United States Code, is amended by striking ''section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (42 U.S.C. 7274n)'' and inserting ''section 4421 of the Atomic Energy Defense Act''.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2004, $19,559,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

By Mr. DOMENICI (for himself, Mr. REID, and Mr. BINGAMAN):

S. 1051. A bill to direct the Secretary of the Interior to carry out a demonstration program to assess potential water savings through control of Salt Cedar and Russian Olive; to the Committee on Environment and Public Works.

Mr. DOMENICI. Mr. President, I rise today to introduce a piece of legislation that is of paramount importance to the State of New Mexico and many other Western States. This bill will address the mounting pressures brought on by the growing demands throughout the West of a diminishing water supply.

A water crisis has ravaged the West for 4 years. Drought conditions are expected to expand into the upper Midwest this year. Last year snow packs were abnormally low, causing severe drought conditions. Snow pack conditions this year are still low, but marginally better in the Southwest. The rest of the West does not look any more promising.

I know that the seriousness of the water situation in New Mexico becomes more acute every single day. This drought has affected every New Mexican and nearly everyone in the West in some way. Wells are running dry, farmers are being forced to sell livestock, many of our cities are in various stages of conservation and many, many acres have been charred by catastrophic wildfires.

The drought conditions also have other consequences. For example, the lack of stream flow makes it very difficult for New Mexico to meet its compact delivery obligations to the State of Texas.

The bill that I am introducing today deals more specifically with the issue of in-stream water flows. To compound the drought situation, New Mexico is home to a vast amount of salt cedar. Salt cedar is a water-thirsty non-native tree that continually strips massive amounts of water out of New Mexico's two predominant water supplies—the Pecos and the Rio Grande rivers.

Estimates show that one mature salt cedar tree can consume as much as 200 gallons of water per day; over the growing season that's 7 acre feet of water for each acre of salt cedar. In addition to the excessive water consumption, salt cedars increase fire, increase river channelization and flood frequency, decrease water flow and increase water and soil salinity along the river. Studies indicate that eradication of the salt cedars could increase river flows. Increasing river flows could help alleviate mounting pressure to meet compact delivery obligations—both on the Pecos and the Rio Grande.

The drought and the mounting legal requirements on both the Pecos and Rio Grande rivers are forcing us toward a severe water crisis. Every river in the intermountain West seems to be facing these same problems. Solving such water problems has become one of my top priorities.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

Mr. REID. Will the Senator yield?

Mr. DOMENICI. I am happy to yield.

Mr. REID. I apologize for interrupting the Senator. I applaud and commend the author of this legislation, with whom I joined, in presenting this legislation.

For the State of Nevada, with the limited agriculture we have, and the very few rivers we have, the tamarisk is removing our agricultural possibilities, our recreational possibilities. If we can figure out a way to get rid of this salt cedar that has been ruining Nevada's rivers for decades now, it will do as much to help the State of Nevada and the environment as any one thing we can do. This will actually improve the environment of the State of Nevada.

I want the record to reflect how much I, on behalf of the State of Nevada, applaud the Senator from New Mexico for offering this legislation.

Mr. DOMENICI. This map which we just showed indicates that your problem is not just yours, my problem is not just mine. All the States that are green on the chart have tamarisk or one of these foreign plants such as salt cedar, that have infested the area, sucking up their water for no good use.

Estimates show that a mature salt cedar tree can consume as much as 200 gallons of water a day over the growing season or 7 acre feet of water for each acre of salt cedar.

In addition to the excessive water consumption, the salt cedar increases fire, increases river channelization, flood frequency, decreases water flow, increases water and soil salinity over the various river basins.

Mr. REID. If I could just say one more thing to my friend from New Mexico, in addition to that, they are not good for shade.

Mr. DOMENICI. They are good for nothing.

Mr. REID. They are not good for birds to nest in. They are just an ugly blight on Nevada's environment.

Mr. DOMENICI. I thank the Senator for joining me.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1051

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the 'Salt Cedar Control Demonstration Act'.

SEC. 2. DEMONSTRATION PROGRAM.

(a) ASSESSMENT.—Not later than 1 year after the date when funds are made available to carry out this section, the Secretary of the Interior (''Secretary'') shall complete an assessment of the extent of Salt Cedar and Russian Olive invasion in the Western United States, past and on-going research on tested and innovative methods to control these phreatophytes, the feasibility of reducing water consumption, methods and challenges in land restoration, estimated costs for all aspects of destruction, biomass removal, land restoration and maintenance, and shall identify long-term management and funding stragtegies that could be implemented by federal, state and private land managers.

(b) DEMONSTRATION.—The Secretary will initiate a program of not fewer than 3 projects to demonstrate and evaluate the most effective control methods including at least one project primarily using air-born application of herbicides, at least one project using mechanical removal and at least one project using biocontrol such as goats or insects or any combination thereof. Each demonstration project shall be designed and carried out over time frames and spatial scales large enough to—

(1) monitor and fully document the water saved due to control of Salt Cedar and Russian Oliver infestation and what portions of the saved water returns to surface water supplies and at what rates;

(2) assess the optimum application approach and tools for an array of control methods,

(3) assess all costs and benefits associated with the control methods, land restoration and maintenance,

(4) determine what conditions indicate the need to remove biomass and the optimal methods for disposal or use of biomass;

(5) define appropriate final vegetative states, optimal re-vegetation methods, and methods to prevent regrowth and reintroduction of the invasive species.

(c) COSTS.—The total cost of each project may not exceed 7,000,000 dollars including costs of planning, design, implementation, maintenance and monitoring. The Federal share of the costs of any activity funded under this program shall be no more than 65 percent of the total cost. The Secretary may apply the value of in-kind contributions including State Agency provided services to the non-Federal share of the costs.

(d) COOPERATION.—The Secretary shall use the expertise of institutions of higher education, state agencies, and soil and water conservation districts that are actively conducting research on or implementing Salt Cedar and Russian Olive control activities and shall cooperate with other federal agencies including the Department of Agriculture, Corp of Engineers, affected states, local units of government, and Indian Tribes.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the provisions of this Act $50,000,000 for fiscal year 2004, and such sums as are necessary for each fiscal year thereafter.

By Mr. NELSON of Florida:

S. 1052. A bill to ensure that recipients of unsolicited bulk commercial electronic mail can identify the sender of such electronic mail, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON of Florida. Mr. President, unwanted e-mail has become a problem of such gargantuan proportions that today's consumers find it difficult to engage in the normal commerce of e-mail because their e-mail screen is so cluttered with so many unwanted messages.

Commercially, clearly there is a desirable reason to have commercial messages, but a consumer ought to be able to opt out if that consumer does not want to continue to get those commercial messages. A consumer, particularly, should not have to endure the affront of messages that are clearly inappropriate, including pornographic messages.

It is unbelievable. Yesterday, I was in my Tampa office, and in just one day, in the Tampa office, a U.S. Senate office, we had an e-mail sheet filled with unwanted messages, including pornographic messages. You can imagine if it is happening to a U.S. Senator's e-mail account what is happening across the land.

So today I am introducing legislation that will give the consumer the opportunity to opt out, that will create penalties, both in jail time and fines, for deceptive and untruthful messages, as well as messages that do not have a return address where somebody is masking their identity.

And, Mr. President, we are going to put some teeth in this legislation because we are going to make the infraction of this particular onerous activity of unwanted e-mail an element of the Racketeer Influenced and Corrupt Organizations Act, the RICO Act, which will give prosecutors the tools to go after the criminal enterprise and take the assets of that criminal enterprise that has become such a plague upon the consumers of this Nation who want and desire and, in fact, use a new kind of communication, e-mail.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1052

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ban on Deceptive Unsolicited Bulk Electronic Mail Act of 2003''.

SEC. 2. DECEPTIVE UNSOLICITED ELECTRONIC MAIL.

(a) VIOLATIONS.—It shall be unlawful for any person to knowingly and intentionally use a computer or computer network to—

(1) falsify or forge electronic mail transmission information or other source, destination, routing, or subject heading information in any manner in connection with the transmission of unsolicited bulk commercial electronic mail through, or into, the computer network of an electronic mail service provider or its subscribers;

(2) transmit an electronic mail message to a recipient who requests not to receive unsolicited bulk commercial electronic mail; or

(3) collect electronic mail addresses from public and private spaces for the purpose of transmitting unsolicited bulk commercial electronic mail.

(b) PENALTY.—Any violation of subsection (a) shall be—

(1) considered a predicate offense for the purposes of applying the Racketeering Influenced and Corrupt Organization Act (RICO) (18 U.S.C. 1961 et seq.);

(2) constitute an unfair or deceptive act or practice in violation of section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45(a)); and

(3) punishable by—

(A) a civil penalty; and

(B) a fine in accordance with title 18, United States Code, or imprisonment for not more than 5 years, or both.

(c) OPPORTUNITY TO OPTION OUT OF RECEIVING UNSOLICITED MAIL.—Any person sending unsolicited bulk commercial electronic mail shall provide recipients of such electronic mail a clear and conspicuous opportunity to request not to receive future unsolicited electronic mail.

(d) DEFINITIONS.—In this section:

(1) ELECTRONIC MAIL MESSAGE.—The term ''electronic mail message'' means a message sent to an electronic mail address.

(2) ELECTRONIC MAIL ADDRESS.—The term ''electronic mail address'' means a destination, commonly expressed as a string of characters, consisting of a unique user name or mailbox (commonly referred to as the ''local part'') and a reference to an Internet domain (commonly referred to as the ''domain part'') to which an electronic mail message can be sent or delivered.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 142—RELATIVE TO THE DEATH OF RUSSELL B. LONG, FORMER UNITED STATES SENATOR FOR THE STATE OF LOUISIANA

Mr. FRIST (for himself, Mr. BREAUX, Ms. LANDRIEU, and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 142

Whereas Russell B. Long served in the United States Navy from 1942 to 1945;

Whereas Russell B. Long succeeded both his parents as members of the United States Senate;

Whereas Russell B. Long served the people of Louisiana with distinction for 38 years in the United States Senate;

Whereas Russell B. Long served as Chairman of the Committee on Finance of the United States Senate from 1965 to 1981; and

Whereas Russell B. Long was a tireless and effective champion for the poor, the disabled, and the elderly: Now, therefore be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Russell B. Long, former member of the United States Senate.

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

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Russell B. Long.

AMENDMENTS SUBMITTED AND PROPOSED

SA 542. Mrs. FEINSTEIN proposed an amendment to amendment SA 539 proposed by Mr. FRIST (for himself, Mr. DASCHLE, Mr. INHOFE, Mr. DORGAN, Mr. LUGAR, Mr. JOHNSON, Mr. GRASSLEY, Mr. HARKIN, Mr. HAGEL, Mr. DURBIN, Mr. VOINOVICH, Mr. NELSON of Nebraska, Mr. TALENT, Mr. DAYTON, Mr. COLEMAN, Mr. EDWARDS, Mr. CRAPO, Mr. CONRAD, Mr. DEWINE, and Mr. BAUCUS) to the bill S. 14, to enhance the energy security of the United States, and for other purposes.

SA 543. Mr. SMITH submitted an amendment intended to be proposed by him to the bill S. 1054, to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2004; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 542. Mrs. FEINSTEIN proposed an amendment to amendment SA 539 proposed by Mr. FRIST (for himself, Mr. DASCHLE, Mr. INHOFE, Mr. DORGAN, Mr. LUGAR, Mr. JOHNSON, Mr. GRASSLEY, Mr. HARKIN, Mr. HAGEL, Mr. DURBIN, Mr. VOINOVICH, Mr. NELSON of Nebraska, Mr. TALENT, Mr. DAYTON, Mr. COLEMAN, Mr. EDWARDS, Mr. CRAPO, Mr. CONRAD, Mr. DEWINE, and Mr. BAUCUS) to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

Section 211(o)(2) of the Clean Air Act (as added by the amendment) is amended by inserting after subparagraph (B) the following:

''(C) ELECTION BY STATES.—The renewable fuel program shall apply to a State only if the Governor of the State notifies the Administrator that the State elects to participate in the renewable fuel program.''.

SA 543. Mr. SMITH submitted an amendment intended to be proposed by him to the bill S. 1054, to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2004; which was ordered to lie on the table; as follows:

Insert after section 107 the following:

SEC. ___. CLARIFICATION OF PLACED IN SERVICE RULE FOR BONUS DEPRECIATION PROPERTY.

(a) IN GENERAL.—Section 168(k)(2)(D) (relating to special rules) is amended by adding at the end the following new clause:

''(iii) SYNDICATION.—For purposes of subparagraph (A)(ii), if—

''(I) property is originally placed in service after September 10, 2001, by the lessor of such property,

''(II) such property is sold by such lessor or any subsequent purchaser within 3 months after the date so placed in service (or, in the case of multiple units of property subject to the same lease, within 3 months after the date the final unit is placed in service, so long as the period between the time the first unit is placed in service and the time the last unit is placed in service does not exceed 12 months), and

''(III) the user of such property after the last sale during such 3-month period remains the same as when such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date of such last sale, so long as no previous owner of such property elects the application of this subsection with respect to such property.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales on or after the date of the enactment of this Act.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, May 14, 2003 at 9:30 a.m. in Room 216 of the Hart Senate Office Building to conduct a business meeting on S. 285, the Native American Alcohol and Substance Abuse Program Consolidation Act of 2003; S. 555, the Native American Health and Wellness Foundation Act of 2003; S. 558, a bill to elevate the Position of Director of the Indian Health Service to Assistant Secretary; S. 344, a bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity; and S. 702, a bill to reauthorize the Native Hawaiian Health Care Improvement Act, to be followed immediately by an oversight hearing on the Role and Funding of the Federal National Indian Gaming Commission, NIGC.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, May 14, 2003 at 10 a.m. in Room 216 of the Hart Senate Office Building to conduct an oversight hearing on the Role and Funding of the Federal National Indian Gaming Commission, NIGC.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, May 15, 2003 at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 575, a bill to amend the Native American Languages Act to provide for the support of Native American language survival schools, and for other purposes.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. LOTT. Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 9:30 a.m., Tuesday, May 20, 2003, in Room SR–301 Russell Senate Office Building, to conduct an oversight hearing on the operations of the John F. Kennedy Center for the Performing Arts and the Smithsonian Institution.

For further information concerning this meeting, please contact Susan Wells at 202–224–6352.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. COLEMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs will hold a hearing entitled ''SARS: How Effective Is The State And Local Response?'' The Subcommittee intends to examine the coordination of response to individual SARS outbreaks among local, state, and Federal officials as well as between government officials and the private sector. Additionally, the Subcommittee will examine what state and local officials are doing to anticipate and respond to the disease.

The hearing will take place on Wednesday, May 21, 2003, at 9 a.m., in Room 342 of the Dirksen Senate Office Building. For further information, please contact Joseph V. Kennedy of the Subcommittee staff at 224–3721.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs, be authorized to meeting during the session of the Senate on May 13, 2003, at 10 a.m. to conduct a hearing the nominations of Mr. Nicholas Gregory Mankiw, of Massachusetts, to be a member of the Council of Economic Advisors, Executive Office of the President; Mr. Steven B. Nesmith, of Pennsylvania, to be Assistant Secretary for Congressional and Intergovernmental Relations, U.S. Department of Housing and Urban Development; and Mr. Jose Teran, of Florida, Mr. James Broaddus, of Texas, Mr. Lane Carson, of Louisiana, and Mr. Paul Pate, of Iowa, to be members of the Board of Directors, National Institute of Building Sciences.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, May 13, 2003, at 9:30 a.m., on Media Ownership in SR–253.

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

COMMITTEE ON FINANCE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, May 13, 2003, at 2 p.m., to hear testimony on Status of the Free Miami Ministerial.

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

COMMITTEE ON FINANCE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open Executive Session during the session on Tuesday, May 13, 2003, at 7 p.m., to mark up an original bill, the

text of which was reported by the Committee on Finance on May 8, 2003, for the purpose of meeting Finance Committee reconciliation instructions.

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

COMMITTEE ON THE JUDICIARY

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Project Safe Neighborhoods: America's Network Against Gun Violence'' on Tuesday, May 13, 2003, at 9:30 a.m., in the Dirksen Senate Office Building, Room 226.

Panel I: The Honorable Paul M. Warner, United States Attorney for the District of Utah, Salt Lake City, UT; The Honorable Paul J. McNulty, United States Attorney for the Eastern District of Virginia, Alexandria, VA; The Honorable Todd P. Graves, United States Attorney for the Western District of Missouri, Kansas City, MO; The Honorable Patrick L. Meehan, United States Attorney for the Eastern District of Pennsylvania, Philadelphia, PA.

Panel II: Mr. Russell Edward Spann, Captain, West Valley Police Department, Utah, West Valley, UT; Mr. Dennis A. Mook, Chief of Police, Newport News Police Department, Newport News, VA; The Honorable Donald R. Totaro, District Attorney, Lancaster County, Lancaster, PA; Mr. Charles L. Curtis, President, Kansas City Metropolitan Crime Commission, Kansas City, MO; Professor Jens Ludwig, Georgetown Public Policy Institute, Georgetown University, Washington, DC; Professor Alfred Blumstein, Carnegie Mellon University, Pittsburgh, PA.

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

SUBCOMMITTEE ON NATIONAL PARKS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, May 13, at 10:00 a.m., to receive testimony regarding S. 452, to require that the Secretary of the Interior conduct a study to identify sites and resources, to recommend alternatives for commemorating and interpreting the Cold War, and for other purposes; S. 500, to direct the Secretary of the Interior to study certain sites in the Historic District of Beaufort, South Carolina, relating to the Reconstruction Era; S. 601, to authorize the Secretary to acquire the McLoughlin House National Historic Site in Oregon City, Oregon, for inclusion in the Fort Vancouver National Historic Site, and for other purposes; S. 612, and H.R. 788, to revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona; and S. 630, and H.R. 519, to authorize the Secretary to conduct a study of the San Gabriel River Watershed and for other purposes.

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

SUBCOMMITTEE ON WATER AND POWER

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, May 13, at 2:30 p.m., to receive testimony regarding S. 520, a bill to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho; S. 625, a bill to authorize the Bureau of Reclamation to conduct certain feasibility studies in the Tualatin River Basin in Oregon, and for other purposes; S. 960, a bill to amend the Reclamation Wasterwater and Groundwater Study and Facilities Act to authorize certain projects in the State of Hawaii and to amend the Hawaii Water Resources Act of 2000 to modify the Water Resources Study; S. 649, a bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in projects within the San Diego Creek Watershed, California, and for other purposes; and S. 993, a bill to amend the Small Reclamation Projects Act of 1956, and for other purposes.

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

PRIVILEGE OF THE FLOOR

Mr. DOMENICI. I ask unanimous consent that Mr. Kris Schafer, a fellow from the Army Corps of Engineers who was detailed to my personal office and worked on the relevant legislation, be allowed the privilege of the Senate floor that he already was allowed as we did discuss this, and during further discussion of this bill at any time during this Congress.

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

HONORING RUSSELL B. LONG, FORMER UNITED STATES SENATOR FOR THE STATE OF LOUISIANA

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 142, which was submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 142) relative to the death of Russell B. Long, former United States Senator for the State of Louisiana.

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

Mr. DOMENICI. Mr. President, I rise to pay tribute to former U.S. Senator Russell Long, who is being laid to rest today in his home State of Louisiana.

The U.S. Senate has a long history that is highlighted by public service careers of a few highly talented legislative geniuses. I consider Russell Long to be one of those Senators. I had the privilege of serving with Senator Long during my first terms in this Chamber. He was undoubtedly as formidable a Senator as any who have served here.

For those freshmen Senators who paid attention, Russell Long provided us with example after example of how to serve as an effective public servant. His place in history is secure because he was so dynamic and productive.

As a freshman Senator, I quickly learned to consider him one of the kindest and most considerate Senators. We were not of the same party or ideology on many issues. But on more than one occasion, he went out of his way to help me when I truly needed his help on the floor. He will never be forgotten, not only for his leadership skills as a Senator, but also for his kindness and generosity.

I extend my condolences to his wife Carolyn and the rest of the Russell Long family. He was a wonderful man.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table and that any statements relating to this matter be printed in the RECORD.

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

The resolution (S. Res. 142) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 142

Whereas Russell B. Long served in the United States Navy from 1942 to 1945;

Whereas Russell B. Long succeeded both his parents as members of the United States Senate;

Whereas Russell B. Long served the people of Louisiana with distinction for 38 years in the United States Senate;

Whereas Russell B. Long served as Chairman of the Committee on Finance of the United States Senate from 1965 to 1981; and

Whereas Russell B. Long was a tireless and effective champion for the poor, the disabled, and the elderly: Now, therefore be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Russell B. Long, former member of the United States Senate.

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

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Russell B. Long.

ORDERS FOR WEDNESDAY, MAY 14, 2003

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:15 a.m., Wednesday, May 14. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two

leaders be reserved for their use later in the day, and that the Senate then immediately proceed to the consideration of Calendar No. 97, S. 1054, the jobs and economic growth bill, as provided under the previous order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, for the information of all Senators, tomorrow morning the Senate will begin consideration of the jobs and economic growth bill. Under the previous order, 14 hours remain for debate under the statutory time limit. Amendments are expected throughout the day and, therefore, rollcall votes will occur during Wednesday's session.

At this time, I remind my colleagues that reconciliation procedures limit debate time on both the underlying measure and all amendments. I encourage all Senators who wish to participate in the economic growth debate to contact the Finance Committee so that we may ensure an orderly, disciplined, and efficient process.

We will complete action—we will complete action—on the jobs and economic growth bill this week. Following the jobs bill, the Senate will consider the bipartisan global HIV/AIDS bill. In order for the Senate to complete action on these measures, late nights and rollcall votes will occur throughout the week. I, therefore, advise my colleagues to make the necessary scheduling arrangements.

Mr. President, does the assistant minority leader have any comments?

Mr. REID. No.

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the provisions of S. Res. 142, as a mark of further respect of the life and accomplishments of Senator Russell Long.

There being no objection, the Senate, at 7:57 p.m., adjourned until Wednesday, May 14, 2003, at 9:15 a.m.