United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

Vol. 148 WASHINGTON, THURSDAY, MAY 9, 2002 No. 58

House of Representatives

The Reverend Samuel P. Warner, Pastor, First Presbyterian Church, Lumberton, North Carolina, offered the following prayer:

You have entrusted to us, Almighty God, a rich heritage from the past purchased by the lives and sacrifices of those who have gone before us and whose witness testifies to the cost of freedom and the price of peace.

And You have blessed, O Lord, the people of this Republic, from north and south and east and west, each one represented here, with a dream for today and a vision for tomorrow: the vision of a city set on a hill for all to see, and the dream, the dream of a lamp shining brightly in every home, fueled by the promise of ''life, liberty, and the pursuit of happiness.''

Yet binding the sacred story of our common past to the vision and hope of a waiting future is the challenge and opportunity of this one day, this one hour, this present moment in which we live.

And so, Divine Master, help us; help us all, and especially those who labor in this Chamber, to use this day wisely.

Teach us, Good Lord, to listen more eagerly than to speak, to unite more readily than to divide, to forgive more quickly than to condemn.

And pardon, we pray, the shortcomings of those borne by the selfish motives of the few, rather than the needs of the many.

Yet most of all, O God, bestow upon all in leadership and authority the wisdom and courage today ''to do justice, to love kindness, and to walk humbly with You'' so that when this day is done, the toil and labor of the men and women in this House might be worthy of the people of our great land, of those who dreamed and shaped her long ago, and of those who defend her now, asking no honor or reward, save the knowledge that they do Thy Will. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from North Carolina (Mr. MCINTYRE) come forward and lead the House in the Pledge of Allegiance.

Mr. MCINTYRE led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The gentleman from North Carolina (Mr. MCINTYRE) will be recognized for 1 minute. All other 1 minute speeches will be at the end of the day.

RECOGNITION OF AND TRIBUTE TO THE REVEREND SAMUEL P. WARNER, PASTOR, FIRST PRESBYTERIAN CHURCH, LUMBERTON, NORTH CAROLINA

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

Mr. MCINTYRE. Mr. Speaker, I rise to recognize and pay tribute to the man who just delivered our invocation, Samuel P. Warner, my pastor and my friend, from Lumberton, North Carolina.

Sam Warner is a man of character, courage and commitment. His character is that of unblemished integrity, always holding fast to those truths of love, loyalty, self-sacrifice and service in both his personal and professional life.

His courage is shown by his willingness to change traditions when they become too routine and to challenge us all to become and to do not that which is merely convenient or comfortable, but rather what God calls us to become. His taking stands for righteousness and truth in a world of corrupting influences and compromising attitudes is his hallmark of courageous leadership.

His commitment is unfailing and unselfish. With compassion, patience, empathy and understanding, Sam Warner has helped innumerable individuals rebuild their lives, restore their confidence and renew their hope. He works constantly for the betterment not only of himself and his church, but also for his community and his society as well.

A graduate of both Duke University and Union Theological Seminary in Virginia, Sam Warner is also a devoted husband, and today we have with us his wife, Mary. He is also a devoted father, and we have his children, Grace and Jay, all of whom are with us in the gallery with my wife, Dee.

It is with great honor that I recognize this man of God, Pastor Samuel P. Warner of the First Presbyterian Church of Lumberton, North Carolina, and his exemplary life, that you have seen a part of today, his character, his courage and his commitment.

RECESS

The SPEAKER. Pursuant to the order of the House of Thursday, May 2, 2002, the House will stand in recess subject to the call of the Chair to receive the former Members of Congress.

Accordingly (at 9 o'clock and 6 minutes a.m.), the House stood in recess subject to the call of the Chair.

RECEPTION OF FORMER MEMBERS OF CONGRESS

The Speaker of the House presided.

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The SPEAKER. On behalf of the House of Representatives, it gives me great pleasure to welcome to the Chamber today the former Members of Congress for their annual meeting. Of course, many of you are personal friends from both sides of the aisle, and it is important that you are here to renew those friendships.

As the report from your President will indicate, you honor this House and the Nation by continuing your efforts to export the concept of representative democracy to countries all over the world and to college campuses and universities throughout this Nation. I endorse those efforts and I ask for their continuation.

Later today we will honor the memory of a past recipient of your Distinguished Service Award, the former Chaplain Jim Ford, and at 2 p.m. a memorial service will be held in HC–5 to which you are all invited.

I especially endorse your wise choice of former Speaker and Ambassador Tom Foley as this year's recipient of the Distinguished Service Award. Speaker Foley served this House with grace and dignity, and I am honored to be here today to help recognize that service.

At this time I would request my friend, the gentleman from Idaho, Mr. LaRocco, the vice president of the Former Members Association, to take the chair.

Mr. LAROCCO (presiding). The Chair recognizes the gentleman from Texas (Mr. FROST).

Mr. FROST. Thank you, Mr. Chairman.

On behalf of the Democratic Caucus, I would like to welcome all of you. It is good to see many of you I served with, and some of you I did not. You will be welcomed, I believe, in a few minutes also by the current majority leader, Mr. ARMEY, who will be a former Member next year. Mr. ARMEY is not running for reelection.

The work that you do on college campuses I think is particularly important. I know a number of you have devoted a great deal of time to that. I was just with former Speaker Jim Wright this last weekend, who teaches a course at TCU in Fort Worth; and each year he keeps saying he is not going to do it again. But I asked him is he going to go back next fall, and he said, yes, he is. I can tell you, I am one of his guest lecturers. He lets me come in and speak to one of his classes once a year. I have gotten some very good former students of his working on my staff both in Washington and in my Texas office. So I want to encourage all of you to continue to do this.

I know our former colleague, Dan Glickman, is taking this to the extreme. He will be at Harvard 4 days a week starting in August, and maybe some of us will come up and visit Dan in that capacity.

Again, I want to thank you for the work you do when called upon to help us in the House of Representatives. Former Speaker Foley, as well as some other former Members, is currently working on a task force that CHRIS COX and I will chair dealing with the question of what happens if the unthinkable should occur and that there would be a disaster in which a large number of Members of Congress would be killed all at one time and how would the government continue. We hope that never happens, of course. But having the guidance of former Members, particularly former Speakers, is very helpful as we contemplate how the country would continue in the event that occurred.

Again, I want to greet all of you and welcome you here. It is good to see so many of you. I know you will have a great day here. All of the current Members value your help, value your knowledge and your experience and guidance for us. Thank you very much.

Mr. LAROCCO. Are there other Members of the House leadership that wish to be recognized?

If not, the Clerk will now call the roll of former Members of Congress.

The Clerk called the roll of the former Members of Congress, and the following former Members answered to their names:

ROLLCALL OF FORMER MEMBERS OF CONGRESS ATTENDING 32ND ANNUAL SPRING MEETING, MAY 9, 2002

THE UNITED STATES ASSOCIATION OF FORMER MEMBERS OF CONGRESS

Bill Barrett (Nebraska);
J. Glenn Beall (Maryland);
Tom Bevill (Alabama);
Donald G. Brotzman (Colorado);
Jack Buechner (Missouri);
James T. Broyhill (North Carolina);
William F. Clinger (Pennsylvania);
Norman E. D'Amours (New Hampshire);
John Erienborn (Illinois);
Thomas W. Ewing (Illinois);
Thomas S. Foley (Washington);
Louis Frey, Jr. (Florida);
Dan Glickman (Kansas);
Robert P. Hanrahan (Illinois);
Ralph R. Harding (Idaho);
Dennis Hertel (Michigan);
George Hochbrueckner (New York);
Marjorie Sewell Holt (Maryland);
William J. Hughes (New Jersey);
David S. King (Utah);
Ernest Konnyu (California);
Peter N. Kyros (Maine);
Larry LaRocco (Idaho);
Norman F. Lent (New York);
Jim Lloyd (California);
Cathy Long (Louisiana);
C. Thomas McMillen (Maryland);
Lloyd Meeds (Washington);
Robert H. Michel (Illinois);
Clarence Miller (Ohio);
John S. Monagan (Connecticut);
Jim Moody (Wisconsin);
Stanford E. Parris (Virginia);
John J. Rhodes (Arizona);
John J. Rhodes, III (Arizona);
George E. Sangmeister (Illinois);
Ronald A. Sarasin (Connecticut);
Bill Sarpalius (Texas);
David E. Skaggs (Colorado);
James W. Symington (Missouri);
Harold Volkmer (Missouri);
Charles W. Whalen, Jr. (Ohio);
Harris Wofford (Pennsylvania);
Samuel H. Young (Illinois);
Roger G. Zion (Indiana);
John Buchanan (Alabama);
Howard Pollock (Alaska);
Peter Hoagland (Nebraska);
William Carney (New York);
Kikidula Garza (Texas);
Robin Tallon (South Carolina);
Glen Browder (Alabama);
Bob McEwen (Ohio);
Tony Roth (Wisconsin);
Bob Garcia (New York);
Jay Johnson (Wisconsin);
G.V. ''Sonny'' Montgomery (Mississippi);
Bill Alexander (Arkansas).

Mr. LAROCCO. At this time the Chair recognizes the gentleman from Illinois, the Honorable John Erlenborn, President of our Association.

Mr. ERLENBORN. My thanks to our Speaker pro tem and all of you for being with us this morning. We are especially grateful to the Speaker, DENNIS HASTERT, for taking time from his busy schedule to greet us, and to MARTIN FROST for his warm welcome.

It is always a privilege to return to this institution, which we revere and where we shared so many memorable experiences. Service in Congress is both a joy and a heavy responsibility, and, whatever our party affiliation, we have great admiration for those who continue to serve our country in this place. We thank them all for once again giving us this opportunity to report on the activities of our Association of former Members of Congress.

This is our 32nd Annual Report to Congress, and I ask unanimous consent that all Members be permitted to revise and extend their remarks.

Mr. LAROCCO. Without objection, so ordered.

Mr. ERLENBORN. Our Association is nonpartisan. To sort of prove that, I would call your attention to the fact that a year ago when I was making this report, I spoke from the other side of the aisle. I wanted to be even-handed, so today I am back on the Republican side of the aisle. We have no partisanship in the Association.

Our Association is nonpartisan. It has been chartered, but not funded, by the Congress. We have a wide variety of domestic and international programs, which several other Members and I will discuss briefly this morning. Our membership numbers approximately 550, and our purpose is to continue in some small measure the service to this country that we began during our terms in the Senate and House of Representatives.

Our most significant domestic activity is our Congress to Campus Program. This is an effort on a bipartisan basis to share with college students throughout the country our insights into the workings of the U.S. Congress and the political process more generally.

A team of former Members, one Republican, one Democrat, spend up to 2.5

days on college campuses throughout the United States, meeting formally and informally with students, but also members of the faculty and local community. This is a great experience for our members, but our primary goal is to generate a deeper appreciation for our democratic form of government and the need to participate actively.

Since the program's inception in 1976, 129 former Members of Congress have reached more than 150,000 students through 281 visits to 192 campuses in 49 States and the District of Columbia. In recent years, we have conducted the program jointly with the Stennis Center for Public Service at Mississippi State University. The former Members donate their time to this program. The Stennis Center pays our transportation costs and the host institution provides room and board.

At this point, I would like to yield to a colleague, Bill Carney, the gentleman from New York, to discuss his participation in the Congress to Campus Program.

Mr. LAROCCO. The gentleman from New York is recognized.

Mr. CARNEY. Thank you, Mr. Speaker.

Mr. Speaker, as John said, recently I had the pleasure of participating in the Congress to Campus Program with my friend and colleague, the gentleman from Arkansas, Mr. Beryl Anthony. We traveled to the Tar Heel State to visit two of the finest education facilities in North Carolina, Cape Fear Community College and the University of North Carolina at Wilmington.

This visit was facilitated by another colleague of ours, the gentleman from North Carolina, Mr. Martin Lancaster, who serves as the President of the North Carolina Community College System. I now have the honor of reporting to you on this trip on both behalf of myself and Mr. Anthony, as he has personal business to attend to today.

One could judge the success of the Congress to Campus Program by many measures, the least of which should be the personal benefit and satisfaction of the Members participating. At the start of our trip, Mr. Anthony and I shared uncertain expectations. We presumed that we were to impart our knowledge and experience upon the students. What was truly amazing was how much we took away from this opportunity.

At both of the institutions we had the occasion to meet with students, faculty and the boards of trustees. There were many things that impressed us. We interacted with the students in numerous forums, including many classes. The reception from the students was courteous and inquisitive. Beryl and I consistently offered different viewpoints. During our point-counterpoint presentations the students were engaged and demonstrated an incredible grasp of the topics.

The Boards of Trustees and faculties' commitment to the students left us with a renewed confidence in our educational system. Equally impressive was the local citizens' commitment to the students at both schools, as demonstrated by their generosity to the institutions and to individuals through the scholarship programs.

For the first time the itinerary included activities at both a community college and a university. The contrast demonstrated the distinct and vital contributions each institution provides to the students and their community. The contributions of the university system have long been acknowledged. The community college offers our youths the skills and training to be the future captains of our fishing fleets, dental hygienists to care for our teeth, registered nurses, licensed plumbers and electricians, as well as enabling students to earn credits to a full Bachelor's Degree.

There were many people instrumental to the success of this program, and I would like to take a moment to recognize and salute the great work of a few.

The professionalism and commitment of Dr. Eric McKeithan, President of Cape Fear Community College, and Chancellor James Leutzi of the University of North Carolina at Wilmington is evident in the success at both schools. Ms. Allison Rankin, the Associate Dean for Business, Industry and Government at Cape Fear Community College also deserves our utmost appreciation, as does Dr. Walt DeVries of the Institute of Political Leadership at the University.

I must close by strongly commending this worthwhile program to my colleagues and encourage all former Members presented with an opportunity to participate in the Congress to Campus Program to do so.

Mr. Speaker, I yield back.

Mr. ERLENBORN. Thank you, Bill.

One outgrowth of the Congress to Campus Program was the interest in producing a book that would take an inside look at Congress from different viewpoints. There are many fine books written by individual Members of Congress, but, to our knowledge, there was no compendium that goes behind the scenes in a very personal way. So, a past President of the Association, Lou Frey, recruited 34 Members, a Congressional spouse, two former Congressional staff members and a former member of the Canadian Parliament, to write chapters for a book on Congress.

Lou and the head of the Political Science Department at Colgate University, Professor Michael Hayes, co-edited the book, ''Inside the House: Former Members Reveal How Congress Really Works,'' which was published in March 2001. The book has been very well received and already is in its third printing. We hope that you and others will find it interesting and informative. Lou will tell you more about the book a bit later.

Mr. Speaker, behind the events we organize in the United States, the Association is very active in sponsoring programs that are international in scope. Over the years, we have gained considerable experience in fostering interaction between the leaders of the other nations and the United States. We have arranged more than 445 special events at the U.S. Capitol for international delegations from 85 countries and the European Parliament, programmed short-term visits for individual members of parliaments and the long-term visits for parliamentary staff, hosted 48 policy seminars in nine countries involving more than 1,500 former and current parliamentarians, and conducted 19 study tours abroad for former Members of Congress.

The Association serves as the Secretariat for the Congressional Study Group on Germany, the largest and most active exchange program between the U.S. Congress and the Parliament of another country. Founded in 1987 in the House and 1988 in the Senate, it is a bipartisan group involving 180 Representatives and Senators. They are afforded the opportunity to meet with their counterparts in the German Bundestag to enhance understanding and greater cooperation.

Ongoing study group activities include conducting a Distinguished Visitors Program at the U.S. Capitol for guests from Germany; sponsoring annual seminars involving Members of Congress and the Bundestag; providing information to participants in the Congress-Bundestag Youth Exchange Program to appropriate Members of Congress; and arranging for members of the Bundestag to visit Congressional districts with Members of Congress.

New activities are being explored to enhance these opportunities. The Congressional Study Group on Germany is funded primarily by the German Marshall Fund of the United States. Additional funding to assist with administrative expenses also has been received from nine corporations, whose representatives now serve as the Business Advisory Council to the Study Group, which is chaired by former Member Tom Coleman who served as the Chairman of the Study Group in the House in 1989.

I would now like to yield to the gentleman from Idaho, Larry LaRocco, to report on the activities of the Congressional Study Group on Germany and the 19th Annual Congress-Bundestag Seminar held in Galveston, Texas. This year's Chairman of the Study Group in the House, NICK LAMPSON, was the host, and we were there from March 24 to March 29. Mr. LaRocco.

Mr. LAROCCO. Mr. President, it gives me great pleasure to report on the activities of the Congressional Study Group on Germany. The Study Group has established itself as the most productive means of communication between the U.S. Congress and the German Bundestag. It was founded nearly 20 years ago to give Members of Congress the opportunity to have in-depth and focused discussions with their German counterparts.

This Congressional session, a record 180 Members of Congress belonged to the Congressional Study Group on Germany, 36 Senators and 144 Members of the House. The Study Group facilitates this vital dialogue with one of our most NATO allies and trade partners in many ways.

The most visible activity of the group is its Distinguished Visitors Program, which brings high-ranking German elected officials to Capitol Hill to meet with members of the group. Just last week, the Study Group hosted Minister Joschka Fischer, Germany's Federal Minister of Foreign Affairs and Vice Chancellor of the Federal Republic of Germany.

Another high-profile event hosted and organized by the Congressional Study Group on Germany is its annual seminar. Every year the Study Group brings Members of Congress together with German legislators for 4 days of focused discussion on a predetermined agenda. The parliamentarians usually are joined by several former Members, officials of the two federal governments, think-tank and foundation representatives and members of the German-American corporate community.

This year's meeting, the 19th seminar we have organized, was held in the district of the Study Group's 2002 House Chairman, Representative NICK LAMPSON, in Galveston, Texas. During the last week of May, almost 60 seminar participants met to have discussions about child custody disputes between the two countries, the upcoming elections in Germany and the United States, the war against terrorism, and international trade. Our discussions were frank and open-minded. We agreed to disagree on some issues, and we even discussed steel quotas. We found common ground where we expected disputes, for example, when the discussion turned to Saddam Hussein and Iraq.

In addition to the four rounds of discussion, the Study Group arranged a very impressive program of additional meetings. We were able to tour a BASF facility which had just opened earlier this year and is a marvel of new technology in the chemical production field. We also enjoyed an outstanding afternoon at the University of Texas Medical Branch, where we had a very impressive demonstration about telemedicine and its application in the care of patients who are geographically far removed from the nearest medical facility. The staff at the University of Texas also prepared for us a very educational and sometimes chilling presentation on bioterrorism and a global response to a terrorist act.

The highlight of the trip, however, was a behind-the-scenes tour of NASA's Johnson Space Center in Houston. We received quite an education from NASA astronauts and engineers, and were able to visit some of the training facilities, both for the Space Shuttle and the International Space Station. For me, personally, the trip was even more rewarding, since I was able to visit with Barbara Morgan, a friend and former constituent who is training at NASA to be the next teacher in space. It may not have been a coincidence that shortly after our visit to NASA, the administration announced that Barbara will participate in one of the next scheduled launches, I believe in 2004.

The seminar in Galveston was an outstanding means of accomplishing the goals of the Congressional Study Group on Germany. Legislators from the two countries were able to become acquainted on a very personal level, to have focused and in-depth discussions on some very important issues, and were educated by other seminar participants on some of the nuances that shape U.S.-German relations. It truly was one of the best foreign policy-oriented events I have ever witnessed, and I think the Study Group furnishes sitting Members with a tremendously important service.

A report about the activities of the Congressional Study Group on Germany would be incomplete without thanking its financial supporters. First and foremost, one needs to thank Craig Kennedy and the German Marshall Fund of the United States, since without him and his foundation the Study Group could not function at its present level of activity.

Also one must not forget former Member Tom Coleman of Missouri, who chairs the Business Advisory Council to the Study Group. His tireless efforts have raised much-needed funds to support the administrative side of the Study Group. He has put together a group of companies that deserve our gratitude for giving their aid and support to the organization. They are BASF, DaimlerChrysler, Deutsche Telekom, J.P. Morgan Chase, SAP, Volkswagen, and the group's two newest members, Lockheed Martin and Fireman's Fund/Allianz Group.

The Congressional Study Group on Germany is an excellent example of how the Former Members Association can provide a service to current Members that is unequaled in Washington and is one of the utmost importance to the foreign relations of this country. I think the former Members can be very proud of the work they do to make this group possible, and I look forward to being an active participant in the activities of the Congressional Study Group on Germany for many years to come.

Thank you, Mr. President.

Mr. ERLENBORN. The Association also serves as the Secretariat for the Congressional Study Group on Japan. Founded in 1993 in cooperation with the East-West Center in Hawaii, it is a bipartisan group of 86 Members of the House and Senate, with an additional 49 Members having asked to be kept informed of the Study Group activities.

In addition to providing substantive opportunities for Members of Congress to meet with their counterparts in the Japanese Diet, the Study Group arranges monthly briefings when Congress is in session for Members to hear from American and Japanese experts about various aspects of the U.S.-Japan relationship. The Congressional Study Group on Japan is funded primarily by the Japan-U.S. Friendship Commission.

In 1999, the Association began a parliamentary exchange program with the People's Republic of China. In October of that year, with funding from the U.S. Information Agency, the Association hosted a delegation of nine members of the National People's Congress of China in Washington. This program marked the inauguration of the U.S.-China Inter-Parliamentary Exchange Group, whose members were appointed by the Speaker. The visit included in-depth discussions between members of the two Congresses as well as meetings by members of the Chinese delegation and high level Executive Branch representatives, academics and business representatives.

In 2000, the Association received a grant from the Department of State to continue this exchange program by arranging a visit to China by members of the Exchange Group. The trip to China originally was scheduled to take place in August 2001, but was postponed in December because of the EP–3 incident. Unfortunately because of the September 11 terrorist attacks, Congress still was in session in December, so the trip had to be postponed until early January 2002. When it did occur, because it was the first visit to China by a Congressional delegation since September 11, the delegation was treated with extraordinary hospitality by the Chinese, who continuously emphasized the importance of a sound bilateral relationship between China and the United States.

I was hoping to call on the gentlewoman from Maryland, Beverly Byron, who participated in this fascinating trip to tell you about it. Unfortunately, Bev is unable to be with us this morning, so has asked me to give the report on her behalf about the trip, the forthcoming visit in June by a delegation of members of the National People's Congress of China and the initiation of the Congressional Study Group on China.

Representative DONALD MANZULLO of Illinois, Chairman of the U.S.-China Inter-Parliamentary Exchange Group and the Congressional Study Group on China, led the delegation to Beijing and Shanghai from January 5 to January 12 at the invitation of the Foreign Affairs Committee of the National People's Congress of China.

In addition to Beverly, the delegation consisted of former Congressman Beau Boulter from Texas, who was in China on other business and who joined in the delegation's discussions; the Association's Executive Director, Linda Reed; Wayne Morrison, a Specialist in International Trade and Finance at the Congressional Research Service; and two of Congressman MANZULLO's staff members, Jennifer Osika and Matt

Szymanski. The delegation was joined in Shanghai by Congressman TOM LANTOS of California.

Because all but one of the five members of the National People's Congress who attended the sessions in Beijing also had participated in the initial exchange in Washington in October of 1999, there was a camaraderie that allowed an open discussion and give-and-take dialogue of issues that included trade, China's accession to the World Trade Organization, the fight against terrorism, religious freedom, human rights and Taiwan.

The importance placed by the Chinese on the relationship with the United States further was indicated by the meeting the delegation had with President Jiang Zemin, which lasted 1 hour and 25 minutes, well beyond the allotted time. The session was informal, with much jovial bantering between the President and the delegation members, as well as discussion about substantive issues. In the end, President Jiang said he had enjoyed the visit very much.

Additional high-level meetings in Beijing were held with NPC Chairman Li Peng and the First Minister of the Ministry of Foreign Trade and Economic Cooperation. In Shanghai, the delegation met with: The Acting Mayor; Members of the Shanghai Municipal People's Congress; the Chairman of the Shanghai WTO Affairs Consultation Center; the Deputy Chief Commissioner of the Shanghai Pudong New Area People's Government; and foreign policy experts at the Shanghai Institute of International Studies. In addition, they had an unexpectedly frank and stimulating meeting with students in the U.S. Congressional Studies Program at Fudan University, which proved to be one of the highlights of the visit.

Although the delegation was small, all reports received from staff at the U.S. Embassy in Beijing and the U.S. Consulate General in Shanghai afterward indicated that the visit had a very positive effect on U.S.-China relations. As the delegation's Control Officer in Beijing wrote, ''In terms of substance, at least in Beijing, CODEL MANZULLO's leadership meetings were the most positive I have been in. I think Congressman MANZULLO set a tone for enhanced cooperation that has helped pave the way for the recent dissident releases and, more broadly, a successful upcoming visit by President Bush.''

The delegation's Control Office in Shanghai wrote, ''I think your trip did do its part in advancing the relationship. I defer to Beijing on what transpired there, but you left a mark, especially at Fudan University, and in Shanghai as well. The visit to Fudan seems to have been a small hit, due in no small part to the Members' ability to connect with the students.''

A second visit to Washington, D.C., will be made by a delegation of Members of the National People's Congress from June 4 to June 9, 2002, so this important dialogue between U.S. and Chinese legislators can be continued to further strengthen the U.S.-China relationship.

There will be sessions with Members of Congress and meetings with Executive Branch representatives, including, hopefully, President Bush. The Association recently submitted a proposal to the Department of State requesting funding to send a delegation of Members of Congress to China for a second visit in the summer of 2003 as the next step in this interchange process.

These annual visits will be continued, but the Congressional leaders of the U.S.-China Inter-Parliamentary Exchange Group believe they should not be the sole source of information regarding U.S.-China relations. Therefore, the Association received funding from the Boeing Company to initiate the Congressional Study Group on China in July 2001 to facilitate and augment the official Congressional exchange program by offering opportunities for ongoing communication about vital aspects of this relationship.

Currently, the Study Group is composed of 65 Members of the House, although it may be expanded to include Senators as well at a later date. Modeled after the Association's highly successful Congressional Study Groups on Germany and Japan, this Study Group will hold monthly meetings while Congress is in session so that its members may meet with U.S. and Chinese experts to be briefed about and discuss key issues of a concern to both countries. The Study Group most recently hosted a luncheon meeting with Deputy U.S. Trade Representative Jon Huntsman to talk about China's ability to comply with WTO regulations.

Moving to another part of the world, the U.S. Congress and the Congress of Mexico have been conducting annual seminars for 41 years under the auspices of the U.S.-Mexico Inter-Parliamentary Group. However, there is little interaction between legislators from these two countries during the rest of the year. The Association is in the process of initiating a Congressional Study Group on Mexico with funding from the Tinker Foundation so that Members of Congress can meet on a regular basis with visiting Mexican dignitaries and other experts about various aspects of the important U.S.-Mexico relationship. It is anticipated that the initial meeting of the Study Group will be a session with the current Mexican Ambassador to the United States, His Excellency Juan Jose Bremer, in June or July.

In the aftermath of political changes in Europe, the Association began a series of programs in 1989 to assist the emerging democracies of Central and Eastern Europe. With funding from the U.S. Information Agency the Association sent bipartisan teams of former Members of Congress, accompanied by either a Congressional or country expert, to the Czech Republic, Slovakia, Hungary and Poland for up to 2 weeks.

They conducted workshops and provided instruction on legislative issues for new Members of Parliament, their staffs and other persons involved in the legislative process. They also made public appearances to discuss the American political process. In addition, the Association brought delegations of Members of Parliament from those countries to the United States for 2-week visits.

Also, with funding from USIA, the Association sent a technical adviser to the Hungarian Parliament from 1991 to 1993. With financial support from the Pew Charitable Trusts in 1994, the Association assigned technical advisers to the Slovak and Ukrainian Parliaments. This initial support was supplemented by other grants to enable the Congressional Fellows to extend their stays.

From 1995 through 2000, with funding from the U.S. Agency for International Development and the Eurasia Foundation, the Association managed a highly successful program that placed outstanding Ukrainian students in internships with committees, legislative support offices and leadership offices of the Parliament of Ukraine. This program met not only the Parliament's short-term need of having well-educated, motivated, professionally trained staff to conduct its current legislative work effectively, but also the longer term need to develop a cadre of trained professionals. Former Members of Congress visited Ukraine from time to time to assist with these efforts by meeting with the students involved in the program as well as with Ukrainian government leaders.

At the end of the year 2000, the Association turned over the administration of the program to local Ukrainian management to ensure its long-term viability. The Ukrainian program proved to be an excellent pilot that was worth replication in other emerging democracies, particularly in the Central/East European and other areas.

In late 1999 and early 2000, under a grant from the National Democratic Institute for International Affairs, with funding from the Agency for International Development, the Association sent a Congressional staff member to Macedonia for 6 months. They selected university students and recent graduates in that country and trained them to provide research and drafting services for the Members of Parliament who lacked such resources. A young Macedonian lawyer worked with our Congressional Fellow and assumed the management of the program upon his return to the United States. I was privileged to have traveled to Macedonia in January of 2000 to confer with the Members of the Macedonian Parliament concerning the intern program that we had established for them.

I believe that one of the most important programs the Association has undertaken is providing help to emerging democracies, especially their parliaments. The transition from the old

ways to democratic governments is a basic test of the success of the newly emerging democracies. Similar problems are being faced by all of them, with varying success. I believe the intern projects that we have initiated are necessary to help the legislatures transition to independent and meaningful roles if the voice of the people is to be heard, as it must in a democracy.

The U.S. Association of Former Members of Congress is uniquely qualified to provide the resources for the education of the legislators in the emerging democracies. Former Members have experience in State legislatures and the Congress. We cannot expect other countries to adopt our ways, but we can help them identify the basic elements of a free, representative government.

The Association also has been interested in assisting with U.S.-Cuban relations. In December 1996, we sent a delegation of current and former Members of Congress to Cuba on a study mission to assess the situation there and analyze the effectiveness of U.S. policies toward Cuba. Upon its return, the delegation wrote a report of its findings, which was widely disseminated through the media and made available to Members of Congress as well as to personnel in the Executive Branch.

The Association organizes study tours for its Members and their spouses who at their own expense have participated in educational and cultural experiences in Australia, Canada, China, New Zealand, the former Soviet Union, Vietnam, Western and Eastern Europe, the Middle East and South America.

In September 2001, we arranged a study tour to Turkey, which included visits to Istanbul, Ankara, Izmir and Ephesus, with an optional cruise along the southern coast at the end.

I would now like to yield to the gentleman from New York, Norm Lent, who led the trip with the gentleman from Pennsylvania, Dick Schulze, to report on the visit to Turkey and its historical end.

Mr. LENT. I thank the gentleman for yielding. I will try to be as brief as I can.

Ladies and gentlemen, from September 1 through September 8, Dick Schulze and I led this delegation of 20 Association members and spouses on the Association's study tour of Turkey. In Istanbul, historic sites were visited, such as the Blue Mosque and the Dolmabahce Palace, and so forth. Our three nights in Istanbul were spent in a beautiful hotel overlooking the Bosphorus.

We were briefed on the current economic situation in Turkey by a number of Turkish businessmen, including the Vice Chairman of the Turkish-U.S. Business Council. Our meeting with the Vice Chairman was arranged with the assistance of our colleague Bob Livingston and his staff.

We next flew to Ankara, Turkey's capital, where participants were hosted by the then Undersecretary of the Foreign Ministry, Faruk Logoglu, who is now here in Washington, D.C., stationed as the Turkish Ambassador to the United States.

After a meeting at the Eurasia Strategic Research Center, a briefing and reception were hosted for our delegation by U.S. Ambassador to Turkey, W. Robert Pearson, at his beautiful residence. The briefing gave delegation members some excellent insights into the U.S. relationship with our strategic ally, Turkey. The reception provided a, I might say, delightful opportunity to meet many of the Turkish political leaders, including the President of the Turkish Parliamentarians Union and the Foundation of Turkish Parliamentarians, which is our Association's counterpart organization in Turkey.

One of our members, Dick Nichols, turned out to be an extremely talented piano player, and he was joined by Dick Schulze's wife, soprano Nancy Schulze, and, with her beautiful voice, led everyone in a very moving rendition of God Bless America.

The next day included a briefing at the Foreign Ministry and a meeting with the Chairman of the Foreign Affairs Committee of the Grand National Assembly of Turkey at the Parliament Building. For arranging these exceptional opportunities, special thanks are extended to our former late colleague, Gerald Solomon, and his staff, and the staff at the Turkish Embassy in Washington.

Our next stop was the City of Izmir, from where a day trip was made to the impressive ancient City of Ephesus. From Izmir, some our participants departed to return back to the United States, but 12 members of the delegation continued to enjoy a 3-day Blue Voyage Cruise on a gulette, or yacht, which was an incredibly relaxing journey through the beautiful coves of the Aegean Sea along the southern coast of Turkey.

The last port of call was Fethiye, which was reached late afternoon, September 11, 2001. These 12 members of the delegation learned of the horrendous terrorist attacks on the New York World Trade Center and the Pentagon while on board a private bus traveling from our last port of call at Fethiye to the Turkish home of our colleague Steve Solarz and his wife Nina.

Needless to say, everyone that night was in a state of shock. Our farewell dinner at the beautiful Solarz residence overlooking the Aegean Sea, which was to have been a joyous, festive affair, was a greatly subdued affair with much intensive discussion and a prayer led by Steve Solarz.

Our delegation flew to Istanbul the following day and proceeded to spend the next several days trying to find ways to return home, as all airline flights, you recall, had been canceled. We split up into several groups. Everyone, of course, finally made it home successfully, their sadness I might add somewhat assuaged by the genuine outpouring of sympathy received from many Turkish citizens who passed us by on the street, who saw us in the corridors of the hotels or elsewhere, who recognized us as Americans and stopped to express their condolences and their outrage at what had happened to this country.

The trip was greatly enhanced, I might add, by the hard work, attention to detail, kindness and patience of our Executive Director, Linda Reed, who accompanied us. She is here with us this morning, who did an absolutely outstanding job for us and is a credit, a genuine credit, to our Association. Linda, thank you for being with us this morning.

Even though the trip ended with the tragedy of 9/11, Turkey will long be remembered by all participants as an incredibly majestic country of very warm, gracious people that must be revisited.

I yield back the balance of my time.

Mr. LAROCCO. The Chair would ask the gentleman from Illinois to suspend for a minute while the Chair recognizes the gentleman from Texas, the distinguished majority leader, for remarks.

Mr. ARMEY. I thank the gentleman from Illinois for yielding time. I thank the Chair for recognizing me. I will not take much time. I really do hate to interrupt your proceedings, but I cannot resist saying youth must be served.

Actually I thought that was funnier than that. Thank you. But, at any rate, I have very little time left in my life to lay claim to that privilege, so I hope you will bear with me today.

I walked in this morning and saw all you gathered, and I was reflecting on the fact some of you may have noticed I too am soon to be a retired Member of Congress, and many of these days now as I walk these halls and sit in this Chamber, I find myself with the affliction of nostalgia, remembering times.

I remember the time Jamie Whitten beat me soundly. I think I got 35 votes for an amendment against one of Jamie's bills. I rushed over to the chairman, and I said, ''Now, that will teach you to fool with me.'' So these sort of nostalgic remembrances of the moments we have had together have sort of plagued me. I am sure you remember those in your retiring days.

But as I walked in here today, I noticed I just created a new emotion I want to share with you. I am going to label it ''prestalgia.'' So I will soon now be joining you.

As I watch you here this morning, I also see in your work and your presence here a lesson of pride that I am just learning, the pride of knowing that I was once a Member of this great body, the United States House of Representatives, a body that I personally believe and have believed for some time is the single most unique institution of democracy in the history of the world.

What a privilege we have had to be a part of this body. It is no wonder you come back and just enjoy these times of nostalgia, when we can remember

where we are, and what I also learned here, continue our work as former Members.

I look forward to joining you in just a few short months. I hope you will treat me as well as a member of this Association as you treated me when we served together in this body. It has always been my great privilege, and I hope I have never done anything to embarrass you.

Thank you.

Mr. ERLENBORN. Thank you, Congressman Armey.

Mr. Speaker, as you can see, the Association conducts a wide variety of programs and is continuing to expand them. All of this requires financial support. At present our funding comes from three primary sources, program grants, membership dues and an annual fund-raising dinner and auction.

On March 5 of this year we held our 5th annual Statesman Award Dinner, at which our friend and colleague, Vice President DICK CHENEY, was honored. We presented DICK with the Statesmanship Award in recognition of his service as a Member of Congress, as the current Vice President of the United States and his other many outstanding achievements.

I would like to thank the gentleman from Florida, Lou Frey, who provided the leadership that helped us make our first five dinners so successful, and to yield to him to report on this year's dinner, our plans for next year, and any additional comments he would like to make about the Association's book, Inside the House, which was mentioned earlier.

Mr. FREY. Thank you, Mr. President, and thank you for your leadership over the past 2 years.

I am pleased to report that we did hold a successful dinner on the 5th of March, and we have one of the previous recipients, former Member and Secretary of Agriculture, Dan Glickman, here. We had given the award previously to Lee Hamilton, Lynn Martin and Norm Mineta.

We sold over 450 tickets for the dinner. The Vice President actually came early, out of hiding, and he was there, shook hands for about a half-hour, 45 minutes, made a nice speech. I did get a kick out of, for those of you who were not there, one line. He pointed to us and said, ''You know, we all know a lot, we have been around a lot, but there is one thing I want to remind you: If someone important asks you to head a search committee, do it.'' I guess he came out pretty well doing that.

The dinner is unique. We have a Congressional and a presidential auction and our colleague Jimmy Hayes does that as an a vocation. He spends a year collecting all the different things for us for the auction. It is really some wonderful things that we have at the auction. Of course, we have a live auction, where Larry LaRocco and Jimmy Hayes run it. They both talk so fast, but it seems to work. We keep selling things at the live auction, so we are going to continue that.

We get items other than presidential donated for the live auction, such as a 3-night stay at the beautiful Adare Manor Hotel and Golf Club in Adare, Ireland, given by owners Thomas and Judy Kane and arranged by our colleague Margaret Heckler. Jimmy Symington gives us four tickets to a Redskins game, and now that they have a coach from Florida, you have to watch those Redskins. And Bob Carr helped to get us some first class American Airline tickets. So everybody really pitches in to make the dinner a success.

This is our only fund-raising dinner of the year. It goes for the general purposes of the program and the Congress to Campus Program. I want to report that we have at the present time netted over $100,000, and I hope it will be a little more from the dinner. So thanks to all the Executive Committee and the people that helped on that, to Barbara Boggs and to Linda Reed. A special thanks to Verizon, who has been one of our sponsors, and also to our new sponsor, Lockheed Martin.

It is a team effort, a lot of hard work, that paid off. Next year it will be held, we hope, on the 5th of March. We have extended the opportunity for the Secretary of Defense, our former colleague, Don Rumsfeld, to come by. So with John's help and Bob Michel's help on that, I hope we can get ''Rummy'' to come by and accept the award.

Just one brief thing about the book. It is a good book. It is really fun to read. It is an interesting book. I have taught from it at the University of Central Florida. I know it is being used in Monterey. I think Glen is using it out at the War College. I think the University of Kentucky is using it. I know Colgate is using it.

We have had some good reviews on C–SPAN. They covered it pretty well. But what we really need is for each of you, number one, to buy a book or two. Do not be so cheap. It helps everybody. Funding goes back to the Association.

Secondly, what we need you to do is to talk to the people in your old area. I have done talks at the library, at the clubs and so forth, at the schools. It is really a fun thing to do, and people like the book. Buy a couple of copies. Send it to your old school or high school and get it out there. A lot of work has been done by a lot of people to make this worthwhile.

One last thing, we have been asked by the editors if we would consider in a year or two updating. So those of you who have written chapters, you are going to be asked to re-look at your chapter. I know it is wonderful, but maybe you can make it a little more wonderful. Those of you left out, like Bob, some of you who did not get a chapter in, you are going to get another chance to do it.

But, seriously, please help with the book. It took a lot of work, a lot of effort. It is really good. We could use more and more sales. The money goes back to the Association.

I yield back the balance of my time.

Mr. ERLENBORN. Thank you very much, Lou. I will echo what Lou said about the book. It is an excellent book. I read one chapter every day. It is the chapter I wrote.

Mr. Speaker, in addition to financial support, the Association benefits enormously from the effort and leadership of many people. I want to thank the officers of the Association, Larry LaRocco, Jack Buechner, Jim Slattery and Matt McHugh, and the members of our Board of Directors and our Counselors for providing the excellent guidance and support necessary to oversee these activities.

In addition, we are assisted by the Auxiliary of the Association, now led by Carol Sarpalius. We are particularly grateful for their help with the Life After Congress seminars, which are held each election year, and our annual dinners.

Needless to say, our programs could not be so effectively run without the exceptional support of our staff: Linda Reed, who has already been mentioned, but deserves a second mention, our Executive Director, Peter Weichlein, Program Director, with special responsibility for the Congressional Study Group on Germany; Katrinka Stringfield, Executive Assistant; and Todd Thompson, Office Assistant. Many thanks to all of you.

The Association also maintains close relations with the counterpart Associations of Former Members of Parliament in other countries. I am pleased to recognize and welcome Aideen Nicholson, Vice President of the Canadian Association of Former Parliamentarians, and Adrian Cunningham, Secretary of the newly formed Association of Former Members of the European Parliament, who are with us today. Would you rise to be recognized?

Thank you.

Mr. Speaker, it is now my sad duty to inform the House of those persons who have served in Congress and have passed away since our report last year. The deceased Members of Congress are:

Thomas Alford, Arkansas;
Frank Annunzio, Illinois;
Jaime Benitez, Puerto Rico;
Edward Boland, Massachusetts;
Howard Cannon, Nevada;
James Corman, California;
Lawrence Coughlin, Pennsylvania;
David Dennison, Ohio;
Isidore Dollinger, New York;
Thomas Downing, Virginia;
Robert Eckhardt, Texas;
Paul Fannin, Arizona;
John Foley, Maryland;
Richard Hanna, California;
Michael Mansfield, Montana;
Edwin May, Jr., Connecticut;
Clinton Kinnon, California;
Harold McSween, Louisiana;
Joe Moakley, Massachusetts;
Henry Reuss, Wisconsin;
Walter Rogers, Texas;

Eldon Rudd, Arizona;
Gerald Solomon, New York;
Floyd Spence, South Carolina;
Lynn Stalbaum, Wisconsin;
William Stanton, Ohio;
Herman Talmadge, Georgia;
Victor Veysey, California;
Harrison Williams, Jr., New Jersey;
Lewis Wyman, New Hampshire;
John Young, Texas.

I respectfully ask that all of you rise for a moment of silence in their memory.

Thank you.

As you know, each year the Association presents a Distinguished Service Award to an outstanding public servant. The award normally rotates between the parties, as do our officers. Last year we presented the award to a remarkable Republican, Jack Kemp. This year we are pleased to be honoring an extraordinary Democrat, Tom Foley.

Tom is a native of Spokane, Washington, and a graduate of the University of Washington and its School of Law. He was elected to represent the State of Washington's Fifth Congressional District in the House of Representatives 15 times, serving his constituents for 30 years, from January 1965 to January 1995.

Prior to being elected the 49th Speaker of the House on June 6, 1989, Tom served as Majority Leader and, from 1981 to 1987, as Majority Whip. During his illustrious career in the House, he was a member of the Permanent Select Committee on Intelligence, the Committee on the Budget, the Select Committee to Investigate Covert Arms Transactions with Iran, the Committee on Interior and Insular Affairs, and chaired the Committee on Agriculture, the Committee on Standards of Official Conduct and the House Geneva Arms Talks Observer Team. In addition, he was chairman of both the House Democratic Caucus and the Democratic Study Group.

When he left Congress, Tom joined the law firm of Akin, Gump, Strauss, Hauer & Feld in Washington, D.C. as a partner. He was Chairman of the President's Foreign Intelligence Advisory Board until his appointment as the 25th U.S. Ambassador to Japan in November 1997, a post he held until 2001.

Upon his return to Washington, he rejoined Akin, Gump, where he advises clients on matters of legal and corporate strategy. Tom currently is Chairman of the Trilateral Commission.

Tom has served on a number of private and public boards of directors and has received numerous honors, including the Cross of the Order of Merit of the Federal Republic of Germany, and, from the Government of Japan, the Grand Cordon of the Order of the Rising Sun, Paulowina Flowers, in recognition of his service to the U.S. House of Representatives and the important impact he had on facilitating harmonious U.S.-Japan relations and promoting understanding of Japan in the United States.

Tom, you have been very patient waiting all this time. Now let me ask you to come up so that I can present you with the award.

Mr. FOLEY. Thank you very much, Mr. President, Mr. Speaker, Mr. Chairman, Members of Congress, my colleagues, former Members, guests, ladies and gentlemen.

I am very honored by this award. When Ronald Reagan was President, he received many awards. One time he received an award and he said, ''I don't deserve this, but I also have arthritis and I don't deserve that either.''

We all in our lives are honored by many things. We are honored by the support and affection and loyalty of our families, our spouses, our friends, and we are honored by those with whom we have had the opportunity to work, particularly those who work in public service.

I think the greatest honor of my life was the willingness of my wife Heather to allow me to join her life. She had to leave, but she was here earlier. Second to that, probably the honor that was bestowed on me, as it was on all of you, by hundreds of thousands of constituents, who were willing to trust your judgment and your responsibility in representing them in the House of Representatives. That is truly a great honor because, as it was said 200 years ago from the gallery, ''Here, sir, the people govern.''

When I was a young Member of Congress, John McCormick said one time when he was Speaker to us that if the day came when you were not thrilled, deeply honored and deeply moved as you came to the Capitol, whether it was a stormy or sunny day and any season of the year, and you did not have that great sense of responsibility and honor to be allowed to serve so many of your fellow constituents, he said if that day comes, quit. Quit. You have stayed too long.

When I was a very young Member of Congress, brand new, not yet sworn in, we, as were Republican Members, were given briefings by our seniors and betters. John McCormick was Speaker when I was a newly-elected Member, and he addressed the Members of the 89th Congress by saying that some of us might have been elected seriously, others by accident, and he would only know and the leadership would only know after 2 years time if we were reelected. In the meantime, he wished us well.

We were then addressed by a very powerful member of the Appropriations Committee, Mr. Irwin, who said that he wanted to warn us against the single greatest danger that could occur to a new Member of Congress beginning his or her service. We leaned forward to hear what that was, some ethical trap or other we thought perhaps.

He said, ''That great danger, above all others, is thinking for yourselves.'' He said, ''Don't do that.'' He said, ''For heavens sake, don't do that.'' He said, ''Trust the subcommittee chairmen, trust the committee chairmen, trust the chairman of the Democratic Caucus, trust and support the Whip, the Majority Leader,'' and he said, ''Above all else, above all else, trust, support and follow the Speaker.''

I remember being outraged, deeply offended that a senior member of my party should suggest that I subcontract my judgment to the leadership when I had been elected, I thought, as one of a number of young new members, Lloyd Meeds and I, from the State of Washington to come and do my part to see if we could help our constituents, our State and our Nation.

He went on to say, Mr. Irwin, that more people had gotten into trouble in this body by thinking for themselves than by stealing money. That outrageous statement was absolutely beyond sufferance.

Later on, however, it was my honor to be a subcommittee chairman and later, with Kika de la Garza, our committee chairman and the Democratic Whip and the Majority Leader and, finally, in June of 1989, the Speaker of the House. As I took the oath as Speaker, the wise words of Mr. Irwin came across a generation of time, and I thought how right he was, how right he was, Members should support, follow and accept in all ways the leadership of the Speaker. But, of course, that does not happen. Then and now, people of all parties, of all regions, of all circumstances that serve here follow their own best judgment as to how they can best serve their citizen constituents.

I think that it is an enduring honor to have served in this body, and for, I think, the thousands who have served here it is certainly one of the most significant things that happens in their lives.

After I left here I had an additional honor of being asked by President Clinton to serve as Ambassador to Japan, and I remember very distinctly the moment when I presented my credentials to the Emperor and was proud to say I have been selected, Your Majesty, as the Ambassador of the United States of America to Japan. I herewith present my credentials of office and my predecessor's letter of withdrawal. That was a fascinating opportunity for me, again a great honor, to represent our country to America's strongest ally in the Pacific, and to follow, again, a very distinguished group of Ambassadors who have served there before, including the late Mike Mansfield.

As I returned from Japan after being asked to stay for a short term during President Bush's administration because of the tragic sinking of the Ehime Maru by a U.S. submarine, I left on the very day that was mentioned by our President, and on April 1, when the Chief of Station told me, as I was getting in the car to go to the airport, that we have an aircraft down from Kadena in Hainan Island, China. But those events and the tension that followed have passed and the United States has resumed a constructive relationship in China.

And I want to say a word of praise for this organization and its constant work to use the opportunity of former parliamentarians here to meet with parliamentarians in other countries and in other regions. The study group for Germany and Japan and the one soon to be established for China, the parliamentary exchanges with Mexico and with Canada, with Eastern Europe and elsewhere have allowed the United States Congress and the United States former Members to share their experiences with parliamentarians, distinguished parliamentarians in other parts of the world, and I think together we advance the cause of democracy by that effort. I do not think there is any higher calling that a former Member of Congress can aspire to than to use whatever experience he or she has in the service of our constituents and in parliamentary democracy to advance it throughout the world.

Again, with great thanks to all of you for the honor you have given me today.

Mr. Chairman, I ask unanimous consent to revise and extend my remarks and I leave the floor. But before I do, let me say one final thing of appreciation to one other Member here today, Bob Michel, with whom I had the great honor of serving all the time I was here and especially when I was Speaker during the time when he was the distinguished Republican leader of the House. If circumstances had been a little different and the electoral cycle a little different, Bob Michel would have been one of the great Speakers of this House, and I am proud to know him. Thank you very much.

Mr. LAROCCO. Without objection, so ordered.

Mr. ERLENBORN. You may be wondering, since I missed a line in my introduction of Tom Foley, what he was doing here today, and that was he was receiving the Statesmanship award. The Distinguished Service Award is being given to Tom Foley. I did not want him to hold the award during his speech, but I have a copy of it here and here is what it says: ''Presented by the U.S. Association of Former Members of Congress to the Honorable Thomas S. Foley for his many years of distinguished service to the Nation as U.S. Ambassador to Japan and as a Member of United States Congress for 30 years, including his extraordinary leadership as Democratic Whip, Majority Leader and Speaker of the House of Representative. Washington, D.C., May 9, 2002.''

So now you know.

Thank you again, Tom, for your leadership and service.

Mr. Speaker and members of the Association, we are honored and proud to serve in the U.S. Congress. We are continuing our service to our Nation in other ways now, but hopefully ones that are equally as effective. Again, thank you for letting us return today to this Chamber.

This concludes our 32nd annual report by the U.S. Association of Former Members of Congress, and thank you all.

Mr. LAROCCO. The Chair would like to recognize the gentleman from Illinois for the following purpose: If the former Members would join me in giving our President, John Erlenborn, an expression of appreciation for his service. Thank you, John.

The Chair again wishes to thank the former Members of the House for their presence here today. Before terminating these proceedings, the Chair would like to invite those former Members who cannot respond when the roll was called to give their names to the Reading Clerk for inclusion on the roll. The Chair wishes to thank the other Members of the House for their presence here today. Good luck to all.

The Chair announces that the House will reconvene at 10:40 a.m.

Accordingly (at 10 o'clock and 25 minutes a.m.) the House continued in recess.

□ 1041

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATOURETTE) at 10 o'clock and 41 minutes a.m.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mrs. MYRICK. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the CONGRESSIONAL RECORD and that all Members and former Members who spoke during the recess have the privilege of revising and extending their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2646) ''An Act to provide for the continuation of agricultural programs through fiscal year 2011.''.

The message also announced that the Senate has passed without amendment in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 347. Concurrent resolution authorizing the use of he Capitol Grounds for the National Peace Officers' Memorial Service.

PROVIDING FOR CONSIDERATION OF H.R. 4546, BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 415 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 415

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4546) to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, and for military construction, to prescribe military personnel strengths for fiscal year 2003, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. After general debate the bill shall be considered for amendment under the five-minute rule.

SEC. 2. (a) It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived.

(b) No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 3 of this resolution.

(c) Except as specified in section 4 of this resolution, each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. Unless otherwise specified in the report, each amendment printed in the report shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent and shall not be subject to amendment (except as specified in the report and except that the chairman and ranking minority member of the Committee on Armed Services each may offer one pro forma amendment for the purpose of further debate on any pending amendment).

(d) All points of order against amendments printed in the report of the Committee on Rules or amendments en bloc described in section 3 of this resolution are waived.

SEC. 3. It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in part B of the report of the Committee on Rules not earlier disposed of or germane modifications of any such amendment. Amendments en bloc offered pursuant to this section shall be considered as read (except that modifications shall be reported), shall be debatable for 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. For the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken. The original proponent of an

amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 4. The Chairman of the Committee of the Whole may recognize for consideration of any amendment printed in the report of the Committee on Rules out of the order printed, but not sooner than one hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

SEC. 5. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1045

The SPEAKER pro tempore (Mr. LATOURETTE). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, yesterday the Committee on Rules met and granted a structured rule for H.R. 4546, the National Defense Authorization Act for Fiscal Year 2003. The rule provides for 1 hour of general debate, equally divided between the chairman and ranking minority member of the Committee on Armed Services. Mr. Speaker, this is a fair rule. It is a traditional structured rule for defense authorization and it provides for debate on a number of pertinent issues, including nuclear policy, missile defense, quality-of-life issues for our servicemen and women, and a number of noncontroversial concerns.

H.R. 4546 is a good bill. This legislation firmly shows our commitment to restoring the strength of our Nation's military. This is the fifth straight year of real increases to defense spending after 13 consecutive years of real cuts to defense budgets, and the largest increase in military manpower since 1986.

With U.S. personnel risking their lives on the front lines of the war on terrorism, H.R. 4546 is more than just a signal to our soldiers, sailors, airmen and marines that this is a Nation that recognizes their sacrifices. It is the means by which we meet our commitment to providing them a decent quality of life, by providing an across-the-board 4.1 percent pay increase for military personnel, as well as improving benefits and continuing to build new housing and working facilities. The housing conditions have been deplorable, and certainly they deserve better.

I commend my colleagues, the chairman of the Committee on Armed Services, the gentleman from Arizona (Mr. STUMP), and the ranking minority member, the gentleman from Missouri (Mr. SKELTON), for crafting legislation that will make America a safe place. It improves our defense against terrorists, rogue nations, against chemical and biological warfare and nuclear weapons.

However, there is one amendment the Committee on Rules made in order that I strongly oppose, the Sanchez amendment. It would allow abortions on our military bases overseas. Military treatment centers, which are dedicated to healing and nurturing life, should not be forced to facilitate the taking of the most innocent human life, the child in the womb. For the past 5 years, the House has voted to keep abortion on demand out of military medical facilities. I urge my colleagues to stay on this course and vote against this amendment.

That said, this is a fair rule. So let us pass this rule and pass the underlying defense authorization bill. At the end of the day, we will be making our homeland safer and we will be supporting our sons and daughters who are serving us in the military. We will be preparing for war, if necessary, thereby ensuring victory. At this crucial time in our history, this bill is most important.

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

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

Mr. Speaker, after September 11, the world saw something that we have known for a long time: Ensuring the security and liberty of the American people is not a partisan issue. Regardless of our differences on domestic issues, like Social Security and education, Democrats and Republicans are united behind our troops and committed to providing them the resources to defend the people of this great country. We are all Americans, we are all patriotic, and we are all here to promote the best interests of this great Nation. A strong national defense stands as one of the great pillars of the might of our country, and this bill largely reflects America's bipartisan support for national defense, the war on terrorism, and our men and women in uniform.

In light of this bipartisan cooperation in the war on terrorism, it is particularly outrageous that the Republican majority has given us such an unfair and one-sided rule on this important bill. Mr. Speaker, the ranking minority member and the chairman of the House Committee on Armed Services, the gentleman from Missouri (Mr. SKELTON) and the gentleman from Arizona (Mr. STUMP), respectively, deserve real credit for this bill. The gentleman from Missouri (Mr. SKELTON) in particular has fought very hard to keep this process bipartisan.

Mr. Speaker, in a nutshell, this bill provides the resources to win the war on terrorism and to ensure America's military remains the world's finest. It meets the President's overall defense request, which is a large increase over current spending, and it provides substantial resources to fight terrorism.

Additionally, Democrats and Republicans have again worked together to make significant improvements in the troops' quality of life.

The bill provides for another substantial military pay raise, at least 4.1 percent for all servicemen and women, and up to 6.5 percent for mid-grade and senior noncommissioned officers. It authorizes $10 billion for military construction and family housing because our troops and their families should not have to live in substandard conditions. And for military retirees, the bill ends the current practice of reducing veterans' retirement pay when they seek disability compensation.

I am disappointed, Mr. Speaker, that the Committee on Rules rejected my amendment to remove some of the obstacles faced by more than 15,000 legal immigrants in the armed services who want to become citizens. Their service reflects the tremendous pride and patriotism of our immigrant communities, particularly among Hispanic immigrants, and I will keep working to make sure this becomes law.

I am also disappointed Republican leaders did not make in order the amendment offered by the gentleman from Mississippi (Mr. TAYLOR), one of the strongest supporters of the military in this Congress, to allow the House a clean vote on another round of base closures, something we have not yet had. And the gentleman from Mississippi (Mr. SHOWS), another pro-defense Democrat, had a worthy amendment to allow military retirees the same health coverage as Federal employees, but Republican leaders refused to allow it.

This bill does, however, continue our bipartisan approach to ensuring America's military superiority throughout the world, providing $3.7 billion more than the President requested for important weapons programs. In particular, it authorizes over $5.2 billion for the F–22 Raptor, the Air Force's next generation air dominance fighter. It includes $1.6 billion for the services' various versions of the Osprey aircraft. It provides $562.3 million for the Global Hawk UAV. And the bill provides $3.4 million for the Joint Strike Fighter, the high tech multi-role fighter of the future.

As you can see, Mr. Speaker, the majority of this bill reflects the bipartisan support our armed forces enjoy in this Congress. So I am frankly mystified that Republican leaders are insisting on using the war on terrorism as an excuse to continue their long-time attack on the environment. It verges on ideological war profiteering, and they should be ashamed of themselves.

Some Republicans have squirreled away in this bill provisions to exempt the Pentagon from landmark environmental protections that have been on

the books for decades. America has fought and won numerous wars while respecting the Endangered Species Act, for instance, but now some Republicans insist on undercutting it. Since Republican leaders know they cannot defend in the light of day their attack on the environment, the Committee on Rules last night refused to allow the House to even vote on Democratic amendments to strike these environmental rollbacks, as well as many other amendments offered by Democratic Members.

Additionally, there are several very important issues in the bill that the Committee on Rules majority has given short shrift to by limiting debate to 10 or 15 minutes. Given the magnitude of nuclear weapons testing, missile defense, and other matters of global reach, it seems irresponsible to give Members of this body so little time to debate. In years past, the defense authorization bill has taken several days, if not a full work week of floor time. So I am disappointed the Republican leaders are rushing through this bill in one day so they can get out of town.

Mr. Speaker, it is my intention to oppose the previous question so that this bill can be improved in a way that will make it truly bipartisan. If the previous question is defeated, it is my intention to offer an amendment to the rule that will allow the House to consider amendments addressing the environmental issues in this bill as well as the other issues proposed by Democratic Members.

I urge Members of both political parties to join me in opposing the previous question when it is ordered. In that way we can protect the environment and preserve the bipartisanship that has been so important to the war on terrorism. Then we can overwhelmingly pass this bipartisan bill for the troops.

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

Mrs. MYRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I congratulate her on her management of this rule.

Let me say that as I listened to my friend from Dallas describe this rule, it is not quite the one that I recall our having crafted late last night. In years past, we have had 150-plus amendments filed to the Committee on Rules on this legislation. The success of passage of this Bob Stump Defense Authorization Act, which is very appropriately titled for our colleague who is going to be retiring at the end of the 107th Congress, in fact brought a total of 83 amendments, the lowest number that I can ever remember. And I am very pleased that of those 83 amendments filed, we have made in order 25 amendments. There are 10 amendments authored by Democrats, there are 12 amendments authored by Republicans, and there are 3 bipartisan amendments that have been made in order. So we are clearly going to have the opportunity to have a full debate on this issue.

In years past, Mr. Speaker, we have had sometimes 2 weeks of consideration of this measure because it has been so contentious. This is probably the least contentious, the least divisive defense authorization bill that we have had, again, in a long period of time, in large part due to the fact that we have come together as a Nation to win the war on terrorism and to make sure that we have a defense capability second to none so that we do not face the kinds of tragedies that our country has faced in the past.

So I believe that we have a very good rule here that allows for a full debate on a wide range of issues. This rule, I am happy to say, is going to enjoy bipartisan support. I know there are concerns that have been raised by a number of people, but one of the things we know in this institution is that we are never going to make everyone happy when it comes to the process of amending legislation. But I do believe that this measure is a very appropriate one.

The structure for this rule was in fact designed by our late former colleague, Les Aspin, who put into place this procedure that we are using right now, the former chairman of the Committee on Armed Services and the former Secretary of Defense Mr. Aspin. So I believe that we have done this in a very fair and a very balanced way.

I want to congratulate, along with the distinguished chairman of the Committee on Armed Services, the gentleman from Arizona (Mr. STUMP), my friend, the gentleman from Missouri (Mr. SKELTON), my home State of Missouri as well, who has made a number of proposals to us. And I know he has some concerns, but I am very pleased that we will, as I said, enjoy bipartisan support for this rule and will have very strong bipartisan support for this measure at the end of the day.

□ 1100

Mr. FROST. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the strength of a democracy is to be able to have full public debate on important national issues such as national defense. We stand for a strong national defense. Many of us in this caucus have a long history in that regard; but we also stand for the proposition that the American people can be trusted with the facts, and that there should be a full discussion on important issues of national defense.

The majority has ignored that and ignored the past practices of this House of having a full airing of national defense issues, and having a bill that would be on the floor for several days, perhaps even a week. That is in the best tradition of this country. We stand for a strong America, and we stand for a strong and complete discussion of the issues that make America strong, not the kind of rule which has been presented today.

Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON), the ranking member on the Committee on Armed Services.

Mr. SKELTON. Mr. Speaker, I rise to express some concern that I have; and as Members know, I had an opportunity to testify yesterday before the Committee on Rules. I intend to vote against the previous question. However, should the previous question pass, it is my intention to vote for the rule. But let me first tell Members of my serious concerns.

A number of key Democratic amendments and proposals were not made in order. They include, but are not limited to the amendment of the gentleman from South Carolina (Mr. SPRATT) requiring 12 months notice to Congress before nuclear testing. It makes sense to debate that. Or another amendment by the gentleman from South Carolina (Mr. SPRATT) on cooperative threat reduction. What is more important than that issue?

It makes sense to debate the Allen amendment prohibiting nuclear-tipped interceptors. That was put to bed back in 1982. It makes sense to debate the amendment by the gentleman from Mississippi (Mr. TAYLOR) on the Colombian troop cap, or the gentleman's amendment of last year repealing last year's base closure law; the Rahall amendment on the environmental provisions; the Hinchey amendment on environmental provisions; as well as the Hooley amendment. These are items which should have been, in my opinion, made in order because we are in favor of a full and fair debate. Nevertheless, we forge ahead.

Mr. Speaker, I stated that I would vote against the previous question because of the fact that these amendments were not made in order, that we seem to be rushing to judgment without a full and fair debate that the country is entitled to have.

Mrs. MYRICK. Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. HASTINGS), a member of the Committee on Rules.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, I rise in strong support of the rule and the underlying legislation. The legislation before us today will have a tremendous positive impact on improving the environment in our country and ensuring the safety of all Americans.

But first, today's legislation authorizes $382.8 billion for national defense, which is consistent with the House budget resolution. It includes $7.3 billion for programs to combat terrorism, and it also includes an increase of 4.1 percent for our men and women in uniform.

Further, this legislation keeps our commitment to our military retirees by completing eliminating the unfair

practice of reducing retirement pay based on disability payments, and this will be done by the year 2007.

I am very pleased that the legislation also includes the administration's proposal to accelerate cleanup of former nuclear weapon production sites throughout the country. This year the Bush administration has made a strong commitment to our environment through the environmental management, or EM, program at the Department of Defense. As the chairman of the House Nuclear Cleanup Caucus, I appreciate the commitment of the committee to ensure that our Nation's commitment to cleaning up these sites, which represent the greatest environmental challenges in the country, will continue on track.

The legislation provides at least $800 million to a new cleanup account to accelerate and reform cleanup of the highest risk environmental threats in the U.S. in a new and profoundly different manner. This new account will implement the results of the Department's year long, top-to-bottom review of the EM program. The account will direct dollars to accelerate cleanup throughout the Nation without compromising safety and embracing reforms to ensure that the best commercial practices and technology drive the program in the future.

Most important, however, is the commitment to drive more program dollars directly to cleanup and risk reduction, which will accelerate cleanup by decades at these sites throughout the country and save the American taxpayers tens of billions of dollars in the future.

I am convinced that this program will be successful, and I am proud that the Hanford site in my district has led the Nation in reaching the first agreement under the new cleanup account. This agreement, which was agreed to by the Bush administration, the Governor of the State of Washington and the EPA, will direct $433 million out of this new account to Hanford. This historic agreement, when fully implemented, will result in cost savings of $33 billion and will accelerate cleanup by 35 to 45 years. This is truly a remarkable commitment to our environment, and I look forward to additional sites reaching similar agreements in the future.

Mr. Speaker, this agreement will provide a 5-year funding commitment instead of the year-to-year hassle that we go through every year.

Mr. Speaker, I urge Members to support the rule and the underlying legislation.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. HASTINGS).

(Mr. HASTINGS of Florida asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Florida. Mr. Speaker, I will vote for H.R. 4546, the Bob Stump National Defense Authorization Act for Fiscal Year 2003. It is noteworthy that it is named for the chairman, the gentleman from Arizona (Mr. STUMP), and it will be a tremendous legacy once finalized.

The bill has flaws, however, and there were numerous amendments that were offered by Members on both sides of the aisle which were not made part of this rule.

However, I do feel overall that the rule will allow for support for our fighting men and women as they wage war against terrorism. It equips them with the technology, training and personnel that they need to attain victory, and also demonstrates our commitment to providing an improved quality of life in granting of funds for military living and working facilities.

However, due to the structured rule, we have been denied the opportunity to debate several amendments, including one I introduced. The amendment I introduced would have increased funding currently authorized for military health care by $2.5 million, with the necessary offsets that would not have affected the Pentagon at all. Not $25 million, not $250 million, but just $2.5 million specifically for retirees and their dependents.

In addition to serving active duty, the military and their families, the military health system provides services to military retirees and their dependents. While the number of people on active duty is not projected to increase dramatically over the next few years, the number of retirees and their dependents, especially over the age of 65, will. We face immense challenges in this regard.

I regret that the structured rule has denied me and other Members the opportunity to provide a much-needed boost to the military health care system. Be assured that my support, as my colleagues, for our military extends to support for veterans and their families, and I will continue to support them however, wherever, and whenever I can.

Mr. Speaker, I rise today to voice my support for H.R. 4546, the Bob Stump National Defense Authorization Act for Fiscal Year 2003. This bill shows the nation's unwavering support for our fighting men and women as they wage war against terrorism. It equips them with the technology, training and personnel they need to attain victory. It also demonstrates our commitment to providing an improved quality of life in the granting of funds for upgrades to military living and working facilities.

However, due to the structured rule, we have been denied the opportunity to debate the amendment I introduced.

My amendment would have increased funding currently authorized for military health care by $2.5 million, specifically for retires and their dependents.

Mr. Speaker, in addition to serving active duty military and their families, the military health system provides services to military retirees and their dependents. While the number of people on active duty is not projected to increase dramatically over the next few years, the number of retirees and their dependents, especially those over the age of 65, will.

The greatest challenge facing the military health care system is caring for retirees—especially those over the age of 65.

Again, I regret that the structured rule has denied me the opportunity to provide a much needed boost to the military health care system. Be assured that my support for our military extends to support for veterans and their families and I will continue to support them however, wherever, and whenever I can.

Mr. Speaker, there are a few other aspects of this bill that remain troublesome—one concerns our environment and the other concerns the deployment of American troops in Colombia. Regrettably, this structured rule has denied us the opportunity for further debate on these two important issues.

This bill grants special exemptions to the Department of Defense environmental programs. This provision is, and I quote, ''intended to restore a balance between environmental responsibilities and military readiness.'' It relieves DoD, when conducting training exercises, from observing the Endangered Species Act, the Migratory Bird Act, and the Marine Mammal Act.

The ESA already contains a provision that permits DoD to request a waiver from compliance with the Endangered Species Act if that compliance poses a threat to national security. I question the necessity of granting the Department of Defense with a blanket exclusion from the laws that the rest of us must adhere to.

An amendment, offered by Mr. MALONEY sought to strike this language from the bill, and another from Ms. SANCHEZ required annual reports from DoD on its stewardship of the environmentally sensitive areas on military bases. Both of these amendments would have initiated a much needed debate on this issue, but we have denied that right by the rule that has been invoked.

Secondly, Mr. TAYLOR offered an amendment to limit the number of U.S. troops in Colombia to not more than 500. Mr. Speaker, I have some grave concerns about the necessity of increasing the number of American troops currently in Colombia and would have welcomed the opportunity to debate this issue with my colleagues.

MOTION TO ADJOURN

Mr. TAYLOR of Mississippi. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the motion to adjourn offered by the gentleman from Mississippi (Mr. TAYLOR).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. TAYLOR of Mississippi. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 44, nays 366, not voting 24, as follows:

[Roll No. 134]

YEAS—44

Allen
Andrews
Barton
Berry
Brady (PA)
Capuano
Conyers
Crowley
DeFazio
Dingell
Doggett
Filner
Frank
Hastings (FL)
Hinchey
Holt
Honda
Jefferson
Lampson
Langevin
Larson (CT)
Lee
Lewis (GA)
McDermott
McGovern
Miller, George
Mink
Owens
Pallone
Pascrell
Payne
Pelosi
Sandlin
Schakowsky
Shows
Slaughter
Spratt
Stark
Tanner
Taylor (MS)
Towns
Waters
Woolsey
Wu

NAYS—366

Ackerman
Aderholt
Akin
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilirakis
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crenshaw
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pastor
Paul
Pence
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (FL)

NOT VOTING—24

Abercrombie
Bishop
Burton
Clay
Crane
Cubin
Hall (OH)
Jackson-Lee (TX)
Kaptur
Maloney (CT)
Meehan
Moran (VA)
Napolitano
Norwood
Ose
Peterson (PA)
Riley
Schaffer
Skeen
Smith (NJ)
Traficant
Watson (CA)
Waxman
Young (AK)

□ 1139

Messrs. SAXTON, COBLE, GALLEGLY, ROGERS of Michigan, and Mrs. MALONEY of New York and Ms. HART changed their vote from ''yea'' to ''nay.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 4546, BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair would advise that the gentlewoman from North Carolina (Mrs. MYRICK) has 20 minutes remaining, and the gentleman from Texas (Mr. FROST) has 19 minutes remaining.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SESSIONS), another member of the Committee on Rules.

Mr. SESSIONS. Mr. Speaker, I thank the gentlewoman from North Carolina for yielding me this time.

Mr. Speaker, today we are considering this rule and the debate that certainly concerns our support of the United States military and the men and women who represent us. We are talking in this bill about a better pay raise, a pay raise where we are able to keep the brightest and the best. We are talking about better housing for our men and women; we are talking about increasing our readiness; we are talking about research and development; we are talking about counterterrorism. We are trying to talk about the issues which I perceive are important to the military in this country.

However, perhaps the most key component is we are going to talk about homeland security today, and there is one amendment which will be discussed today that says that no funds for 2003 appropriations for the Department of Defense may be used for space-based national defense programs.

Mr. Speaker, I would tell my colleagues that I believe that now, more than ever, this Congress should focus on not only ballistic missile threats that face this country, because it is not just what is aimed at our military, it is what is aimed at our homeland. Our homeland security is now an issue.

Mr. Speaker, there are more than 28 countries outside the United States that possess not only ballistic missiles, but the desire and the threat to not only threaten America, but also our allies. These 28 countries, as we look around, many of them represent belligerent countries who would wish for America to be harmed. These 28 countries possess the ability to threaten the United States and our military and our allies.

What is important about this debate is that we need to understand what our President has said about it. President Bush has said, America's development of a missile defense is a search for security, not a search for advantage.

Mr. Speaker, homeland security for America is what this bill is also about. I support this rule, I support this bill, and I hope Members will focus on homeland security and the support our President gives for this bill.

□ 1145

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. MCGOVERN), a member of the Committee on Rules.

Mr. MCGOVERN. Mr. Speaker, I oppose this rule. The defense authorization bill provides a waiver to the Secretary of Defense to get around the current cap on U.S. military personnel in Colombia.

I strongly oppose such a waiver. It is a serious abrogation of the duties of this Congress to monitor and provide oversight to our military programs and presence in Colombia. I oppose this waiver because it provides the Secretary of Defense with the ability for an unrestricted escalation of U.S. military personnel in Colombia and further engages in that country's 40-year-old civil war, a war that Colombia's government has failed to adequately support.

The gentleman from Mississippi (Mr. TAYLOR) offered an amendment to

strike the waiver language and maintain the cap. Unfortunately, that amendment was not made in order.

Mr. Speaker, this a huge issue. We have seen waivers used and abused. Mr. Speaker, this bill strips away the principal safeguard Congress has insisted upon to protect us from an escalating military mission in Colombia. It deserves a debate.

I urge my colleagues to vote ''no'' on the previous question so we can bring up the Taylor amendment and other amendments, and if we are not successful in defeating the previous question, then vote against the rule.

Mrs. MYRICK. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. HAYES), my neighbor.

(Mr. HAYES asked and was given permission to revise and extend his remarks.)

Mr. HAYES. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, today I rise strongly in support of the rule that would allow for consideration of H.R. 4546, the Bob Stump National Defense Authorization Act for 2003.

The tragic events of September 11, 2001, have thrust our Nation's military into the spotlight, and called to duty the brave men and women of the U.S. Armed Forces. Once again, U.S. citizens are rallying behind them in strong support of the harrowing mission they have been called upon to perform, and today the U.S. Congress has the duty to pass this important legislation that will help provide the necessary resources for these brave men and women to do their job.

Where were the Members on September 11? I was in the Pentagon at 8:47 a.m. discussing the defense bill with Secretary of Defense. My question to him that morning was, when will people realize that national security is our number one priority? His answer was to agree and say that it would take a major incident for this to happen. That was 8:47 a.m. on September 11.

Mr. Speaker, this rule and the underlying legislation first and foremost take care of the most vital asset in our military: our people. It provides every servicemember with a 4.1 percent pay increase. It also begins a transition program to fully fund concurrent receipt of veterans' disability and retirement pay. It increases housing allowances and boosts special pay while extending enlistment and reenlistment bonuses.

The defense authorization bill increases our manpower by nearly 1 percent, the largest single increase since 1986. It builds upon our work last year and continues to reverse the decline of military readiness by funding key operations, maintenance, and training accounts.

This financial support devoted to our national security is long in coming. I am proud to say that as a member of the Committee on Armed Services, this legislation will enable our men and women in uniform to continue prosecuting successfully the war on terrorism.

The bill in front of us today marks the most significant increase to the defense budget since 1986. It has targeted two of the most critical areas which are crucial to maintaining a healthy and robust military: quality of life and readiness.

For the soldiers and airmen in my district, Fort Bragg and Pope Air Force Base in North Carolina, the ability to adequately care for their families and train for the mission for which they are called are two issues second to none. I believe this legislation makes significant progress in these areas.

Furthermore, the bill funds the development and testing of an effective ballistic missile defense system.

Mr. Speaker, it is a gross injustice that it took unspeakable tragedies in September to focus the public eye on the need for a more robust defense budget. I feel the legislation in front of us today takes the first step, and the rule provides for consideration and is fair and effective. We are establishing a clear and strong course to rebuild our Nation's defenses.

I urge my colleagues to send a message loud and clear to our soldiers, sailors, airmen, and Marines that we will strongly support them and give them the resources necessary to perform the mission.

Mr. Speaker, before I close, I would also like to pay tribute to my friend and colleague, the chairman of the Committee on Armed Services, the gentleman from Arizona (Mr. STUMP). He has served honorably, courageously, and effectively. He will be sorely missed. He personifies national security by his service in our military and in our Congress.

I say to the gentleman from Arizona (Mr. STUMP), best wishes and Godspeed.

When it comes to defending our country, our families, and our freedom, there is no higher priority than national security. To this end, I think the Marine Corps says it best: We must always be faithful; Semper Fi.

I urge my colleagues to vote in favor of the rule for national security and in favor of H.R. 4546, the Bob Stump National Defense Authorization Act for fiscal year 2003. Semper Fi.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, I rise in strong opposition to this rule. The Committee on Rules has denied the House the opportunity to eliminate the demeaning practice of making only American servicewomen stationed in Saudi Arabia wear an abaya, a religious garment of faith most of them do not follow. These women are on the front lines risking their lives fighting to protect our freedom and democracy and to defend Saudi Arabia itself.

The Langevin-Hostettler amendment should have been ruled in order. Women make first-class soldiers and should not be treated like second-class citizens. Our amendment would have prohibited the military from requiring or strongly encouraging servicewomen to wear abayas and would have stopped forcing the American taxpayer to pay for them.

As we can see, the abaya and head scarf cover the entire body from head to toe. The State Department does not require or encourage any of its employees to wear the abaya on duty precisely because they are representing the United States. Are our military not doing the same? Not even the spouses and dependents of the State Department staff wear the abaya.

The government of Saudi Arabia does not require non-Muslim women to wear the abaya, and neither should we. General Schwarzkopf agrees. During the Gulf War, he never issued such a mandate. Male servicemembers are not required to wear the abaya, grow beards, or embrace any Islamic religious beliefs in this way, so neither should the women.

Forcing our female troops to wear the abaya has a negative impact on our recruitment and diminishes morale, unit cohesion, and the chain of command headed by female servicemembers. Most of all, it is not necessary. As I said, the Saudi government does not require non-Muslim women to wear the abaya.

I urge my colleagues to oppose the rule.

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

I just wanted to issue a point of clarification. It is my understanding that a Federal lawsuit has been filed on this issue, because I also support that. It is very inappropriate for Congress to get involved in this in the middle of the lawsuit.

Mr. Speaker, I yield 3½ minutes to the gentleman from Pennsylvania (Mr. WELDON).

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank the gentlewoman for yielding time to me. I thank our colleagues for working on what I think is a good, bipartisan defense bill.

As my colleagues know, I voted against the President's budget on the House floor because I was not satisfied with the level of defense spending because of our inability to meet our resource needs.

I give total credit to the chairman, the gentleman from Arizona (Mr. STUMP), and the gentleman from Missouri (Mr. SKELTON) for working together to get us a portion of that $10 billion to help with the modernization problems we have.

The fact is, we took a holiday in the nineties and we are paying for it today. If we look at the shipbuilding account, which the gentleman from Mississippi (Mr. TAYLOR) has been fighting for, we are building down to a 235-ship Navy with our current funding level. The average age of our tactical fighters is 17

years old. That B–52 bomber will be 7 years old before it is retired. We have cut back across the board and now we are trying to play catch-up, and it is impossible. This bill makes a good downpayment in trying to reverse that, but it is not enough.

I want to respond to one of the issues raised by my colleagues on the environment. I will take a back seat to no one on environmental votes. I have been a green Republican, voting and endorsing and cosponsoring the Clean Air Act, clean water, endangered species, wetlands protection. I serve on the Migratory Bird Commission. I voted against the environmental riders.

This bill does not gut our environmental laws. There is a need for us to make sure that our military is properly trained. At Camp Pendleton in California, the number one training site for our Marines' amphibious force, they come off of the ships, the landing craft, and they have to board buses to go across an area where some endangered species are. Then they come back on the ground and do their training. These are the same people that we ask to risk their lives.

What we are saying in this bill is we need to have some rifle-shot provisions to let this training take place. This is not about any rollback; this is not about going back to the 1930s. This is about a very commonsense, bipartisan approach to let our military and our soldiers, sailors, corpsmen, and Marines be equated to a snail darter. Is a snail darter's life more important than the soldier?

The whole issue of migratory birds, cut me a break. Maybe we should buy a duck stamp and put it on our planes, because for a $15 duck stamp we are legally allowed to kill birds; but yet we are saying we should not have an exemption so our military can properly train.

Those who say that somehow this bill is rolling back environmental laws in this country are grossly misinformed. I invite them to work with us. We are not about hurting the environment. If we look at the Navy's research budget, more money is spent on oceanographic research by the Navy than any Federal agency in this country. Every oceanographic research school, Scripps, Woods Hole, gets all or a bulk of their money from naval research accounts.

We are trying to do the right thing. We are also trying to protect our troops. We are also trying to give some relief so our military personnel can be properly trained and equipped when they are called upon to protect America.

Mr. Speaker, it really boggles my mind. When I took a delegation out to California and we flew by helicopter along the coast, the only open area left along California's coast was Camp Pendleton. Where were the State officials? Where were the county commissioners? I used to be a county commissioner in local zoning and planning, to allow every piece of property to be built up so the endangered species had no place to go except for our military base? And now to come back and say somehow the military has to bear the brunt is absolutely outrageous. Yet, that is the fact today.

I encourage my colleagues to vote for the rule and to vote for final passage. Again, I commend my leaders for the great job they did with this legislation.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. DINGELL).

(Mr. DINGELLl asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, I rise in opposition to the rule and I rise in opposition to the previous question.

Mr. Speaker, this is a fine example of high-handed arrogance by the Republican leadership and the Committee on Rules. What is wrong with having a vote to address the problems which exist with regard to a piece of legislation which does not permit the House to require the regular order and to see to it we have a chance to discuss all of the questions which relate to important environmental matters?

I have been dealing with the military for years. They constantly seek to get out from under environmental laws; and the military bases in this Nation are some of the most skunked up, defiled, and dirty places, contaminated with hazardous waste, radioactivity and other things.

They seek yet another opportunity to escape the requirements of law that say we are all going to together protect our environment against the kind of high-handed arrogance that the military engages in.

There is provision in each of the laws which were challenged originally to permit the military to seek relief and to get it. And there is a regular process around here which would permit the military to have the ordinary hearings and find out what relief they need.

No action of that kind was taken in the committees of jurisdiction; and the Committee on Armed Services, with its usual arrogance, saw to it that there was no opportunity for the environmentalists to be heard, no opportunity for Members to be heard, no opportunity to complete a record to justify whether or not this is appropriate.

Clearly, when they are behaving in this kind of a sneaky and dishonest fashion, it is quite appropriate for the House to give them a rap on the knuckles and say, we think you ought to allow this matter to be debated. We think you at least ought to give an opportunity for an amendment to be considered to strike this.

They seek an exemption from the Migratory Bird Act. I would note that this Nation has fought World War I, World War II, and a number of other wars with that law on the books, and a number of police and military actions with the others. I say vote down the rule and vote down the previous question.

Two weeks ago the Department of Defense (DoD) sent a legislative proposal to the Committee on Armed Services seeking broad exemptions from six of our Nation's most important environmental laws—the Clean Air Act, Superfund, the Resource Conservation and Recovery Act, the Migratory Bird Treaty Act, the Marine Mammal Protection Act, and the Endangered Species Act.

Armed Services ultimately did not seek to undo the important environmental provisions contained in four of the six laws. Unfortunately, the Migratory Bird Act and the Endangered species Act did not fare so well. Mr. Rahall and I, with several of our colleagues, offered an amendment to strike those broad and unwarranted exemptions. But the Republican leadership will not allow a vote today to undo the damage. That is why I ask my colleagues to defeat the previous question.

We absolutely support the need to maintain military readiness in the interests of national security. That is why when we wrote the laws we inserted specific provisions to ensure there was no conflict between protecting our national security and complying with our environmental laws.

This is the case with the Migratory Bird Treaty Act of 1981, one of our oldest conservation statutes. The Secretary of Interior has the authority to determine the circumstances under which migratory birds can be taken, killed or possessed and issue regulations permitting such activities. The United States has fought in two World Wars, the Korean War, Vietnam, and the Persian Gulf War with the 1918 Act in place. I fail to see why our current war against terrorism would now call for its elimination.

The members of this body should also be aware of the ridiculous arguments that the DoD is making in court to support its efforts to exempt itself.

In the FDM case, DoD claimed:

> . . . plaintiffs have suffered insufficient injury because the more birds that the defendants (DoD) kill, the more enjoyment Mr. Frew (a plaintiff) will get from seeing the ones that remain: ''bird watchers get more enjoyment spotting a rare bird than they do spotting a common one.''

Let me also quote Judge Sullivan's finding with respect to DoD's argument (on page 17 of his opinion):

> Suffice it to say, there is absolutely no support in the law for the view that environmentalists should get enjoyment out of the destruction of natural resources because that destruction makes the remaining resources more scarce and therefore valuable. The Court hopes that the federal government will refrain from making or adopting such frivolous arguments in the future.

With regard to the Endangered Species Act (ESA), the military again seeks to have exemptions for which no other Federal Agencies are eligible. ESA requires that land where threatened or endangered species live be designated critical habitat. The military does not want to comply with this law like every other federal agency and every other American citizen does. As the author of ESA, I can assure you that exemptions are available for reasons of national security. In fact, Section 7 of ESA allows agencies to get waivers from the Fish and Wildlife Service. Ironically, the Pentagon wants a blanket waiver even though they have never sought a Section 7 exemption.

Needless to say, DoD proposals have gone through a most curious legislative process so

far. The relevant Committees with expertise have been bypassed. No hearings have been held on these significant exemptions. And now we don't have a chance to vote on the House Floor.

A stealth process has been employed to circumvent the Committee of jurisdiction, to deny the public the opportunity to testify, and to undermine two of our most important environmental laws. Defeat the previous question so we have the opportunity to reverse this environmental outrage.

□ 1200

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, I thank the gentlewoman for yielding me time. I think it is clear now that as we enter this new century that we entered with such great optimism a few months ago that this century is going to be as dangerous as the last one in which we lost 619,000 Americans killed in battlefields around the world.

Going into this new century, it is more important than ever that we develop what I would call broad military capability. And that means that we, and I think Democrats and Republicans on the Committee on Armed Services understood and marked up a bill, that toward those ends that we must have the ability to deter and, if necessary, to fight a number of different types of conflicts. That means that we have to be able to stop a conventional armored attack like the one that was launched by Saddam Hussein in the Gulf War. We have to be able to handle a guerilla warfare operation. Obviously we have to be able to handle a terrorist and to deal a blow to those who would strike us on our homeland. We have to stop this new threat, this emerging threat of incoming ballistic missiles, the first of which killed our troops in the Gulf War almost a decade ago, in fact, more than a decade ago. So we have to have broad military capability. We cannot have a specialty military like a lot of our allies have. That means we have to spend money.

I think, frankly, the chairman of the Subcommittee on Military Procurement of the Committee on Armed Services, the gentleman from Pennsylvania (Mr. WELDON), did correctly state that we are behind the curve in terms of modernization. If we replaced all the tanks, trucks, ships and planes on a steady-state basis that are now aging, we would be spending an additional $30 billion a year on national security. We have turned the corner. We have made the down payment. We are expensing about $71.8 billion this year, although we have a baseline of about 90 that we should be achieving.

Now we should also perhaps be spending a little bit more money on missile defense, in my estimation. But we do have a pretty good tranche of money in there. We have a good guy, General Kadish, who is working this program, who will be accountable to this Congress, who is going to throw out the losers and he will award the winners in missile defense, those systems that work. And so we are on a pretty good track there.

Lastly, we do some good stuff for our people, and our people in this ongoing war, this conflict we are fighting right now, have proven to be, as usual, our greatest assets. We have the 4.1 percent pay raise. We have more targeted to certain areas where we need a little more help, but all in all we do a pretty good job for our people. So people, modernization, the ability to defend against incoming ballistic missiles, and some good money on some new technology in the future with R&D is in this package. Please support this package. It is the right thing. And every Member should remember as we vote this bill today, we are in a war right now. We need to get the tools that our military needs, that the President needs to carry out this mission. Please vote this bill up, vote the rule and vote the bill.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Speaker, this bill illustrates an apparent Republican principle, namely, that there should be an inverse relationship between one's commitment to practicing democracy at home and exporting it abroad. We are doing a great deal to try and advance democracy overseas, but here we are engaging in a travesty of democratic debate being shut down.

We will have spent today in this Chamber more time honoring the former Members than we will have in debating any single aspect of military policy. Now, former Members are wonderful. Many of us some day hope to be former Members, but to put that ahead of debating environmental policy, nuclear policy level of spending makes no sense. A number of very important issues have been, by the Republican leadership, excluded from today's debate. Why? We were scheduled to meet tomorrow, but Members have now apparently been told that we should put aside any further debate on these issues. A free day tomorrow is more important than thorough debate today. The notion that you take this enormous chunk of the budget, all of these important issues, and cram them into one part of the day, is a travesty of democracy unworthy of the people's House.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I think it may be appropriate at this stage to say a few words about the context in which we are considering this defense authorization bill this year, for it is truly different than the context, the environment, the international situation in which we have considered it in previous years.

The United States is currently engaged in a war. We have troops in the field. And for probably the first time in our history, every American community is a potential target for our enemy. And I think it is important that as the urgency we all felt from September 11 begins to fade away and we have a drift, perhaps, back towards complacency, that we remember that our enemy in this situation is very dangerous, indeed. Their aim is to kill as many Americans as they possibly can.

Mr. Speaker, the President gave an important speech I believe at the Citadel last December when he said, ''The great threat to civilization is that a few evil men will multiply their murder and gaining the means to kill on a scale equal to their hatred.''

Mr. Speaker, I think that has profound implications for us. We have faced evil in the world before. We have faced an evil system with the means to destroy us before during the Cold War. But never before have we faced a situation where a few evil men could gain the means to kill on a scale equal to their hatred. And I think that as a backdrop to everything that we are considering, whether it is pay and benefits, whether it is certain particular weapons systems we ought to buy, whether it is a defense policy regarding some issues or other issue or other, we ought to keep this context in mind and the dangers that we face.

In addition to the war on terrorism, we have very serious tension in the Middle East. We have continuing tension between India and Pakistan, two nuclear powers. We continue to have difficulties and issues with North Korea. Of course, China and Russia are of concern. And that is the international situation in which we find ourselves.

This bill, I believe, will help make us stronger. It takes some important steps towards defining the Department of Defense's role in protecting our homeland security. It takes some important steps towards transforming our military so that we are ready to face the challenges of the future, not refight the wars of the past. Things like joint training and experimentation are talked about here. But, Mr. Speaker, I think more important than any of these particulars is the necessity for this House to take this with all the seriousness which the international situation demands.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. SPRATT).

(Mr. SPRATT asked and was given permission to revise and extend his remarks.)

Mr. SPRATT. Mr. Speaker, I have served in the House for 20 years and for 20 years I have served on the House Committee on Armed Services. I speak from experience and mince no words when I say this rule is an outrage, nothing less than that. In the 1980s when I also served here, we had another enormous buildup in our national defense. And every year when we came

to the floor with this defense authorization bill, we would have 100 to 200 amendments filed to the Committee on Rules, and we bent over backwards to make most of them in order. We had a full, fair and free debate in the well of this House. It was a free market idea, but it is no more.

We lived in those days up to article 1, clause 8, the solemn responsibility the Constitution gives us. We gave these issues serious consideration. The consideration they merit.

We had another tradition that somehow has been lost in the last 5 or 6 years. Senior members of the committee with experience were given deference on the Committee on Rules. If we brought amendments to be considered, the Committee on Rules would give some weight to the fact that we had some experience on the committee.

I brought four rules. I did not abuse the privilege. I brought four amendments to the Committee on Rules yesterday and asked that they be made in order. One was an amendment that was made at the behest of the Department of Defense. Another one was an amendment that was made in order because also another amendment, a second order amendment, was made in order that would change it to the liking of the gentleman from California (Mr. HUNTER). I will support that amendment, but that really makes it his rather than mine.

The two other amendments that I sought were important amendments. Neither was made in order. Now they made in order amendments for noncommittee members. But when the gentleman from Maine (Mr. ALLEN), who is a member of the committee, asked for an amendment, he was stiffed. The gentlewoman from California (Mrs. TAUSCHER) was stiffed. I was stiffed. Noncommittee members who offered amendments that they thought might be ''got you'' amendments, they went ahead and made in order, but not ours which were seriously considered and we wanted an open and free debate on those issues. One was nuclear testing.

I sense a slow, subtle about-face in our policy of moving away from nuclear weapons, particularly tactical nuclear weapons, particularly early to use nuclear weapons towards nuclear weapons and even a resumption of nuclear testing. That may be the right policy. It may be the wrong policy. In any event, it is a serious policy issue.

As we make this move subtly, we should have a full, free, fair and open debate. And all I wanted to say was, Mr. President, by virtue of this act, we ask you solemnly for 12 months notice before you make the decision to resume nuclear testing.

As a matter of fact, it will not impede in any way the resumption of nuclear testing. DOE says it will take them today 24 to 36 months. But it would allow us 1 authorization appropriations cycle before that solemn decision was finally taken. We would have an opportunity to register opposition. We will be a full partner in what I think is a fundamentally serious decision. That amendment was not made in order. This is a rigged rule. It shuts out debate. It makes a mockery of the Constitution. Vote against the previous question, vote against the rule.

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

Just a point of clarification, Mr. Speaker. There is a Tauscher amendment that is allowed and there were 10 Democrat amendments, 3 bipartisan, and 12 Republican.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise today in support of the rule and to draw attention to a part of H.R. 4546 that is critical in helping to protect the environment and keeping America's commitment to care for our Nation's reserve fleets, also known as the Ghost Fleet, located in the James River.

MARAD is mandated to dispose of all national defense reserve fleet ships by September 30, 2006. The authorization relating to ship disposal and scrapping for the Maritime Administration is of critical importance. I am happy to report that the merchant marine panel, with my strong support, just authorized 20 million to more quickly dispose of surplus vessels that cause serious potential danger to our environment. I would like to see more dollars allocated to this national priority, but after zero dollars in fiscal year 2002, I believe this funding puts us back on track to rid our fleet of these aging ships.

Additionally, this measure also allows for financial assistance to environmentally mitigate and reef these same vessels. We must begin to think out of the box to solve this looming problem. Cleaning, then reefing, these ships will create cost savings and will allow us to scrap them more rapidly. We have to work toward the September 30, 2006 deadline and to encourage adequate funding this year to get the job done.

Mr. Speaker, I would like to thank our distinguished Committee on Armed Services chairman, the gentleman from Arizona (Mr. STUMP), and especially thank the gentleman from California (Mr. HUNTER) of the maritime marine panel for his work on this matter. I say thank you, Mr. Speaker. I support the rule and I ask all of my colleagues to support this authorization.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) for yielding me time and for his courtesy.

Mr. Speaker, I stood on the floor earlier this morning and heard our distinguished Republican leader extol the institution of this House to the former Members. Then our first order of business following that ceremony is a rule on defense authorization that continues the march of marginalization of this Chamber. There is, Mr. Speaker, a national debate raging about defense policy in this country. It is healthy, it is appropriate, and we all have strong feelings about it, their concern about the nature, extent and direction of national defense, but not on the floor of this Chamber.

I have offered an amendment, for instance, to strike funding for the Crusader. Along with the gentleman from Texas (Mr. THORNBERRY) and the Secretary of Defense, we have deep concerns about this. I would hope that we spend this money cleaning up the thousands of sites across the country that are polluted with military toxics and unexploded ordinance which killed two of our servicemen in this country a few weeks ago. But, no, due to this rule and the management of this piece of legislation, we are going to remain silent. I think that is sad, Mr. Speaker. I expect better from this Chamber.

□ 1215

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

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, according to the GAO and Secretary Rumsfeld, the Pentagon cannot account for $1 trillion, T-trillion, of expenditure and acquisition costs over the last decade, a bookkeeping shambles that makes Arthur Andersen and Enron look somewhat respectable.

So what is the response in this United States House of Representatives, the people's House, in considering this bill for 1 year, $43 billion increase for a budget that will total more than $400 billion? Hear no evil, see no evil and speak no evil.

No amendment to question any Pentagon program, no matter how behind schedule, overbudget or unneeded, will be allowed. It is an expensive debate, $833 million a minute, but not extensive in examining the priorities, waste and abuse at the Pentagon.

I hoped to offer a number of amendments for troubled programs, particularly one on the $12 billion Cold War-era artillery system Crusader that Secretary Rumsfeld says is not needed and he wants to kill, but it will not be allowed nor will an amendment on the F–22, the Comanche.

Stifling debate does not constitute national security readiness for this country. I believe it does a disservice to the people in uniform, those who go without necessities while we put on pedestals gold-plated turkeys.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. SHOWS).

Mr. SHOWS. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) for yielding me the time.

Mr. Speaker, I rise in opposition to the rule governing the debate on the

National Defense Authorization Act. No one in this Chamber is a stronger advocate for the military than I am, and I intend to vote for final passage of the defense bill; but the rule prevents us from having an honest debate of two amendments that were offered by myself and the gentleman from Mississippi (Mr. TAYLOR).

First, the defense bill includes a requirement for a GAO report on the current state of health care under TRICARE. Mr. Speaker, if we have another study on health care for our military retirees, we will not have any left.

Too often retirees cannot get timely health care at military bases because TRICARE's space-available provisions send them to the end of the line. Other retirees who do not live near bases have difficulty in finding private doctors who will accept TRICARE, and the system often requires our sick and elderly to travel long distances to military doctors and bases.

My amendment would have replaced the GAO study with real health care alternatives by inserting the text of H.R. 179, Keep Our Promise to America's Military Retirees Act. It would enhance the ability to participate in the same health care system that Federal and congressional retirees can elect. My amendment is fair and does not create another bureaucracy. H.R. 179 has 317 cosponsors in this House, including most of the Members on the Committee on Rules, but the Committee on Rules will not let us debate it.

The Committee on Rules has also struck down the gentleman from Mississippi's (Mr. TAYLOR) amendment to put off another round of base closures. This is no time to be shutting down our military bases when we are engaged in war. When we have shut down bases in the past, we have also shut down military health care for our Mississippians and all over the country. Thousands of active and retired families who depend on the Meridian Naval Air Station and Columbus Air Force Base, among others, for their health care, these and many other facilities could face closures; but the Committee on Rules will not even let us talk about it.

Mr. Speaker, we need to debate these issues today, but the rule does not allow it. So I urge my colleagues to vote ''no'' on this rule. Tell the Committee on Rules that military health care is an essential component of national defense.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia (Mr. RAHALL).

(Mr. RAHALL asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. RAHALL. Mr. Speaker, I do rise in opposition to the rule in its present form and urge Members to vote to defeat the previous question so that amendments to strike anti-environmental riders may be offered.

Along with the distinguished dean of the House, the gentleman from Michigan (Mr. DINGELL), and eight of our colleagues, we filed an amendment to strike the unwise exemptions to the Migratory Bird Treaty Act and the Endangered Species Act, which have been attached to this important bill. Unfortunately, the Committee on Rules did make our amendment in order, even though I am the ranking member of the Committee on Resources, whose jurisdiction has been abused by this bill.

This rule adds insult to injury. Not only has Resources been excluded from the process, but meaningful public hearings have not been held on these important issues. Members will be denied a fair opportunity to debate and vote on these important issues under the rule in its present form, but if we defeat the previous question, the amendment to strike these objectionable anti-environmental exemptions may be offered.

We should not sanction this bill's sneak attack on our environmental laws. This is not a fair rule, and I ask Members to defeat the previous question.

STRIKE THE ANTI-ENVIRONMENTAL RIDERS ON DOD AUTHORIZATION VOTE TO DEFEAT THE PREVIOUS QUESTION ON THE RULE

DEAR COLLEAGUE: We urge you to vote to defeat the previous question on the rule for the Bob Stump National Defense Authorization Act for FY 2003 (H.R. 4546) so that amendments may be offered to strike anti-environmental riders. This legislation—while important to our national security and military preparedness—has been misused as a vehicle to bypass committee jurisdiction and public process in order to create unprecedented and unwarranted exemptions to key environmental laws.

We would clearly have preferred that Members have the opportunity to vote directly to remove the harmful environmental provisions from H.R. 4546. But the Committee on Rules has refused to give Members that choice. Our amendment, which was cosponsored by eight of our colleagues, would have strategically stricken both section 311 and section 312, which unwisely exempt DoD from compliance with the Migratory Bird Treaty Act and the Endangered Species Act, respectively. Moreover, sweeping changes to these laws are unnecessary: Section 7 of the ESA specifically provides for a national security exemption (which DoD has never invoked) and DoD and the U.S. Fish and Wildlife Service are close to finalizing an administrative agreement to resolve Migratory Bird Treaty Act disputes.

In effect, proponents of these anti-environmental riders seek to accomplish through the back door of the Armed Services Committee and a closed rule what they could not through the front door of open public hearings and careful consideration in the regular legislative process. While we fully appreciate the importance of military training and readiness, we also do not think that DoD, in the very limited public process to date, has made the case that exemptions to important and long-standing environmental laws are necessary or that training is greatly impaired because of those laws.

In fact, GAO—in a soon to be a released report—will inform Congress that readiness data provided by the military does not indicate that environmental laws or other ''encroachment'' by urbanization has significantly affected training readiness. To the contrary, DoD continues to report high levels of training readiness at almost all units.

In our view, the House should not be stampeded into gutting key environmental laws based on illusory and inconclusive allegations by DoD. It defies logic that suddenly we should surrender to demands for new statutory exemptions so that the environment no longer matters to our largest and most powerful federal agency.

As longstanding proponents of these critical environmental laws, we urge you to vote ''no'' on the previous question on the rule on H.R. 4546.

Sincerely,

NICK J. RAHALL III,
Ranking Democratic Member, Committee on Resources.

JOHN D. DINGELL,
Ranking Democratic Member, Committee Energy and Commerce.

MIGRATORY BIRD TREATY ACT (MBTA) [SECTION 311 OF H.R. 4546]

The MBTA of 1918, one of our Nation's oldest and most enduring conservation statutes, sets forth U.S. obligations under the Convention for the Protection of Migratory Birds with Canada. It also provides implementing authority for subsequent Conventions with Mexico (1936), Japan (1972) and Russia (1976) which guide the cooperative conservation management of North America's migratory birds.

H.R. 4546 would unilaterally exempt military readiness activities from MBTA requirements. This would compromise U.S. international treaty obligations and could establish a negative precedent for other signatory nations to exempt their own activities from such obligations or consider other forms of retaliation.

This bill would grant the military an unprecedented, far less-restricted self-regulatory authority. No federal agency or state has such an authority.

H.R. 4546 would negatively affect migratory bird management. Removing military readiness and training activities from compliance with the MBTA would likely increase unreported incidental mortalities. Migratory bird population estimates might become far less accurate, the listing of endangered species could increase, and regulated hunting seasons could be delayed or made more restrictive.

A legislative ''fix'' is premature and unnecessary. Section 3 of the MBTA provides broad authority to the Secretary of the Interior to determine when the incidental ''taking'' of migratory birds is compatible and to develop regulations within the law's context. In fact, the Fish and Wildlife Service and Department of defense are close to finalizing a Memorandum of Agreement establishing an administrative process to resolve migratory bird disputes.

The U.S. has fought in two World War, the Korean War, Vietnam, and the Persian Gulf War with the MBTA in place. Since 1916 only one modification of this magnitude occurred (1997) and that was only after 20 years of negotiation.

ENDANGERED SPECIES ACT (ESA) [SECTION 312 OF H.R. 4546]

The ESA requires, with limited exceptions, the designation of critical habitat for all endangered or threatened species. Federal agencies are required to consult with the U.S. Fish and Wildlife Service (USFWS) under section 7 in order to avoid actions that destroy or adversely modify critical habitat.

H.R. 4546 would exclude military lands from critical habitat designation under the ESA, if an Integrated Natural Resources Plan (INRMP) has been developed.

Blanket legislative exemptions are not needed. Section 7 of the ESA already provides an exemption for any agency action for

reasons of national security. According to the USFWS, the Secretary of defense has never sought a section 7 exemption.

Critical habitat designation has also been precluded pursuant to ESA,. when concerns about the impacts on military training activities were raised.

It is the critical practice of the USFWS to consider excluding areas covered by INRMPs from critical habitat designation if certain conservation criteria are met. Contrary to DoD assertions, the Clinton Administration did not determine that installations with INRMPs were automatically excluded from critical habitat designation.

H.R. 4546 would require the USFWS to substitute an INRMP for critical habitat if ''such plan addresses special management considerations or protections'' with no further explanation or definition of this standard.

INRMPs do not provide the same level of protection as critical habitat designations.

The ESA has been in place since 1973. Our military maintained its readiness throughout the Cold War and trained for and executed Operation Desert Storm in 1991 during the Persian Gulf War with current laws in place.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, the House Committee on Armed Services does so much of its work on a bipartisan basis, but this rule is an outrage. The Republican leadership has allowed what will probably be about a dozen amendments not considered en bloc to a defense bill authorizing $393 billion.

In the past, under Democratic leadership, dozens of amendments over several days was the rule. Why so little debate permitted? So Members can go home tonight and not have to vote on Friday and not have to deal with controversial matters. Why so few amendments? So the American people will not hear what Democrats have to say.

The House Republicans are squeezing the life out of democratic debate in the people's House. They have blocked amendments to prevent exempting the Defense Department from our environmental laws. They rejected my amendment to stop the development of a proposal to use nuclear weapons to blow up missiles above American cities, a really dumb idea.

They barred amendments by the gentlewoman from California (Mrs. TAUSCHER) and the gentleman from South Carolina (Mr. SPRATT) that would have led to a longer floor debate over the emerging Republican plans to develop and use on a first-strike basis new tactical nuclear weapons.

They blocked debate over aid to Colombia and base closings. When Republicans change our defense policies, change our environmental policies, change our nuclear policies without a full and fair debate, this country loses. Democrats and Republicans stand shoulder to shoulder in the war on terrorism. This rule makes a mockery of our unity. We are weaker as a country when the Republican majority in this House slams the door on a full and fair debate.

I urge my colleagues to defeat this rule, vote down this rule.

Mr. FROST. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Texas (Mr. FROST) has 3 minutes remaining, and the gentlewoman from North Carolina (Mrs. MYRICK) has 2½ minutes remaining.

Mr. FROST. Mr. Speaker, I yield 2½ minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, the President's budget is a request for $98 million of the American taxpayers' dollars to defend a pipeline in Colombia owned by Occidental Petroleum through which Colombia National Oil Company oil flows. They had record profits last year, but the Colombia National Oil Company wants the American taxpayer to pay to defend it.

What is worse than that is the President is now trying to change the rules that limit American involvement in Colombia to less than 500 troops so that American troops, the sons and daughters of Mississippi, of Georgia, of Alabama can go defend a pipeline that the Colombians themselves will not defend. While the Colombians have cut their defense budget and made it easier to avoid military service there, they are working with our State Department to get American kids to go fight their war for them.

I think this House ought to vote on that. I think we ought to have a cap on the number of troops that serve in Colombia; and if the President wants to make the case for American kids to die in Colombia, let him come forward, and then let this House vote on it.

Number two, we are at war. Do my colleagues not think it would make sense not to close bases while we are at war? Do my colleagues not think it makes sense not to close commissaries and hospitals that our military retirees, who half of which live near a base, close them while these people are in their senior years? Do my colleagues not think it makes sense not to have every single person who works for the Department of Defense wondering whether or not they have a job tomorrow?

I have asked the Republican Congress for a vote to kill base closure because base closure has not saved one dime. We have not purchased one weapons systems with money from the base closures. We have given away the properties; and better than that, we spent $13 billion in taxpayers' money to clean up bases that used to be good for soldiers, but then we had to pay to clean them up before we gave them away to the local communities.

I urge my colleagues to vote against this rule so we can have an up or down vote as to whether or not American kids are going to die in Colombia.

I urge my colleagues to have an up or down vote on whether or not the base in the gentlewoman from North Carolina's (Mrs. MYRICK) State is going to close, the bases in the gentleman from California's (Mr. DREIER) State are going to close, the bases in the gentlewoman from Ohio's (Ms. PRYCE) State are going to close, whether or not the bases in Georgia, where the gentleman from Georgia (Mr. LINDER) who is on the Committee on Rules, are going to close, decide whether or not the gentleman from Florida's (Mr. GOSS) and the gentleman from Florida's (Mr. DIAZ-BALART) bases in Florida will close, decide whether or not the bases again that every single Member of this body represents, whether or not they are going to close.

Base closure has not saved the taxpayers of the United States one penny. It has not purchased one weapons system; and to make matters worse, we are now looking at spending money to replace the bases that we closed 3 years ago because the military realized they made a terrible mistake in closing bases like Cecil Field in Florida. As we are about to put the Joint Strike Fighter out in the field, we have now got to go out and buy property to replace the bases that we closed just a few years ago.

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

I urge Members to defeat the previous question. If the previous question is defeated, I will offer an amendment to the rule which will allow the House to consider a number of important amendments which Democratic Members proposed to this bill.

Mr. FROST. Mr. Speaker, I yield the remaining time to the gentleman from Missouri (Mr. GEPHARDT), the Democratic leader.

(Mr. GEPHARDT asked and was given permission to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, I rise in strong opposition to this rule. Make no mistake about it, Democrats are in strong support of providing much-needed and deserved resources for our men and women in uniform in a time of war; and we stand with the President in the war against terrorism, which this legislation will allow us to wage more effectively in the year ahead.

There are a number of very important issues that deserve and need to be debated as we move our military into a new era. Republicans are using this bill to undermine the Endangered Species Act, the Migratory Bird Treaty, and the Wilderness Act. They refuse to accept input from the States, local communities, environmentalists, even the committee of jurisdiction over these environmental issues, the Committee on Resources, before action was taken on this bill. They are eroding environmental protections in a way that is completely inappropriate and unnecessary.

There are also critical nuclear policies that are being excluded from this debate like the future of nuclear testing, the direction of our national missile defense program, the funding for our non-proliferation programs in Russia and a host of other issues, including congressional oversight of military tribunals, U.S. policy toward Colombia,

and management and oversight of major procurement programs.

This is symptomatic of a pattern we have seen in the past months of a majority that wants to close down debate on issues that are critical to the American people. This has become a gag rule House, by a majority that is simply uninterested on the issue of free and fair debate. This Republican leadership shuts down debate on our alternative amendments in the pension reform bill.

Just a few weeks ago, they refused to make our amendments in order on the budget debate and they did not make the Moore substitute in order either in that debate; and months ago this leadership denied a responsible debate on campaign finance reform. They wanted to break the bill into pieces in an effort to sink it. So they forced the House to use a discharge petition just to get the bill on the floor with a fair process.

Then with the debt ceiling, the word is that we will not have a free and fair debate about how to deal with the misguided Republican economic program that was passed last year. Republicans are talking about tacking that bill on the supplemental appropriation.

Again, let us not have a debate, let us not even have a questioning, let us not have a free discussion of issues that affect Americans in their everyday lives.

I think this rule is an abomination. In the days before this, we always had pretty much an open rule on defense bills. There were times in the past that we have taken a week to consider a defense bill, and we allowed Republican and Democratic amendments alike. Let me tell my colleagues that these are important issues that people care about out in the country.

□ 1230

This House is being run with gag rules day in and day out. It must end. Vote against the previous question; vote against this rule. Let us let America into its own defense policy.

Mr. FROST. Mr. Speaker, I ask unanimous consent that the text of my proposed amendment be printed in the RECORD immediately before the vote on the previous question.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, I thank the gentlewoman for yielding me this time. I just wanted to follow the minority leader's comments with the observation that we are in a war right now. We have people on the battlefield whose survival depends on good training.

At many of our training bases around the United States, the environmental encroachments have become so strong that today at Camp Pendleton you can only use about a third of the training ground that is available. You have to build foxholes only where you have tape that has been laid out in an environmentally-sensitive manner. The Marines that replicate the Iwo Jima-type assault on the beaches have to dismount from the landing craft and get in buses and be bused up to an environmentally-acceptable point to where they can commence their assault to practice to give their lives to this country. Go to bases like Mountain Home Air Force Base in Idaho, where only one plane at a time can train on the training field, which is like having one football player on the team be allowed out on the field at the same time.

These are reasonable positions that we have taken, reasonable restrictions on the environmental laws to help our people stay alive on the battlefield.

Mrs. MYRICK. Mr. Speaker, I would like to inquire if the gentleman from Texas' time has expired.

The SPEAKER pro tempore. It has.

The amendment previously referred to by Mr. FROST is as follows:

AMENDMENT TO HOUSE RESOLUTION 415

At the end of the resolution insert the following:

SEC. 6. Notwithstanding any other provision of this resolution, it shall be in order to consider, without intervention of any points of order, the amendments offered to the committee amendment in the nature of a substitute printed in section 7 of this resolution. Each amendment may be offered only by the proponent specified in section 7 or a designee, shall be considered as read, and shall be debatable for 30 minutes, equally divided and controlled by the proponent and an opponent.

SEC. 7. The amendments described in section 6 are as follows:

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. HINCHEY OF NEW YORK

(For himself, Mr. Pallone of New Jersey, and Ms. Sanchez of California)

Strike title XIV (page 240, beginning line 14), relating to the Utah Test and Training Range.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. SHOWS OF MISSISSIPPI

Strike section 712 (page ____, lines ____ through ____) and insert the following new section:

SEC. 712. COVERAGE OF MILITARY RETIREES UNDER THE FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.

(a) EARNED COVERAGE FOR CERTAIN RETIREES AND DEPENDENTS.—Chapter 89 of title 5, United States Code, is amended—

(1) in section 8905, by adding at the end the following new subsection:

''(i) For purposes of this section, the term 'employee' includes a retired member of the uniformed services (as defined in section 101(a)(5) of title 10) who began service before June 7, 1956. A surviving widow or widower of such a retired member may also enroll in an approved health benefits plan described by section 8903 or 8903a of this title as an individual.''; and

(2) in section 8906(b)—

(A) in paragraph (1), by striking ''paragraphs (2) and (3)'' and inserting ''paragraphs (2) through (5)''; and

(B) by adding at the end the following new paragraph:

''(5) In the case of an employee described in section 8905(i) or the surviving widow or widower of such an employee, the Government contribution for health benefits shall be 100 percent, payable by the department from which the employee retired.''.

(b) COVERAGE FOR OTHER RETIREES AND DEPENDENTS.—(1) Section 1108 of title 10, United States Code, is amended to read as follows:

''§ 1108. Health care coverage through Federal Employees Health Benefits program

''(a) FEHBP OPTION.—The Secretary of Defense, after consulting with the other administering Secretaries, shall enter into an agreement with the Office of Personnel Management to provide coverage to eligible beneficiaries described in subsection (b) under the health benefits plans offered through the Federal Employees Health Benefits program under chapter 89 of title 5.

''(b) ELIGIBLE BENEFICIARIES; COVERAGE.—(1) An eligible beneficiary under this subsection is—

''(A) a member or former member of the uniformed services described in section 1074(b) of this title;

''(B) an individual who is an unremarried former spouse of a member or former member described in section 1072(2)(F) or 1072(2)(G);

''(C) an individual who is—

''(i) a dependent of a deceased member or former member described in section 1076(b) or 1076(a)(2)(B) of this title or of a member who died while on active duty for a period of more than 30 days; and

''(ii) a member of family as defined in section 8901(5) of title 5; or

''(D) an individual who is—

''(i) a dependent of a living member or former member described in section 1076(b)(1) of this title; and

''(ii) a member of family as defined in section 8901(5) of title 5.

''(2) Eligible beneficiaries may enroll in a Federal Employees Health Benefit plan under chapter 89 of title 5 under this section for self-only coverage or for self and family coverage which includes any dependent of the member or former member who is a family member for purposes of such chapter.

''(3) A person eligible for coverage under this subsection shall not be required to satisfy any eligibility criteria specified in chapter 89 of title 5 (except as provided in paragraph (1)(C) or (1)(D)) as a condition for enrollment in health benefits plans offered through the Federal Employees Health Benefits program under this section.

''(4) For purposes of determining whether an individual is a member of family under paragraph (5) of section 8901 of title 5 for purposes of paragraph (1)(C) or (1)(D), a member or former member described in section 1076(b) or 1076(a)(2)(B) of this title shall be deemed to be an employee under such section.

''(5) An eligible beneficiary who is eligible to enroll in the Federal Employees Health Benefits program as an employee under chapter 89 of title 5 is not eligible to enroll in a Federal Employees Health Benefits plan under this section.

''(6) An eligible beneficiary who enrolls in the Federal Employees Health Benefits program under this section shall not be eligible to receive health care under section 1086 or section 1097. Such a beneficiary may continue to receive health care in a military medical treatment facility, in which case the treatment facility shall be reimbursed by the Federal Employees Health Benefits program for health care services or drugs received by the beneficiary.

''(c) CHANGE OF HEALTH BENEFITS PLAN.—An eligible beneficiary enrolled in a Federal Employees Health Benefits plan under this section may change health benefits plans and coverage in the same manner as any other Federal Employees Health Benefits program beneficiary may change such plans.

''(d) GOVERNMENT CONTRIBUTIONS.—The amount of the Government contribution for an eligible beneficiary who enrolls in a health benefits plan under chapter 89 of title 5 in accordance with this section may not exceed the amount of the Government contribution which would be payable if the electing beneficiary were an employee (as defined for purposes of such chapter) enrolled in the same health benefits plan and level of benefits.

''(e) SEPARATE RISK POOLS.—The Director of the Office of Personnel Management shall require health benefits plans under chapter 89 of title 5 to maintain a separate risk pool for purposes of establishing premium rates for eligible beneficiaries who enroll in such a plan in accordance with this section.''.

(2) The item relating to section 1108 at the beginning of such chapter is amended to read as follows:

''1108. Health care coverage through Federal Employees Health Benefits program.''.

(3) The amendments made by this subsection shall take effect on January 1, 2003.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. HASTINGS OF FLORIDA

In section 107, relating to the Defense Health Program (page ____, after line ____)—

(1) insert ''(a) AUTHORIZATION OF APPROPRIATIONS.—'' before ''Funds''; and

(2) by adding at the end the following:

(b) INCREASE IN HEALTH CARE SERVICES FOR MILITARY RETIREES AND DEPENDENTS.—The amount provided in subsection (a) is hereby increased by $2,500,000, and the total amount of the increase shall be available for procurement for carrying out health case programs, projects, and activities for retired members of the Armed Forces and their dependents.

(c) OFFSETTING REDUCTION.—The amount provided in section 105 for the Inspector General of the Department of Defense is hereby reduced by $100,000, and the amount provided in section 301(24) for Support for International Sporting Competitions is hereby reduced by $2,400,000.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. DEFAZIO OF OREGON

Page 34, after line 11, insert the following new subsection:

(f) LIMITATION ON AWARDING OF CONTRACT FOR LOW-RATE INITIAL PRODUCTION.—The Secretary of the Army may not award a contract for low-rate initial production for the RAH–66 Comanche aircraft program until the Secretary of Defense, after receiving the views of the Director of Operational Test and Evaluation, submits to the congressional defense committees the Secretary's certification of each of the following:

(1) That the plan in the engineering and manufacturing development phase of the program is adequate for determining the operational effectiveness and suitability of the Comanche aircraft before the start of full-rate production.

(2) That the Comanche program has made adequate progress in development flight testing to date and is on a clear track to demonstrate in operational flight testing, before the start of full-rate production, that the aircraft can meet the following key performance parameters:

(A) Vertical rate of climb.

(B) Night target acquisition range.

(C) Radar cross section signature.

(D) Infrared engine exhaust signature.

(E) Digital communications with joint and combined arms forces.

(3) That the Comanche can be produced within cost, schedule, and quality targets.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. DEFAZIO OF OREGON OR MR. FRANK OF MASSACHUSETTS

At the end of subtitle B of title II (page 45, after line 19), insert the following new section:

SEC. 217. LIMITATION ON OBLIGATION OF FUNDS FOR CRUSADER ARTILLERY PROGRAM.

(a) LIMITATION.—None of the funds authorized to be appropriated for fiscal year 2003 for research, development, test, and evaluation for the Crusader artillery program of the Army may be obligated until the Secretary of Defense, in consultation with the Secretary of the Army and the Director of Operational Test and Evaluation, submits to the congressional defense committees a certification of the Secretary of Defense's continued support for the program and a report that includes each of the following:

(1) An assessment of the extent to which critical Crusader technologies have not been demonstrated, at the component and subsystem level, in an operational environment (also known as technology readiness level 7), and the effect that the status of technology testing will have on the milestone B decision for the Crusader artillery program.

(2) An assessment of the effect that the weight of the Crusader and its resupply vehicle will have on the ability to transport the system to remote battlefields, including an assessment of the importance of deploying two Crusader howitzers on a single C–17 aircraft.

(3) An assessment of the effect of weight reductions on the cost of the Crusader and its ability to meet performance requirements.

(4) A determination of the potential capabilities and timing for deployment of the initial version of the Future Combat Systems and the implications of those capabilities and deployment schedule on the Crusader's utility to the Army.

(5) An analysis, in consultation with the Secretary of the Air Force, comparing the ability of the Crusader to carry out its mission with the ability of aircraft using smart bombs, global positioning systems, and on-the-ground human spotters to carry out that same mission, including an assessment of the utility of the Crusader, compared with the utility of such aircraft, to combat likely future threats given the force structure of the enemy and the terrain in which they operate.

(6) An assessment of the effect of the Army's plans to award contracts for low-rate initial production for the Crusader less than one-fourth of the way through the prototype testing schedule on the cost of the Crusader and its ability to meet performance requirements.

(7) An assessment of the extent to which the automation of the major functions of the Crusader (including aiming, loading, and firing the cannon, managing inventory (projectiles and propellant), and resupplying the howitzer with fuel and ammunition) exposes the entire system to inoperability due to software problems, including an analysis of the extent to which the software has been tested under operational conditions and an analysis of the challenges faced by the crew in repairing potential software glitches in battlefield conditions.

(b) GAO EVALUATION.—Not later than 60 days after the Secretary of Defense submits the report under subsection (a), the Comptroller General shall submit to the congressional defense committees an evaluation of the report.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. DEFAZIO OF OREGON OR MR. STARK OF CALIFORNIA

At the end of subtitle A of title II (page 31, after line 9), insert the following new section:

SEC. ____. TERMINATION OF FUNDING FOR THE CRUSADER ARTILLERY PROGRAM.

The amount provided in section 201(1) for the Army is hereby reduced by $475,200,000, to be derived from amounts for the Crusader artillery program.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. DEFAZIO OF OREGON

At the end of subtitle C of title I (page 23, after line 5), insert the following new section:

SEC. ____. LIMITATION ON F–22 AIRCRAFT LOW-RATE INITIAL PRODUCTION.

The amount provided in section 103(1) for procurement of aircraft for the Air Force is hereby reduced by $1,812,000,000, to be derived by reducing the number of F–22 aircraft authorized for low-rate initial production from 23 to 13.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. DEFAZIO OF OREGON

At the end of subtitle C of title I (page 23, after line 5), insert the following new section:

SEC. 122. F–22 RAPTOR FIGHTER AIRCRAFT PROGRAM.

(a) REQUIREMENT FOR REASSESSMENT OF THE COST OF THE F–22 WITH A REPORT TO CONGRESS.—The Secretary of the Air Force shall reassess the cost to complete the development program for the F–22 Raptor fighter aircraft. The Secretary shall submit to Congress, as a supplement to the fiscal year 2004 budget, information on any amount that the Secretary determines would be necessary for that development program in addition to the amount of $21,000,000,000 previously reported to Congress as the amount for that program.

(b) REQUIREMENT FOR MONITORING KEY MANUFACTURING PROCESSES.—The Secretary of the Air Force shall direct the program office for the F–22 aircraft program to monitor the status of key manufacturing processes for that program by collecting statistics on the percentage of key manufacturing processes in control as the program continues to proceed toward high-rate production. As part of the report required in subsection (a), the Secretary shall provide the congressional defense committees with the statistics, and an analysis of the statistics, collected under this subsection.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. HOEFFEL OF PENNSYLVANIA

At the end of title X (page 218, after line 15), insert the following new subtitle:

Subtitle D—Review of Regulations Relating to Military Tribunals

SEC. 1041. SHORT TITLE.

This subtitle may be cited as the ''Military Tribunal Regulations Review Act''.

SEC. 1042. CONGRESSIONAL REVIEW.

(a) PROCEDURES REQUIRED.—(1) Before a military tribunal rule takes effect, the President shall submit to Congress a report containing—

(A) a copy of the military tribunal rule;

(B) a concise general statement relating to the military tribunal rule; and

(C) the proposed effective date of the military tribunal rule.

(2) A military tribunal rule with respect to which a report is submitted under paragraph (1) shall take effect on the latest of the following:

(A) The last day of the 60-day period beginning on the submission date for that rule.

(B) If the President, having been presented with a joint resolution of disapproval with respect to that rule, returns the joint resolution without his signature to the House in which it originated, together with his objections thereto, the date that is—

(i) the date on which either House, having proceeded to reconsider the joint resolution, votes on and fails to pass the joint resolution, the objections of the President to the contrary notwithstanding; or

(ii) if earlier, the date that is 30 days after the date on which the joint resolution, with the President's objections thereto, was returned by the President to the House in which it originated.

(C) The date on which the military tribunal rule would have otherwise taken effect, if not for this section (unless a joint resolution of disapproval is enacted).

(3) Notwithstanding paragraph (2), the effective date of a military tribunal rule shall not be delayed by operation of this subtitle beyond the date on which either House of Congress votes to reject a joint resolution of disapproval.

(b) EFFECT OF DISAPPROVAL.—(1) A military tribunal rule shall not take effect (or continue) if a joint resolution of disapproval with respect to that military tribunal rule is enacted.

(2) A military tribunal rule that does not take effect (or does not continue) under paragraph (1) may not be reissued in substantially the same form, and a new military tribunal rule that is substantially the same as such a military tribunal rule may not be issued, unless the reissued or new military tribunal rule is specifically authorized by a law enacted after the date of the enactment of the joint resolution of disapproval with respect to the original military tribunal rule.

(c) DISAPPROVAL OF RULES THAT HAVE TAKEN EFFECT.—Any military tribunal rule that takes effect and later is made of no force or effect by the enactment of a joint resolution of disapproval shall be treated as though such military tribunal rule had never taken effect, except that a trial of a person pursuant to such rule that is being carried out before the enactment of such joint resolution of disapproval shall continue to be carried out as though such military tribunal rule remains in effect.

(d) RULE OF CONSTRUCTION.—If the Congress does not enact a joint resolution of disapproval with respect to a military tribunal rule, no court or agency may infer any intent of the Congress from any action or inaction of the Congress with regard to such military tribunal rule, related statute, or joint resolution of disapproval.

(e) JOINT RESOLUTION OF DISAPPROVAL DEFINED.—For purposes of this section, the term ''joint resolution of disapproval'' means a joint resolution introduced on or after the date on which a report referred to in subsection (a)(1) is received by Congress, the title of which is ''Joint Resolution disapproving the rule submitted by the President on ____, relating to military tribunals'', containing no whereas clauses, and the matter after the resolving clause of which is as follows: ''That Congress disapproves the rule submitted by the President on ____, relating to military tribunals, and such rule shall have no force or effect.'' (The blank spaces being appropriately filled in).

SEC. 1043. DEFINITIONS.

For purposes of this subtitle:

(1) The term ''military tribunal'' means a military commission or other military tribunal (other than a court-martial).

(2) The term ''military tribunal rule'' means the whole or part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy, or describing the organization, procedure, or practice requirements of a Department or agency, with regard to carrying out military tribunals.

SEC. 1044. JUDICIAL REVIEW.

No determination, finding, action, or omission under this subtitle shall be subject to judicial review.

SEC. 1045. REPORTING REQUIREMENTS FOR MILITARY TRIBUNALS.

(a) IN GENERAL.—(1) Subchapter XI of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice) is amended by adding at the end the following new section:

''§ 940a. Art. 140a. Reports to Congress on military tribunals

''(a) For each military tribunal, the President shall submit to Congress periodic reports on the activities of that military tribunal. The first such report with respect to a military tribunal shall be submitted not later than six months after the date on which the military tribunal is convened and shall include an identification of the accused and the offense charged. Each succeeding report with respect to a military tribunal shall be submitted not later than six months after the date on which the preceding report was submitted.

''(b) A report under this section shall be submitted in unclassified form, but may included a classified annex.

''(c) In this section, the term 'military tribunal' means a military commission or other military tribunal (other than a court-martial).''.

(2) The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''940a. 140a. Reports to Congress on military tribunals.''.

(b) EFFECTIVE DATE.—Section 940a of title 10 United States Code, as added by subsection (a), shall apply with respect to any military tribunal covered after, or pending on, that date of the enactment of this subtitle. In the case of a military tribunal pending on the date of the enactment of this subtitle, the first report required by such section shall be submitted not later than six months after the date of the enactment of this subtitle.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. TAYLOR OF MISSISSIPPI

In section 1206, relating to the limitation on number of military personnel in Colombia, strike subsections (c) and (d) (page ____, beginning line ____).

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. TAYLOR OF MISSISSIPPI

At the end of title XXVIII (page ____, after line ____), insert the following new section:

SEC. ____. REPEAL OF AUTHORIZATION OF ADDITIONAL ROUND OF BASE REALIGNMENTS AND CLOSURES IN 2005.

Effective as of December 28, 2001, the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107) is amended by striking title XXX and the amendments made by that title relating to the realignment and closure of military installations.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. DEFAZIO OF OREGON OR MR. PAUL OF TEXAS

At the end of title X (page 218, after line 15), insert the following new section:

SEC. ____. SENSE OF CONGRESS RELATING TO CONGRESSIONAL WAR POWERS UNDER THE CONSTITUTION.

(a) FINDINGS.—Congress finds the following:

(1) Among the powers granted to Congress by the Constitution are the following:

(A) The power to declare war.

(B) The power to lay and collect taxes and to pay the debts and provide for the common defense and general welfare of the United States.

(C) The powers to raise and support armies, to provide and maintain a navy, to make rules for the government and regulation of the land and naval forces, to provide for calling forth the militia to execute the laws of the United States, to suppress insurrections and repel invasion, to provide for organizing, arming, and disciplining the militia, and for governing such part of the militia as may be employed in the service of the United States.

(D) The power to make all laws necessary and proper for carrying into execution not only its own powers but also all other powers vested by the Constitution in the Government of the United States, or in any department or officer thereof.

(E) The power of the purse (''No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law'').

(2) Section 2(c) of the War Powers Resolution (50 U.S.C. 1541(c)) states that the President has constitutional authority to introduce United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, only pursuant to a declaration of war, specific statutory authority, or a national emergency created by attack upon the United States, its territories or possessions, or its armed forces.

(3) In response to the terrorist attacks against the United States that occurred on September 11, 2001, section 2(a) of Public Law 107–40 provides limited authorization to the President ''to use all necessary and appropriate force against those nations, organizations, or persons [the President] determines planned, authorized, committed, or aided the terrorist attacks . . . or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that deployment of elements of the Armed Forces into hostilities outside the United States or into situations where imminent involvement in hostilities outside the United States is clearly indicated by the circumstances should be made only in accordance with the powers granted to Congress by the Constitution as described in subparagraphs (A) through (E) of subsection (a)(1) and relevant provisions of law.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MRS. TAUSCHER OF CALIFORNIA

At the end of subtitle C of title XXXI (page 352, after line 24), insert the following new section:

SEC. 3146. INTERNATIONAL DEMONSTRATION PROJECT ON IMPROVING PROTECTION OF NUCLEAR MATERIALS IN FOREIGN COUNTRIES.

(a) PROJECT REQUIRED.—In carrying out the materials protection, control, and accounting program of the Department of Energy, the Secretary of Energy shall carry out a demonstration project under this section to improve the level of physical protection of nuclear materials in facilities, whether military or civilian, of foreign countries.

(b) PARTICIPATING COUNTRIES.—The Secretary shall select not more than three foreign countries for participation in the demonstration project required by this section. The Secretary may not select a country that was included within the former Soviet Union for participation.

(c) ELEMENTS.—The demonstration project required by this section shall include the

first two, and may include all three, of the following elements:

(1) During the first three months of such demonstration project, providing training to local experts in physical protection of nuclear materials, including an exchange of best practices.

(2) During the first 12 months of such demonstration project, implementation of basic improvements, such as upgrading doors and windows, installing barriers, and blocking nonessential doors and windows.

(3) During the first 24 months of such demonstration project, implementation of extensive improvements, such as upgrading the perimeter, installing sensors, implementing personnel access procedures, and providing training in the operation of new equipment and procedures.

(d) FUNDING.—(1) The amount provided in section 3101 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security is hereby increased by $10,000,000, to be available to carry out this section.

(2) The amount provided in section 201(4) for Research, Development, Test, and Evaluation, Defense-Wide, is hereby increased by $10,000,000, to be derived from program element 0603880C.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MRS. TAUSCHER OF CALIFORNIA AND MR. ALLEN OF MAINE

Strike section 1021 (page 210, line 2, through page 211, line 20) and insert the following new section 1021:

SEC. 1021. SENSE OF CONGRESS ON MAINTENANCE OF A RELIABLE AND SECURE STRATEGIC DETERRENT.

It is the sense of Congress that, consistent with the national defense strategy delineated in the Quadrennial Defense Review dated September 30, 2001 (as submitted under section 118 of title 10, United States Code), the global strategic environment, and the commitments of the United States to the arms control regimes to which the United States is a party, the President should, to ensure the national security of the United States and advance the foreign policy goals and vital interests of the United States, take the following actions:

(1) Maintain an operationally deployed strategic force of not less than 1,700 operationally deployed nuclear weapons, unless determined otherwise by a subsequent Nuclear Posture Review and or through negotiated bilateral or multilateral agreements.

(2) Dismantle as many nuclear weapons that are not in the operationally deployed forces of the United States as possible, consistent with—

(A) the commitments of the United States under bilateral and multilateral agreements; and

(B) effective execution of the Single Integrated Operational Plan.

(3) Develop advanced conventional weapons and enhanced intelligence to provide better capability for destroying—

(A) hard and deeply buried targets; and

(B) enemy weapons of mass destruction and the development and production facilities of such enemy weapons.

(4) Report to Congress on any plans to shorten the lead time and enhance the capability to conduct underground testing of nuclear weapons, and, in the case of plans to shorten the lead time to conduct such testing, include an assessment of cost, effect on the global strategic environment, and projected technical scientific benefits associated with such plans.

(5) Ensure, through the stockpile stewardship and management program, that the United States nuclear weapons arsenal remains as safe and reliable as possible.

(6) State that the United States remains committed to its obligations under the Non-Proliferation Treaty to reduce its nuclear weapons arsenal in order to discourage the spread of nuclear weapons to non-nuclear states.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. SPRATT OF SOUTH CAROLINA

At the end of subtitle C of title XXXI (page 352, after line 24), insert the following new section:

SEC. 3146. PRESIDENTIAL NOTIFICATION TO CONGRESS BEFORE RESUMPTION OF UNDERGROUND TESTING OF NUCLEAR WEAPONS.

(a) NOTIFICATION OF FIRST TEST.—(1) Not less than 12 months before the United States first conducts an underground test of a nuclear weapon after the date of the enactment of this Act, the President shall submit to Congress a report on the resumption by the United States of the conduct of such tests. The report shall include each of the following:

(1) The date on which the President intends the first such test to be conducted.

(2) The President's certification that the national security of the United States requires that the United States resume conducting such tests, and an explanation of the reasons why the national security so requires.

(3) An assessment of the expected reactions of other nations to the resumption by the United States of the conduct of such tests.

(b) REPORT ON TEST READINESS.—Not later than March 1, 2003, the Secretary of Energy shall submit to Congress a report on the options for reducing the amount of time required to conduct an underground test of a nuclear weapon after a decision to conduct such a test is made. The report shall include the following:

(1) The findings of the study carried out by the Department of Energy in fiscal year 2002 that examined such options.

(2) The assessment of the Secretary as to whether reducing such amount of time to less than 24 to 36 months is feasible.

(3) The technical challenges and requirements associated with reducing such amount of time to less than 24 to 36 months.

(4) The cost, during the period from fiscal year 2003 to 2012, associated with reducing such amount of time to less than 24 to 36 months.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. SPRATT OF SOUTH CAROLINA

At the end of subtitle C of title XXXI (page 352, after line 24), insert the following new section:

SEC. 3146. TRANSFER OF FUNDS TO PROVIDE INCREASE IN AMOUNTS FOR DEFENSE NUCLEAR NONPROLIFERATION.

(a) INCREASE FOR DEFENSE NUCLEAR NONPROLIFERATION.—The amount in section 3101 for defense nuclear nonproliferation is hereby increased by $10,000,000, to be available only for Russian surplus fissile materials disposition.

(b) OFFSETTING REDUCTION.—The amount in section 201(4) for the Missile Defense Agency is hereby reduced by $10,000,000, to be derived from program element 0603880C, Ballistic Missile Defense System Segment.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. ALLEN OF MAINE AND MR. SPRATT OF SOUTH CAROLINA

At the end of subtitle C of title II (page 49, after line 17), insert the following new section:

SEC. 234. PROHIBITION ON DEVELOPMENT AND DEPLOYMENT OF NUCLEAR-TIPPED BALLISTIC MISSILE INTERCEPTORS.

(a) STATEMENT OF POLICY.—It is the policy of the United States not to develop or deploy nuclear-tipped ballistic missile interceptors.

(b) PROHIBITION ON USE OF FUNDS.—No funds appopriated or otherwise made available to the Department of Defense or the Department of Energy may be obligated or expended to develop or deploy a nuclear-tipped ballistic missile interceptor.

(c) DEFINITION.—In this section:

(1) The term ''nuclear-tipped ballistic missile interceptor'' means a ballistic missile defense system that employs a nuclear detonation to destroy an incoming missile or reentry vehicle.

(2) The term ''develop'' includes any activities referred to in section 179(d)(8) of title 10, United States Code, more advanced than feasibility studies.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. EDWARDS OF TEXAS

At the end of subtitle C of title XXXI (page 352, after line 24), insert the following new section:

SEC. 3146. TRANSFER OF FUNDS TO PROVIDE ADDITIONAL AMOUNTS FOR PROGRAM RELATING TO ELIMINATION OF WEAPONS GRADE PLUTONIUM IN RUSSIA.

(a) INCREASE FOR PROGRAM TO ELIMINATE WEAPONS GRADE PLUTONIUM IN RUSSIA.—The amount in section 3101 for defense nuclear nonproliferation is hereby increased by $30,000,000, to be available only for the program transferred under section 3142.

(b) OFFSETTING REDUCTION.—The amount in section 201(4) for the Missile Defense Agency is hereby reduced by $30,000,000, to be derived from program element 0603880C, Ballistic Missile Defense System Segment.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. FROST OF TEXAS

At the end of title X (page 218, after line 15), insert the following new section:

SEC. ____. REQUIREMENTS FOR NATURALIZATION TO CITIZENSHIP THROUGH SERVICE IN THE ARMED FORCES OF THE UNITED STATES.

(a) PERIOD OF REQUIRED SERVICE REDUCED TO 2 YEARS.—Section 328(a) of the Immigration and Nationality Act (8 U.S.C. 1439(a)) is amended by striking ''three'' and inserting ''two''.

(b) PROHIBITION ON IMPOSITION OF FEES RELATING TO NATURALIZATION.—Section 328(b) of the Immigration and Nationality Act (8 U.S.C. 1439(b)) is amended—

(1) by striking the period at the end of paragraph (3) and inserting ''; and''; and

(2) by adding after paragraph (3) the following:

''(4) notwithstanding any other provision of law, no fee shall be charged or collected from the applicant for filing a petition for naturalization or issuing a certificate of naturalization upon his admission to citizenship, and no clerk of any State court shall charge or collect any fee for such services unless the laws of the State require such charge to be made, in which case nothing more than the portion of the fee required to be paid to the State shall be charged or collected.''.

(c) NATURALIZATION THROUGH ENLISTMENT IN THE ARMED FORCES AND SERVICE WITH AN ELIGIBILITY FOR ACCESS TO CLASSIFIED INFORMATION.—The Immigration and Nationality Act is amended by adding after section 328 the following new section:

''NATURALIZATION THROUGH ENLISTMENT IN THE ARMED FORCES OF THE UNITED STATES AND SERVICE WITH AN ELIGIBILITY FOR ACCESS TO CLASSIFIED INFORMATION''

''SEC. 328A. (a) A person who has served honorably at any time in the Armed Forces of the United States, who enlisted for such service and was not inducted to service, whose eligibility for access to classified information has been certified to the Service by the relevant military department, and who, if separated from such service, was never separated except under honorable conditions, may be naturalized without having resided, continuously immediately preceding the date of filing such person's application, in the United States for at least five years, and in the State or district of the Service in the United States in which the application for naturalization is filed for at least three months, and without having been physically present in the United States for any specified period, if such application is filed while the applicant is still in the service or within six months after the termination of such service.

''(b) A person filing a application under subsection (a) of this section shall comply in all other respects with the requirements of this title, except that—

''(1) no residence within a State or district of the Service in the United States shall be required;

''(2) notwithstanding section 318 insofar as it relates to deportability, such applicant may be naturalized immediately if the applicant be then actually in the Armed Forces of the United States, and if prior to the filing of the application, the applicant shall have appeared before and been examined by a representative of the Service;

''(3) the applicant shall furnish to the Attorney General, prior to any final hearing upon his application a certified statement from the proper executive department for each period of his service upon which he relies for the benefits of this section—

''(A) clearly showing that such service was honorable and that no discharges from service, including periods of service not relied upon by him for the benefits of this section, were other than honorable,

''(B) clearly showing that the applicant entered the Service through enlistment and not induction; and

''(C) clearly showing that the applicant was eligible for access to classified information; and

''(4) notwithstanding any other provision of law, no fee shall be charged or collected from the applicant for filing a petition for naturalization or issuing a certificate of naturalization upon his admission to citizenship, and no clerk of any State court shall charge or collect any fee for such services unless the laws of the State require such charge to be made, in which case nothing more than the portion of the fee required to be paid to the State shall be charged or collected.

''The certificate or certificates herein provided for shall be conclusive evidence of such service and discharge.

''(c) In the case such applicant's service was not continuous, the applicant's residence in the United States and State or district of the Service in the United States, good moral character, attachment to the principles of the Constitution of the United States, and favorable disposition toward the good order and happiness of the United States, during any period within five years immediately preceding the date of filing such application between the periods of applicant's service in the Armed Forces, shall be alleged in the application filed under the provisions of subsection (a) of this section, and proved at any hearing thereon. Such allegation and proof shall also be made as to any period between the termination of applicant's service and the filing of the application for naturalization.

''(d) The applicant shall comply with the requirements of section 316(a) of this title, if the termination of such service has been more than six months preceding the date of filing the application for naturalization, except that such service within five years immediately preceding the date of filing such application shall be considered as residence and physical presence within the United States.

''(e) Any such period or periods of service under honorable conditions, and good moral character, attachment to the principles of the Constitution of the United States, and favorable disposition toward the good order and happiness of the United States, during such service, shall be proved by duly authenticated copies of the records of the executive departments having custody of the records of such service, and such authenticated copies of records shall be accepted in lieu of compliance with the provisions of section 316(a).''.

(d) CONDUCT OF NATURALIZATION PROCEEDINGS OVERSEAS FOR MEMBERS OF THE ARMED FORCES OF THE UNITED STATES.—Notwithstanding any other provision of law, the Attorney General, the Secretary of State, and the Secretary of Defense, shall ensure that any applications, interviews, filings, oaths, ceremonies, or other proceedings under title III of the Immigration and Nationality Act relating to naturalization of members of the Armed Forces are available through United States embassies and consulates and, as practicable, United States military installations overseas.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MS. HOOLEY OF OREGON

At the end of title III (page 81, after line 18), insert the following new section:

SEC. ____. ADDITIONAL FOOD ITEM AUTHORIZED FOR PURCHASE FOR COMBAT FEEDING PROGRAM.

The Secretary of Defense shall amend the list describing the types of shrimp that may be purchased for use in the Department of Defense Combat Feeding Program to include frozen, Pacific pink shrimp (Pandalus jordani), consisting of 350 to 500 shrimp per pound.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. TIERNEY OF MASSACHUSETTS

At the end of subtitle C of title II (page 49, after line 17), insert the following new section:

SEC. 234. LIMITATION ON USE OF FUNDS FOR GROUND-BASED NATIONAL MISSILE DEFENSE PENDING ANNUAL CERTIFICATION OF DIRECTOR OF OPERATIONAL TEST AND EVALUATION.

No funds of the Department of Defense may be obligated or expended for a fiscal year for ground-based national missile defense until after the Director of Operational Test and Evaluation submits to Congress in that fiscal year the Director's certification that the Missile Defense Agency and the contractors of that agency have provided to the Director access to all records and data that the Director considers necessary, as required by section 139(e)(3) of title 10, United States Code.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. TIERNEY OF MASSACHUSETTS

At the end of subtitle C of title II (page 49, after line 17), insert the following new section:

SEC. 234. LIMITATION ON USE OF FUNDS FOR GROUND-BASED NATIONAL MISSILE DEFENSE PENDING ANNUAL CERTIFICATION OF DIRECTOR OF OPERATIONAL TEST AND EVALUATION.

No funds of the Department of Defense may be obligated or expended for a fiscal year for ground-based national missile defense until after the Director of Operational Test and Evaluation submits to Congress in that fiscal year the Director's certification that the Department of Defense is in full compliance with the recommendations of the National Missile Defense Deployment Readiness Review issued by the Director in August 2000.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. TIERNEY OF MASSACHUSETTS

At the end of subtitle C of title II (page 49, after line 17), insert the following new section:

SEC. 234. LIMITATION ON USE OF FUNDS FOR CONSTRUCTION OF MISSILE DEFENSE FACILITIES AT FORT GREELY, ALASKA, PENDING APPROVAL OF DIRECTOR OF OPERATIONAL TEST AND EVALUATION.

No funds appropriated for fiscal year 2003 for the Department of Defense may be obligated or expended for the construction of any missile defense facilities at Fort Greely, Alaska, until the Director of Operational Test and Evaluation approves (in writing) the adequacy of the plans (including the projected level of funding) for operational test and evaluation pursuant to section 2399(b) of title 10, United States Code.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MS. MCKINNEY OF GEORGIA

At the end of subtitle B of title II (page 45, after line 19), insert the following new section:

SEC. 217. TERMINATION OF CRUSADER PROGRAM.

(a) TERMINATION.—The Secretary of the Army shall terminate the Crusader program.

(b) ELIMINATION OF FUNDING.—The amount in section 201(1) for research, development, test, and evaluation, Army, is hereby reduced by $475,200,000.

AMENDMENT TO H.R. 4546 (FY03 DEFENSE AUTHORIZATION BILL) OFFERED BY MR. JONES OF NORTH CAROLINA

At the end of subtitle D of title III (page 64, after line 19), insert the following new section:

SEC. 3____. RIGHTS OF DEPARTMENT OF DEFENSE EMPLOYEES WITH RESPECT TO ACTIONS OR DETERMINATIONS UNDER PUBLIC-PRIVATE COMPETITIONS.

(a) APPEAL RIGHTS.—Section 2467 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) APPEAL RIGHTS.—(1) A person described in paragraph (2) who is adversely affected by any action or determination under Office of Management and Budget Circular A–76 or other public-private competition for the performance of a function for the Department of Defense shall have appeal rights to the Comptroller General.

''(2) A person referred to in paragraph (1) is an officer or employee of an organization within the Department of Defense that is an actual or prospective offeror to perform the activity that is the subject of the action or determination under paragraph (1).''.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 2467. Cost comparisons: inclusion of retirement costs; consultation with employees; appeal rights; waiver of comparison

(2) The table of sections at the beginning of chapter 146 of such title is amended by striking the item relating to section 2467 and inserting the following new item:

"2467. Cost comparisons: inclusion of retirement costs; consultation with employees; appeal rights; waiver of comparison.".

(c) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall apply with respect to any review under Office of Management and Budget Circular A–76 or other public-private competition for the performance of a function for the Department of Defense that is commenced on or after the date of the enactment of this Act and any review or competition underway on the date of the enactment of this Act.

AMENDMENT TO H.R. 4546 (FY03 DEFENSE AUTHORIZATION BILL) OFFERED BY MR. JONES OF NORTH CAROLINA

At the end of subtitle D of title III, insert the following new section:

SEC. 3___. RIGHTS OF DEPARTMENT OF DEFENSE EMPLOYEES WITH RESPECT TO ACTIONS OR DETERMINATIONS UNDER PUBLIC-PRIVATE COMPETITIONS.

(a) APPEAL RIGHTS.—Section 2467 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) APPEAL RIGHTS.—(1) A person described in paragraph (2) shall be considered to be an interested party under subchapter V of chapter 35 of title 31 for purposes of any action or determination that adversely affects the person under Office of Management and Budget Circular A–76 or other public-private competition for the performance of a function for the Department of Defense.

"(2) A person referred to in paragraph (1) is—

"(A) an officer or employee of an organization within the Department of Defense that is an actual or prospective offeror to perform the activity that is the subject of the action or determination under paragraph (1); or

"(B) the head of any labor organization referred to in section 7103(a)(4) of title 5 that includes within its membership officers or employees of an organization referred to in subparagraph (A).".

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 2467. Cost comparisons: inclusion of retirement costs; consultation with employees; appeal rights; waiver of comparison

(2) The table of sections at the beginning of chapter 146 of such title is amended by striking the item relating to section 2467 and inserting the following new item:

"2467. Cost comparisons: inclusion of retirement costs; consultation with employees; appeal rights; waiver of comparison.".

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. RAHALL OF WEST VIRGINIA

(For himself, Mr. Dingell of Michigan, Mr. Maloney of Connecticut, Mr. Allen of Maine, Mr. Farr of California, Mr. Pallone of New Jersey, Ms. Sanchez of California, Mr. Hinchey of New York, Mr. Meehan of Massachusetts, and Ms. Lee of California)

Strike sections 311 and 312 (page 52, line 10 through page 54, line 18).

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. BLUMENAUER OF OREGON

At the end of subtitle B of title II (page 45, after line 19), insert the following new section:

SEC. 217. TRANSFER OF FUNDS TO UNEXPLODED ORDNANCE PROGRAM.

(a) INCREASE FOR UNEXPLODED ORDNANCE PROGRAM.—The amount provided in section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by $20,000,000, to be available for program element 0603716D, for use for unexploded ordnance detection and clearance.

(b) REDUCTION FROM CRUSADER PROGRAM.—The amount provided in section 201(1) for research, development, test, and evaluation, Army, is hereby reduced by $20,000,000, to be derived from amounts available for the Crusader program.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. BLUMENAUER OF OREGON

At the end of subtitle B of title II (page 45, after line 19), insert the following new section:

SEC. 217. TRANSFER OF FUNDS TO UNEXPLODED ORDNANCE PROGRAMS.

(a) INCREASES FOR UNEXPLODED ORDNANCE PROGRAM.—(1) The amount provided in section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by $20,000,000, to be available for program element 0603716D, for use for unexploded ordnance detection and clearance.

(2) The amount provided in section 301(17) for environmental restoration, Defense-wide, is hereby increased by $30,000,000, to be available for the military munitions response program.

(3) The amount provided in section 301(18) for environmental restoration, formerly used defense sites, is hereby increased by $70,000,000, to be available for unexploded ordnance cleanup.

(b) REDUCTION FROM CRUSADER PROGRAM.—The amount provided in section 201(1) for research, development, test, and evaluation, Army, is hereby reduced by $120,000,000, to be derived from amounts available for the Crusader program.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. LANGEVIN OF RHODE ISLAND

At the end of subtitle F of title V (page ____, after line ____), insert the following new section:

SEC. ____. WEAR OF ABAYAS BY MEMBERS OF THE ARMED FORCES IN SAUDI ARABIA.

(a) PROHIBITIONS RELATING TO WEAR OF ABAYAS.—(1) A member of the Armed Forces may not be required or strongly encouraged to wear the abaya garment or any part of the abaya garment while in the Kingdom of Saudi Arabia pursuant to a permanent change of station or orders for temporary duty.

(2) No adverse action, whether formal or informal, may be taken against a member of the Armed Forces who chooses not to wear the abaya garment or any part of the abaya garment while in the Kingdom of Saudi Arabia pursuant to a permanent change of station or orders for temporary duty.

(b) INSTRUCTION.—(1) The Secretary of Defense shall provide each member of the Armed Forces ordered to a permanent change of station or temporary duty in the Kingdom of Saudi Arabia with instructions regarding the prohibitions in subsection (a). Such instructions shall be provided to a member within 10 days before the date of a member's arrival at a United States military installation within the Kingdom of Saudi Arabia or immediately upon such arrival. The instructions shall be presented orally and in writing. The written instruction shall include the full text of this section.

(2) In carrying out paragraph (1), the Secretary shall act through the Commander in Chief, United States Central Command and Joint Task Force Southwest Asia, and the commanders of the Army, Navy, Air Force, and Marine Corps components of the United States Central Command and Joint Task Force Southwest Asia.

(c) PROHIBITION ON USE OF FUNDS FOR PROCUREMENT OF ABAYAS.—Funds appropriated or otherwise made available to the Department of Defense may not be used to procure abayas for regular or routine issuance to members of the Armed Forces serving in the Kingdom of Saudi Arabia or for any personnel of contractors accompanying the Armed Forces in the Kingdom of Saudi Arabia in the performance of contracts entered into with such contractors by the United States.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. UDALL OF COLORADO

At the end of subtitle D of title XXXI (page 356, after line 25), insert the following new section:

SEC. 3153. SENSE OF CONGRESS REGARDING COMMITMENT TO CLEANUP AT ROCKY FLATS.

(a) FINDINGS.—The Congress finds the following:

(1) The United States and the State of Colorado have a compelling interest in achieving the safe and effective cleanup of present and former nuclear weapons facilities of the Department of Energy, including the Rocky Flats Environmental Technology Site in Colorado.

(2) Completion of cleanup at Rocky Flats and closure of that site will allow resources to be redirected to meet the needs of other present and former nuclear weapons sites, including sites in Washington, Texas, Idaho, Ohio, New Mexico, Tennessee, South Carolina, and other States.

(3) The Department of Energy seeks to complete cleanup and closure of the Rocky Flats site on or before December 15, 2006, and it is in the national interest for that objective to be met.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Energy should take all steps necessary and appropriate, including removal from the site of all plutonium and other wastes, to achieve cleanup and closure of the Rocky Flats Environmental Technology Site, Colorado, on or before December 15, 2006, in a manner consistent with the Rocky Flats Cleanup Agreement, an intergovernmental agreement, dated July 19, 1996, among—

(1) the Department of Energy;

(2) the Environmental Protection Agency; and

(3) the Department of Public Health and Environment of the State of Colorado.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. KUCINICH OF OHIO OR MR. PAUL OF TEXAS

At the end of subtitle A of title X (page 196, after line 2), insert the following new section:

SEC. ____. LIMITATION ON FUNDING PENDING COMPLETION OF SUCCESSFUL AUDITS.

(a) IN GENERAL.—Of the total amount appropriated pursuant to authorizations of appropriations in this Act for any component of the Department of Defense specified in subsection (b), not more than 99 percent may be obligated until the Secretary of Defense submits to Congress a notice in writing that such component has received an unqualified opinion on its audited financial statements pursuant to section 3521 of title 31, United States Code.

(b) COVERED COMPONENTS.—Components of the Department of Defense subject to subsection (a) are those components that the Director of the Office of Management and

Budget has identified (as of the date of the enactment of this Act) under subsection (c) of section 3515 of title 31, United States Code, as being required to have audited financial statements meeting the requirements of subsection (b) of that section.

AMENDMENT TO H.R. 4546, AS REPORTED
OFFERED BY MR. KUCINICH OF OHIO

At the end of title II (page 49, after line 17), insert the following new section:

SEC. ___. LIMITATION ON MISSILE DEFENSE SYSTEMS.

As of the date when the total amount expended by the United States since April 1, 1997, for fixed-base ballistic missile defense programs has exceeded $50,000,000,000, the Secretary of Defense shall terminate all such programs unless before that date the Secretary certifies to Congress that the Department of Defense has demonstrated in a flight test that an interceptor missile can destroy a warhead without relying in the test on any device on the target vehicle that an enemy would not employ.

AMENDMENT TO H.R. 4546, AS REPORTED
OFFERED BY MR. KUCINICH OF OHIO

At the end of title VIII (page 174, after line 5), insert the following new section:

SEC. 8___. UNIT COST REPORTS.

Section 2433 of title 10, United States Code, is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

''(5) Whether, since the most recent unit cost report was submitted, a new baseline description has been established under section 2435 of this title. If such new baseline description has been established, the program manager shall report whether this new baseline description was established due to excessive cost growth and for the purpose of establishing new per unit costs for charting cost growth.'';

(2) in subsection (c), after ''Secretary concerned,'' insert ''or if a new baseline description of the program has been established since the most recent previous unit cost report submitted under subsection (b) due to excessive cost growth and for the purpose of establishing new per unit costs for charting cost growth,'';

(3) in subsection (d)—

(A) by inserting ''(A)'' after ''(d)(1)''; and

(B) by inserting before paragraph (2) the following:

''(B) If, according to the report submitted by the program manager under subsections (b) or (c), a new baseline description of –the program has been established since the most recent previous unit cost report submitted due to excessive cost growth and for the purpose of establishing new per unit costs for charting cost growth, the service acquisition executive shall consider the current program acquisition unit cost for the program to have increased by at least 25 percent.'';

(C) by inserting ''(A)'' immediately after the first place ''(2)'' appears; and

(D) by inserting before paragraph (3) the following:

''(B) If, according to the report submitted by the program manager under subsections (b) or (c), a new baseline description of –the program has been established since the most recent previous unit cost report submitted due to excessive cost growth and for the purpose of establishing new per unit costs for charting cost growth, the service acquisition executive shall consider the current program acquisition unit cost for the program to have increased by at least 25 percent.''; and

(4) by adding at the end of subsection (e) the following:

''(4) If a determination of an increase of at least 15 percent is made by the Secretary under subsection (d) in three successive years, or if a determination of an increase of at least 25 percent is made by the Secretary three times in any period, funds –appropriated for military construction, for research, test, and evaluation, and for procurement may not be obligated for a major contract under the program.

''(5) In the event of a congressional declaration of war, and if the Secretary of Defense determines that a program subject to termination under paragraph (4) is vital to any operation of the United States Armed Forces pursuant to this declaration of war, the President may, for the duration of hostilities, such paragraph may be waived.''.

AMENDMENT TO H.R. 4546, AS REPORTED
OFFERED BY MS. VELÁZQUEZ OF NEW YORK

At the end of title VIII (page 174, after line 5), insert the following new section:

SEC. 8___. EFFECT OF CONSOLIDATED CONTRACTS ON SMALL BUSINESSES.

(a) IN GENERAL.—Whenever the Secretary of Defense or the Secretary of a military department awards a consolidated contract that displaces a small business as a prime contractor, the Secretary shall develop and implement a plan to offset the decrease in prime contract awards to small businesses occurring as a result of the consolidated contract.

(b) PLAN REQUIREMENTS.—A plan under subsection (a) shall be developed before the award of the consolidated contract and shall be implemented during the same fiscal year as the fiscal year in which the consolidated contract is awarded. The plan shall provide for an increase in prime contract awards to small businesses during such fiscal year so as to offset the decrease in prime contract awards by reason of the award of the consolidated contract.

(c) TRANSMISSION TO SBA.—The Secretary shall transmit a copy of the plan to the Administrator of the Small Business Administration not later than 10 days after the date on which development of the plan is completed.

AMENDMENT TO H.R. 4546, AS REPORTED
OFFERED BY MS. VELÁZQUEZ OF NEW YORK

At the end of title VIII (page 174, after line 5), insert the following new section:

SEC. 8___. LIMITATION ON AWARD OF SPECIFIED CONTRACT PENDING ACTION ON SMALL BUSINESS ADMINISTRATION RECOMMENDATIONS.

(a) LIMITATION.—No funds may be obligated for a contract described in subsection (b) until the Secretary of the Army has accepted in their entirety the recommendations of the Administrator of the Small Business Administration with respect to that contract contained in the Administrator's letter to the Secretary dated March 20, 2002.

(b) COVERED CONTRACT.—Subsection (a) applies with respect to a contract to be awarded by the Army Communications-Electronics Command under the contract solicitation of that command numbered DAAB07–02–R–G401.

AMENDMENT TO H.R. 4546, AS REPORTED
OFFERED BY MS. VELÁZQUEZ OF NEW YORK

At the end of title VIII (page 174, after line 5), insert the following new section:

SEC. 8___. LIMITATION ON AWARD OF BASE SUPPORT CONTRACTS.

No funds available to the Department of Defense may be obligated for a contract referred to as a ''Base Support Contract'' until the head of the Base Contracting Activity has prepared a written plan specifying how the Department of Defense is going to increase opportunities for the local small business community to be awarded prime contracts with the Department of Defense during the fiscal year during which the Base Support Contract is awarded or renewed.

AMENDMENT TO H.R. 4546, AS REPORTED
OFFERED BY MS. JACKSON-LEE OF TEXAS

At the end of title IV (page 90, after line 23), insert the following new section:

SEC. 422. ADDITIONAL AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL ACCOUNTS.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated in section 421 is increased by $7,784,000,000.

(b) OFF-SETTING REDUCTION.—The amount authorized to be appropriated in section 201(4) for research, development, test, and evaluation for Defense-wide activities is reduced by $7,784,000,000, to be derived from ballistic missile defense programs.

AMENDMENT TO H.R. 4546, AS REPORTED
Offered by Ms. Millender-McDonald of California

At the end of title X (page 218, after line 15), insert the following new section:

SEC. ___. TERRORIST-RELATED THREATS TO PUBLIC TRANSPORTATION.

(a) ASSESSMENT.—The Secretary of Transportation, in consultation with the heads of other appropriate Federal departments and agencies, shall conduct an assessment of terrorist-related threats to all forms of public transportation, including public gathering areas related to public transportation.

(b) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall transmit to the President and Congress a report on the results of the assessment conducted under this section, including the Secretary's recommendations for legislative and administrative actions.

Mr. UDALL of Colorado. Mr. Speaker, this rule is a serious abuse of power on the part of the Republican leadership and should be rejected by the House.

Everyone knows that the Defense Authorization bill is one of the most important measures that the House will consider this year. It should be considered under a rule that will allow the full House—not just members of the Armed Services Committee and some others favored by the Rules Committee—to have an opportunity to participate in shaping the legislation.

That is particularly true this year because the bill as approved by the Committee includes many controversial provisions.

Some of these controversial provisions involve matters appropriate for debate in the context of a bill to authorize defense programs. They include provisions authorizing weapons systems not requested or needed by the Pentagon as well as provisions authorizing policy changes in the area of missile defense and nuclear weapons development.

But other controversial provisions go beyond the normal or appropriate scope of a defense authorization bill.

For example, the bill includes provisions concerning the Endangered Species Act and the Migratory Bird Treaty Act, matters within the jurisdiction of other Committees, including the Resources Committee but which our Committee has had no opportunity to consider.

And, in addition, the bill includes an entire title—Title XIV—that not only

includes provisions dealt with in a bill referred to the Resources Committee but goes further to include matters within our Committee's exclusive jurisdiction. Many Armed Services Committee members themselves have said this was ''a procedural foul.''

At the very least, the Rules Committee should have allowed the House an opportunity to consider changing or removing these very controversial provisions. But the rule does not allow that debate to take place.

Further, I cannot support the rule because it would not even allow the House to consider going on record in support of finishing the cleanup and closure of the Rocky Flats site by 2006.

That former nulcear-bomb plant is right at the edge of the most heavily-populated part of our state. The Energy Department is working to clean it up so it can be closed by 2006 and transferred to the Interior Department for management as a National Wildlife Refuge. This is a matter of highest priority for all Coloradans, and we think it should be a high priority for the Congress and the Administration as well. So, I filed an amendment that would have added to this bill a mere ''sense of Congress'' statement reiterating that DOE should do all that is needed to meet the goal of a 2006 closure. But this rule does not even allow the House to consider adding that to the bill. Just allowing my amendment would not, by itself, have made this rule fully acceptable. Not allowing just makes the rule worse. I urge rejection of the rule.

Mr. MARKEY. Mr. Speaker, I rise in opposition to the Rule.

The Republican attack on our Nation's environmental laws in this bill reminds me of the old quote from a U.S. officer during the Tet Offensive—''We had to destroy the village in order to save it.''

Here, we have a situation where the military has told us that it can assure readiness without the exemptions being sought by the Republicans. Down at Fort Bragg, for example, the Army has been working with the environmental community to protect endangered birds and set aside additional land outside of the base for wildlife habitat. Readiness has not suffered—just ask the Taliban and Al Queda.

In fact, the environmental laws provide exemptions for activities necessary for national security. And to date, no exemption has ever been sought by our Armed forces. In fact the most damning word the Air Force could conjure up to describe the effect of current law is ''subtle.'' And the Marine Corp admitted that the Fish and Wildlife Service is ''sympathetic'' to DOD's needs.

Our military personnel are well-trained and ready for action and they have successfully coexisted with environmental laws for the past 3 decades.

Nevertheless, in this legislation the Republican Majority says we must destroy the environment in order to save America from the terrorist threat. The Republicans have chosen to grant the DOD broad exemptions from our environmental laws wrapped in the cloak of national security and military readiness.

What is really happening here is that those people committed to dismantling the environmental laws that protect public health and the environment can't do it directly because the public outcry would be too great. So, instead they wrapped up their arguments in the cloak of national security and tried to pass off despoiling the environment and threatening endangered species as necessary because of the war on terrorism.

Don't be fooled by the new national security wrapping. This is the same old package—the elimination of laws inconvenient to some but crucial for protecting public and environmental health.

I urge you to defeat the previous question.

Let's defeat this gag Rule that prevents us from considering an amendment to delete these anti-environmental riders.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 215, nays 202, not voting 17, as follows:

[Roll No. 135]

YEAS—215

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—202

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Berkley
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps

Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—17

Bentsen
Bishop
Boucher
Burton
Crane
Hall (OH)
Jackson-Lee (TX)
LaFalce
Maloney (CT)
Meehan
Ose
Riley
Roukema
Smith (NJ)
Traficant
Watson (CA)
Waxman

□ 1257

Messrs. RUSH, GEORGE MILLER of California, ORTIZ, and Ms. McCOLLUM changed their vote from ''yea'' to ''nay.''

Mr. HYDE and Mrs. JOHNSON of Connecticut changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FROST. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 216, noes 200, not voting 18, as follows:

[Roll No. 136]

AYES—216

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Houghton
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reyes
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—200

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Berkley
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Inslee
Jackson (IL)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—18

Bentsen
Bishop
Boucher
Burton
Crane
Davis (FL)
Hall (OH)
Jackson-Lee (TX)
LaFalce
Maloney (CT)
Meehan
Ose
Riley
Roukema
Smith (NJ)
Traficant
Watson (CA)
Waxman

□ 1315

Mr. ORTIZ and Mr. GREEN of Texas changed their vote from ''aye'' to ''no.''

Mr. KERNS changed his vote from ''no'' to ''aye.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 975

Mr. WATKINS of Oklahoma. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama (Mr. BACHUS) be removed as a cosponsor of H.R. 975.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

□ 1315

MOTION TO ADJOURN

Mr. TAYLOR of Mississippi. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the motion to adjourn offered by the gentleman from Mississippi (Mr. TAYLOR).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. TAYLOR of Mississippi. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 35, noes 375, not voting 24, as follows:

[Roll No. 137]

AYES—35

Abercrombie
Allen
Berman
Berry
Brady (PA)
Capuano
DeFazio
Delahunt
Dingell
Doggett
Filner
Frank
Greenwood
Hastings (FL)
Hinchey
Holt
Johnson, E. B.
Jones (OH)
Langevin
Lee
McDermott
McGovern
McIntyre
Miller, George
Mink
Olver
Owens
Pallone
Schakowsky
Shows
Slaughter
Stark
Tanner
Taylor (MS)
Waters

NOES—375

Ackerman
Aderholt
Akin
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett

Bartlett
Barton
Bass
Becerra
Bereuter
Berkley
Biggert
Bilirakis
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boyd
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Graham
Granger
Graves
Green (TX)
Green (WI)
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Oxley
Pascrell
Pastor
Paul
Payne
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watt (NC)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—24

Bentsen
Bishop
Boucher
Brady (TX)
Burton
Crane
Dicks
Goss
Hall (OH)
Harman
Hoyer
Jackson-Lee (TX)
Maloney (CT)
Meehan
Ose
Pelosi
Reyes
Riley
Roukema
Smith (NJ)
Traficant
Watson (CA)
Watts (OK)
Waxman

□ 1332

Mr. ISRAEL changed his vote from ''aye'' to ''no.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 448

Mr. FILNER. Mr. Speaker, I ask unanimous consent that I be removed as a cosponsor of H.R. 448.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from California?

There was no objection.

BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

The SPEAKER pro tempore. Pursuant to House Resolution 415 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4546.

□ 1331

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4546) to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, and for military construction, to prescribe military personnel strengths for fiscal year 2003, and for other purposes, with Mr. CAMP in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Missouri (Mr. SKELTON) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

Mr. STUMP. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, on May 1 the Committee on Armed Services reported H.R. 4546 on a strong bipartisan vote of 57 to one. The bill authorizes appropriations for the Department of Defense and for the Department of Energy national security programs for a total of $383 billion in budget authority, consistent with the President's budget and with the House-passed budget resolution.

Over the next few hours, we will debate and explain the many initiatives contained in this bill to support and strengthen our Armed Forces during this critical period in our Nation's history. I am pleased to once again be able to report to my colleagues that this legislation embodies the same bipartisan spirit that has guided U.S. national security policy for decades.

It provides for pay, housing, fiscal and physical well-being of our Armed Forces members and their families. It provides for the research and acquisition of our military arsenal so critical to maintaining our combat edge on the battlefield. It provides for the resources and tools to properly train our forces to be ready to defend our freedoms around the world at a moment's notice, and it also provides for our Nation's military retirees, who devoted a better time of their lives for this country.

Mr. Chairman, this is a very good bill. It follows the spending blueprints set forth by the President to make his defense budget the largest since 1990. It also marks the largest single-year increase in defense spending since 1966.

By marking the fifth consecutive year of real increases in defense spending, we are starting to dig out of the budget hole that we created after 13 years of budget cuts. Our Armed Forces, while still the most formidable fighting force on the planet, face serious and fundamental choices in the years ahead. This presents both an opportunity and a risk if the choices we make are not prudent and do not hedge on our bets against the inevitable surprises and challenges that may lie ahead.

The bill before the House sets a prudent course. It recognizes today's new reality and accelerates and emphasizes new tools necessary for the critical fight against terrorism. It makes sure that our most precious military commodity and resource, our men and women in uniform, are properly compensated and taken care of.

It also makes sure we do not forget the basics, the unglamorous elements of the defense budget necessary to make sure it works when called upon.

Mr. Chairman, on a personal note, this marks the last defense authorization bill that I will have the privilege to manage before this great House. It has been an honor to serve and have the trust of my colleagues to be able to

lead two great committees over the past 8 years, and I will greatly miss the friendship and bipartisanship, the sense of mission that allows the Committee on Veterans Affairs and the Committee on Armed Services to quietly and effectively do their important work on behalf of our Nation's veterans and military forces.

I urge my colleagues to support this important legislation.

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

Mr. SKELTON. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I urge my colleagues to support the Bob Stump National Defense Authorization Act for Fiscal Year 2003. This bill, properly so, is named in honor of our chairman, who has stated his intention not to return to this body; and I thank him for the work that he has done on the bipartisan amendment within the committee itself.

The committee unanimously named this bill for him. This is an excellent bill. It passed by a vote of 57 to one. It authorizes $393 billion for defense programs, which includes $15.5 billion for the Department of Energy defense-related matters.

The bill makes a number of vital readiness and modernization improvements, and it does a good job in keeping our forces the best trained and the best equipped in the world. The quality-of-life issues are excellent for our servicemembers and their families. In particular, there is a 4.1 percent pay raise, with targeted raises, and I am also pleased to state that there is an increase in the end strength for all services, a much, much needed improvement.

Many missions are being performed by our men and women in uniform that make it clear that we need more people. There is an increase of some $4 million in military construction and family housing that also adds to the quality of life. We were able to increase funding for procurement, research and development, and military construction.

My principal reservations with this bill do concern matters relating to the environment and nuclear weapons policy. But with that said, at the end of the day, Mr. Chairman, this is an excellent bill. It will help our readiness; it will help our troops, whether they be on the field or on post or on base in this country. We are very proud of what they do, so this is a major step in supporting them.

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

Mr. STUMP. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from California (Mr. HUNTER), chairman of our Subcommittee on Military Research and Development.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I just wanted to join the other members of the Committee and of the House in thanking the gentleman from Arizona (Mr. STUMP) for his great service to our country, not only in the House of Representatives, but also as a 16-year-old kid who joined the U.S. Navy in World War II. That great ethic of service to the Nation has carried through, and the gentleman from Arizona (Chairman STUMP) has put together a great bill which is essential to this country right now because we are in a war.

I made a few comments during the rule that I think covered to some degree my work and the work of the Subcommittee on Military Research and Development and our contribution to the bill.

Basically, we are working to try and put some money into some high-leverage areas. We have done a pretty good job along those lines. There is missiles and missile defense. That is the ability to stop missiles, from the slow-moving SCUDS, or the Model-Ts of the offensive missiles, all the way up to the fast ICBMs that can be thrown all the way across a great ocean at a nation. Our ability to stop those missiles right now does not exist except in the very low-performance area, and we are moving aggressively with a $7.9 billion program.

The leader of that program, General Kadish, is, I think, acknowledged by Democrats and Republicans to be an extraordinary steward of this program. We have given him some very broad funding categories in missile defense; and we have told him to go out and test this stuff, test it in very difficult situations, put a lot of stress on the systems, and throw out the losers and promote the winners. That means to spend money where it is going to be effective for American security.

So we have given General Kadish a great deal of discretion. I think it is discretion well placed. We have kept that budget very well funded.

Lastly, Mr. Chairman, we have put money in a couple of vulnerable areas. We have put money in the area that has been a real concern to the United States, and that is our ability to defend our ships against increasing performance of antiship missiles that potential adversaries are developing around the world.

We have also put some money, some additional dollars, into our mine-clearing and mine-detection capability, a very important area for us because now we are moving from the deep ocean Navy and deep ocean conflict scenarios into the so-called littorals, right up against the shore where minefields are going to play an increasing role. So we have put money there.

Also we see some potential adversaries building now these new submarine classes, mainly diesel subs, but subs that are very quiet that can hold choke points that can cause us severe problems in strategic areas of the world and where our ability to detect those submarines is critical. So we have put more money in research and development against those areas.

Our members participated fully, Mr. Chairman; and I think we have put together a good package. I want to again thank the chairman of the full committee for this opportunity.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. ORTIZ).

(Mr. ORTIZ asked and was given permission to revise and extend his remarks.)

Mr. ORTIZ. I thank the gentleman for yielding time to me, Mr. Chairman.

Mr. Chairman, I rise in strong support of H.R. 4546, the Bob Stump National Defense Authorization Act for Fiscal Year 2003.

Mr. Chairman, I want to specifically address the provisions in the act relating to military readiness. First, I thank the Subcommittee on Military Readiness leadership and my colleagues on both sides of the committee here for doing a great job, and at the same time to the staff for doing a great job, and for the manner in which they conducted the business of the subcommittee this session.

I also wants to express my appreciation to my good friend, the gentleman from Arizona (Chairman STUMP), who has now decided to retire, for his friendship and for his leadership these last few years that we have worked together. Mr. Chairman, we are going to miss you.

Also, I say thanks to the gentleman from Colorado (Mr. HEFLEY) for his personal involvement and the extraordinary steps he took in getting us to this point in developing the readiness portion of fiscal year 2003. Although we worked at an accelerated pace this session, we had an opportunity to see readiness through a different set of eyes, the eyes of the leaders of the soldiers, sailors, and airmen who are entrusted with the awesome responsibility of carrying out our responsibility at the forefront, in harm's way.

We heard them talk about the charges of repair parts, the extra hours they spent trying to maintain old equipment, and the difficulties encountered in trying to conduct realistic training. While we in this body may differ on some policies and program objectives, we in the subcommittee were able to get a better appreciation of the challenges that they face in performing their duties. For their effort, we can all be proud of it.

Mr. Chairman, the readiness provision in this bill reflects some of the steps I believe are necessary with the dollars available to make their task easier. It does not provide all that is needed. Much more funding could be used. At the same time, I believe that this is a good bill. I encourage our Members of the House to vote for a very responsible bill.

Mr. STUMP. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from New Jersey (Mr. SAXTON), the chairman of our Subcommittee on Military Construction.

□ 1345

Mr. SAXTON. Mr. Chairman, I rise in strong support of H.R. 4546, the Bob Stump Authorization Act for Fiscal Year 2003. Last week the Committee on Armed Services, as has been said here a couple of times previously, voted on a great bipartisan vote, almost unanimously, to continue the committee's tradition of bipartisanship in addressing the defense needs of this Nation.

As we should expect, this bill contains several initiatives that will aid the Armed Services in their ongoing war against terrorism on behalf of the American people and, indeed, on behalf of the citizens of the world. I have the honor of chairing two bodies involved in this effort, the Special Oversight Panel on Terrorism and the Subcommittee on Military Installations and Facilities.

The Special Oversight Panel on Terrorism has been extremely active in educating Members of the clandestine ways of terrorists and seeking innovative ways to protect American forces. The Subcommittee on Military installations and Facilities has also been extremely active in our area of responsibility in approving a multitude of important projects necessary for improved force protection of military bases.

This bill does much more than enforce protection, however, and I want to be sure that Members know that this need was carefully addressed by approving only projects that were requested by the Department of Defense and by making sure that these monies will be spent well.

I want to also thank Tom Hawley, our staffer, for all of the work that he did in making sure that necessary measures were put in place in a very efficient way.

Also, always I work closely with my counterpart and good friend the gentleman from Ohio (Mr. HOBSON) of the Subcommittee on Military Construction of the Committee on Appropriations to develop the MILCON program for 2003. The gentleman from Ohio (Mr. HOBSON) and our ranking members the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentleman from Massachusetts (Mr. OLVER) have worked closely with all interested parties to build a program that supports the Department of Defense on addressing major facilities and quality of life shortfalls.

Mr. Chairman, let me say in closing that this chart I have here to my left represents, I believe, the crux of what we did on this year's military installation facilities authorization bill. H.R. 4546 includes $10 billion for military construction and family housing accounts, including $2 billion for quality of life enhancement. This is extremely important, as all the members of the Committee on Armed Services are aware, because in an all-volunteer Army if we cannot attract good sailors, soldiers, Marines and airmen then our military capabilities will suffer. To that extent, we have included monies to enhance quality of life and to provide the necessary facilities in this regard.

So, Mr. Chairman, I ask everyone to support this bill today. I hope it will be another great bipartisan vote at the conclusion of the debate, which will occur sometime around 8 o'clock, and let me again thank my friend the gentleman from Arizona (Mr. STUMP) for his wonderful work as chairman of this committee.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas (Mr. SNYDER) for purposes of debate.

Mr. SNYDER. Mr. Chairman, I want to extend my thanks to the gentleman from Arizona (Mr. STUMP) for the great work he has done throughout his career in this House. He has also been my chairman on the Committee on Veterans' Affairs and I very much appreciate him. And to the gentleman from New York (Mr. MCHUGH), who is the chairman of the Subcommittee on Personnel, of which I am ranking member.

This bill has many, many good things in it, including a pay raise for our men and women in uniform. It decreases the out-of-pocket expenses for housing. There is an increase in end strength, recognizing the realities of the world that we are facing today.

I also want to say a word about TRICARE, which has been a very good program, improving over the last couple of years, but we have some potential problems with it and this bill includes within it a mandate that GAO study some of the potential problems with TRICARE. Specifically, one is some of the paperwork problems that our providers are facing, like preauthorization. We had a lengthy hearing at the subcommittee level about the problems they are having, and this is leading to provider dropout. And while the overall numbers look good, which is 97 percent of physicians stay with the program, many of them are limiting the number of TRICARE patients they are seeing or are not seeing new patients, and this is a problem for us. So we look forward to those studies.

This bill passed the committee by a vote of 57 to 1, and thanks to the gentleman from Arizona's (Mr. STUMP) leadership and the way he conducts the committee, we had a very vigorous debate. It went on all day with multiple votes. The result was a 57 to 1 bill that came out of the committee.

However, the spirit of the House Committee on Armed Services is inconsistent with the rule that brought this bill before us today. It was said this was a structured rule. It was structured to stifle debate and to avoid uncomfortable votes for Members. That is not consistent with a great democracy at this critical time in history. You look at some of the Members who were denied to bring amendments, some of the most respected Members of this House: The gentleman from Mississippi (Mr. TAYLOR), I disagree with him on base closure but he had every right to bring his amendment to this floor; the gentleman from Connecticut (Mr. MALONEY) and the gentleman from Maine (Mr. ALLEN), both excellent members of the Committee on Armed Services; the gentleman from Texas (Mr. FROST), the ranking member on the Committee on Rules and a strong supporter of our national defense, was denied an amendment; the gentleman from South Carolina (Mr. SPRATT) denied an amendment.

This arrogance of power, Mr. Chairman, has to stop in this body.

Mr. STUMP. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado (Mr. HEFLEY), the chairman of our Subcommittee on Readiness.

Mr. HEFLEY. Mr. Chairman, I would be remiss if I did not recognize the contribution of the gentleman from Arizona (Mr. STUMP), who leads our committee, and the gentleman is truly a great American. I do not throw that phrase around very casually. He has led the committee well. I think he has the respect of his entire committee. We are going to miss him. It is a bad decision to leave the House of Representatives and leave us behind. We love the gentleman, and I have appreciated the opportunity to serve with him and call him a friend.

Mr. Chairman, I rise today in strong support of H.R. 4546, the National Defense Authorization Act for Fiscal Year 2003. I believe the committee has done a superb job in fulfilling its role in oversight of the Department of Defense and has done its best to provide the necessary funding to improve the readiness of our military forces.

Let us not forget, however, that for many years we have seen our military do more and more with less and less, and now as we are engaged in the war on terrorism we are asking our military men and women to do even more. The budget requests for fiscal year 2003 contains some significant increases in defense spending and an effort by the Department of Defense to fully fund their stated requirements. We are all heartened that these increases make a good attempt at arresting the decline in military readiness and begin the process of rebuilding and restoring our military forces.

To accomplish this, the administration has had to significantly increase critical readiness funding this year as compared to last year. As an example, air, ground, and sea operations as well as training and training range operations have increased by $2.1 billion. In addition, base operations accounts required for the day-to-day operation of our military facilities have increased by $1.2 billion. These increases are fully supported in this bill.

The committee has included two provisions that I believe strike a needed balance between the needs of our military to adequately and effectively train for combat and the need to protect our environment. First, we have

included an amendment to the Endanger Species Act that will weigh the impact of national security along with existing obligations under current law not to take any action that will result in the extinction of or harm to an endangered or threatened species.

Second, we have included an amendment in the Migratory Bird Treaty Act to permit the Fish and Wildlife Service to issue a permit to the Department for the accidental taking of migratory birds incidental to authorized military readiness activities.

These and all segments of the Subcommittee on Readiness part of this bill and in fact of the bill as a whole were very bipartisan. As was already mentioned, the bill passed out of committee 57 to 1. It is not a Democratic bill. It is not a Republican bill. It is a bill for the defense of this Nation.

Mr. Chairman, H.R. 4546 is a responsible, meaningful bill that fairly allocates resources for the restoration of acceptable readiness and an acceptable quality of life for the men and women of our military forces. To do anything less will allow the readiness of our military to slip further and could risk the lives of countless men and women in every branch of the military.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. TAUSCHER) for purposes of debate.

Mrs. TAUSCHER. Mr. Chairman, I thank my colleague for yielding me time.

Mr. Chairman, I would also like to add my thanks to the gentleman from Arizona (Mr. STUMP) for his leadership, and I wish him every best wish.

Mr. Chairman, I intend to vote for the defense authorization bill today because it does many good things. This bill will help us fight the war against terrorism and it gives our military men and women a well-deserved pay raise. But I am concerned, Mr. Chairman, about the direction this bill takes regarding our Nation's national nuclear weapons policy.

This bill encourages the United States to develop new nuclear weapons for first time since 1990. It clears the way for underground nuclear testing in Nevada. It endorses arming ballistic missile defenses with nuclear warheads and encourages arbitrary caps on the number of nuclear weapons that could be removed from the Nation's nuclear stockpile.

I will offer an amendment today to require the Department of Energy to provide Congress with options for reducing our nuclear arsenal more quickly than is called for in the Nuclear Posture Review.

If President Bush reaches an agreement with President Putin to reduce nuclear weapons, we should be prepared to make those reductions as quickly as possible, not wait 10 years. But I am disappointed, Mr. Chairman, that the Committee on Rules refused to make in order other amendments relating to our nuclear weapons posture.

I had submitted an amendment with the gentleman from Maine (Mr. ALLEN) to have a more balanced sense of Congress on nuclear policy. Our amendment had several common sense provisions, including restoring the President's ability to pursue sensible reductions in the nuclear stockpile, encouraging conventional ''bunker buster'' weapons rather than nuclear ones, and exploring all the implications of resuming underground testing instead of going full steam ahead with them.

I had also prepared an amendment to extend our Nation's nonproliferation efforts to countries like Pakistan and India.

Mr. Chairman, despite the limitations the Committee on Rules has placed on debate, I encourage Members to vote for the defense authorization bill today, but I also hope that Members recognize that there are many provisions in this bill that take our Nation down a very dangerous path toward a new nuclear arms race.

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. THORNBERRY) from the Department of Energy Panel.

Mr. THORNBERRY. Mr. Chairman, I thank the chairman for yielding me time and for his years of service and leadership to our country in national security.

Mr. Chairman, I also appreciate the work of all Members on the Department of Energy Panel and, particularly, the partnership of the gentlewoman from California (Mrs. TAUSCHER).

For 57 years nuclear weapons have played a central role in maintaining our freedom and in preventing the kind of world wars which plagued the early part of the 20th century. There can be no doubt that nuclear weapons will continue to be central to our security as long as any of us are around.

Nuclear weapons exist. We cannot uninvent them. We cannot wipe them off the memory banks of human knowledge, and we should not try to stick our heads in the sand and wish them away. The facts, Mr. Chairman, are that 12 countries now have nuclear weapon programs, 13 countries have biological weapons programs, 16 countries have chemical weapons programs, according to the administration, and that does not count other groups, like al Qaeda, who are trying to acquire them.

The United States does not have chemical and biological, so we must have a strong nuclear deterrent to deter use of those weapons of mass destruction, and our deterrent must be credible against a broader array of threats. Not only must we consider the Russian weapons, but we must consider various other kinds of weapons and threats and our deterrent must be credible, even against rogue states, even against terrorists, even against underground targets. They must even be credible to the kind of people we face in this war against terrorism whose aim is to kill as many Americans as possible.

Now, as our nuclear weapons are aging beyond their intended design life, it is going to be a very difficult job to keep them safe and reliable and credible, to keep the people, the infrastructure, the scientific knowledge we have to have to make sure that that deterrent is credible and does work. This bill takes important steps in that direction and it ought to be supported.

Mr. SKELTON. Mr. Chairman, I yield 7 minutes to the gentlewoman from Georgia (Ms. MCKINNEY) for debate purposes only.

Ms. MCKINNEY. Mr. Chairman, I voted against this defense authorization bill in committee, and I plan to vote against it on the floor. This bill represents the largest real increase to defense spending since 1966. It contains over $40 billion more spending than last year's defense authorization, which was a huge authorization in itself. This year's defense budget increase alone is greater than the defense budget of nearly every other nation in the world.

H.R. 4546 provides for over $383 billion in spending for the Pentagon and the weapons programs of the Department of Energy. Unfortunately, this new spending comes at the expense of valuable programs for America's families. Sadly, the Bush administration's tax cut for the wealthy has blown the Clinton surplus and reduced our ability to fully fund important programs like job training, prescription drug benefit, conservation spending and much more.

□ 1400

The one-sided priorities of this bill reflect the belief that national security rests in occupying foreign capitals and overthrowing regimes, as our Secretary of Defense told us in committee, rather than in domestic tranquillity and quality of life for America's people.

In addition to the singular focus of our national security attention, there are problems within the Pentagon that raise questions about such immense spending.

On September 10, 2001, Defense Secretary Rumsfeld stated that ''according to some estimates, we cannot track $2.3 trillion in transactions.'' Such a lack of financial accountability undermines the integrity of the Pentagon. How much more inefficiencies, financial loss and wasteful spending can the American people tolerate?

In any other area of enterprise, people get more money when they prove that they know what they do with what they have already got, what they have gotten, but in the world of defense spending, the Secretary can acknowledge the loss of $2.3 trillion and get an almost unprecedented increase in funding.

Additionally, the basis for such a large increase in spending is wholly unjustified.

The events of September 11 were a tragedy to the entire Nation. However,

the attacks in New York, Pennsylvania and Virginia were not prompted by any failure of the United States military, but instead were the result of a breakdown in our intelligence community. In fact, just last week Yahoo News reported that CIA Deputy Director of Operation James Pavitt ''dismissed charges the CIA was caught unaware by September 11 suicide attacks in the United States'' and that ''the CIA knew the network led by Saudi-born militant Osama bin Laden was planning a major strike.''

Similarly, a Washington Post article dated May 3, 2002, stated, ''Two months before the suicide hijackings, an FBI agent in Arizona alerted Washington headquarters that several Middle Easterners were training at a U.S. aviation school and recommended contacting other schools nationwide.'' The article continued, stating that ''law enforcement officials said in retrospect the FBI believes it should have accelerated the suggested check of U.S. flight schools.''

I must say that I was pleasantly surprised by Secretary Rumsfeld's cancellation of the Crusader program this week, and I was pleased to receive a phone call from the Pentagon to that effect. However, it must be noted that I had an amendment to cut the Crusader because, among other things, it experienced cost overruns and was too heavy and too large to get anywhere fast at any kind of rapid response.

I would also note that the Crusader is a weapons system that has connections to the Carlyle Group which employs the President's father. $475 million is a lot of money. Sadly, the President requested half a billion dollars for the Crusader weapons system but cancelled our commitment to pay high deployment overtime pay to our troops.

However, the fight to kill the Crusader is not over. Despite the cancellation, language in this bill will seek to keep Crusader alive. The Committee on Armed Services and the House should not allow that to happen. The Crusader has been rightly cut. It should remain that way, and the half billion dollars it has freed up should go to reinstating the high deployment per diem that the President cancelled in October.

As by now my colleagues also know, this bill creates exemptions for the Pentagon in the Endangered Species Act and the Migratory Bird Treaty Act, removes protections from public lands, and creates horrendous precedent for wilderness areas. The Committee on Armed Services is not where our country's environmental policy should be made.

With regard to missile defense, H.R. 4546 continues development of this dangerous, destabilizing and unreliable system. The authorization provides $7.8 billion for missile defense following on the nearly $8 billion that was authorized last year. Yet the CIA's own national intelligence estimate states that attacks are much more likely using weapons of mass destruction via untraditional methods such as trucks, ships or airplanes.

Rather than spending billions on a missile defense system, diplomacy through arms control and disarmament agreements will be much more effective in advancing peace and security in the days and years ahead and will cost far less than a Star Wars system.

Though it deeply troubles me that one of the first acts of our President after declaring this war on terrorism was to sign an executive order denying previously promised high deployment overtime pay to our servicemen and women, the personnel and compensation section of this bill takes important steps for our servicemen and women. Though I am opposed to this act, I greatly respect the individual members of our armed services for their service and sacrifice in the name of our Nation.

However, Mr. Chairman, despite whatever good this bill does for our servicemen and women and our veterans, it is still entirely too large and takes us down the wrong policy track.

Additionally, as our defense spending increases year after year, sacrifices made in domestic spending never seem to be corrected. From resuming nuclear testing to advancing nuclear-tipped missile defense, from the rollback of environmental laws, to pork-barreling weapons systems, this bill is big, and it could have been a lot better.

Mr. STUMP. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Pennsylvania (Mr. WELDON), the chairman of our Subcommittee on Military Procurement of the Committee on Armed Services.

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Chairman, I thank our distinguished chairman, the gentleman from Arizona (Mr. STUMP) for yielding me the time, and I want to start off again by thanking our chairman and our ranking member, two of the great patriots of this institution, this country, for their outstanding work in bringing us a defense bill that all of us can get behind.

It is not a perfect bill. In fact, there are some amendments that I would like to have seen offered that were not made in order, and that is a part of the process, unfortunately, we go through. I am also not happy with the dollar amount. Our chairman and ranking member made the best possible good faith effort to increase funding, but it is woefully underfunding our modernization.

Other Members who have spoken here have talked about too much for defense. Our soldiers today are fighting in tactical fighters that are 17 years old on average. Our Navy that at one time was 555 ships is now 314 ships. Our shipbuilding account is taking us down to a 235-ship Navy. The B–52 bomber will be 70 years old before it is retired. Our Chinook helicopters will be 60 years old.

We have underfunded the military consistently in both Democrat and Republican administrations for the past 10 years. This bill begins to correct that, but it does not solve all of those problems. We are asking for some relief in this bill. Nothing out of the ordinary.

We want to stop the encroachment that costs us more money that stops our troops from training. This is in no way, shape, or form a rollback of environmental laws. I would not support that, as a Republican proud of my environmental voting record. It does say that when we take 85 percent of Red Beach at Camp Pendleton where our Marines have to train and say 85 percent of that base or that training area, that beach cannot be used because of an endangered species, is a little bit ridiculous, especially when we consider if we look at the numbers of all the Federal agencies that have land, the Pentagon controls the smallest amount of land, yet has the largest number of endangered species of any other Federal agency and, in my opinion, does the most effective job possible in protecting wildlife and protecting endangered species.

All we ask for is some limited relief to allow our military personnel to be properly trained; nothing more. This is not an attempt to roll back environmental laws in any way, shape, or form.

In the other areas of the bill, I think we make a good faith effort in missile defense, in systems and programs. Again, it is not perfect, but we do provide some great increases in assistance for our troops in the personnel area, and I think we make a good down payment on modernization and research for the future.

So I encourage my colleagues to work with us through this process. We will be offering, I think, a very innovative series of amendments on the nuclear posture of this country that will revolutionize our relationship with Russia. I look forward to voting in a positive way on this bill, and I ask our colleagues to vote yes on the final passage and to work with us to get the largest vote possible in showing that our military has the support of Democrats and Republicans.

In closing, I want to thank my colleague and ranking member, the gentleman from Mississippi (Mr. TAYLOR). He is one of the most tireless advocates for the Navy in this Congress. He has fought hard and his work has paid off in an additional ship being funded in this bill. I thank my colleagues for their leadership.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Chairman, I want to thank my colleague and friend, the gentleman from Pennsylvania (Mr. WELDON), for his kind words and for his good work on the procurement portion of this bill.

Along with every other Member of this body, I want to compliment the

gentleman from Arizona (Mr. STUMP) for being a great human being and a great American and a phenomenal chairman to our committee.

My colleagues have noticed a lot of anger on the floor today, which is completely contrary to just one week ago in the Committee on Armed Services where every single Member who wanted to offer an amendment to that bill was allowed to do so. Today, there are a number of us who felt like we could make a good bill a heck of a lot better and save some American lives by offering amendments.

The gentleman from Arizona (Mr. STUMP) actually went to the Committee on Rules and told them he wanted most of those amendments put in order. I thank the chairman for that, and I deeply regret that the Committee on Rules chose not to make many of these amendments in order.

I thank the gentleman for his efforts, particularly from the day he was 16 years old, serving in the United States Navy till now serving us, and I also wish he would change his mind and stick around for a while.

The gentleman from Pennsylvania (Mr. WELDON) talked on many of the needs of our Nation, and we have incredible pressing needs, about 940 Huey helicopters in inventory, the newest of which was built in 1972, that need to be replaced.

As the gentleman from Pennsylvania (Mr. WELDON) pointed out, the fleet has now shrunk to 314 ships which is the smallest it has been since 1933. That is unacceptable. The President only asked for 5 ships this year which, incidentally, is 2 ships fewer than the Clinton administration asked for. I am pleased Chairman WELDON chose to add an additional destroyer to that. That will take a step towards keeping the fleet at the bare minimum size, and hopefully, the Senate will do even better.

I want to point out that the bill does contain almost a billion dollars for the development of the next generation of destroyers, the DDX. I want to point out the new attack submarine at $1.6 billion was partially funded.

The committee, I think, wisely chose to fund the Crusader program at about $475 million, and I do agree with General Shinseki, who is the chief of staff of the United States Army, on the important need for this program, and I have to take issue with the Secretary of Defense. I think it is necessary. I hope the committee will stick by its guns.

I want to take this opportunity to thank the gentleman from Missouri (Mr. SKELTON) and the gentleman from Arizona (Mr. STUMP) for the way they have handled this committee and put this bill together.

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. BARTLETT).

(Mr. BARTLETT of Maryland asked and was given permission to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Chairman, I thank the gentleman from Arizona (Mr. STUMP) for yielding me the time.

Mr. Chairman, I rise in strong support of H.R. 4546, the National Defense Authorization Act for Fiscal Year 2003. While I support the bill in its entirety and commend it to this body as must-pass legislation, I want to especially emphasize the provisions in the bill relating to morale, welfare and recreation activities of the Department of Defense and the military services.

I have the honor to chair the Special Oversight Panel of Morale, Welfare and Recreation which keeps a careful eye on some very important quality-of-life benefits for our military families, such as commissaries and child care centers. The MWR portion of H.R. 4546 is truly nonpartisan and was approved unanimously by both the panel and the full committee without any amendments.

I have found the defense programs that are not nourished by the Congress or the Pentagon quickly die away. MWR programs are no different. While I agree with most of what this administration is doing, I believe the continued pressure to privatize commissaries is misguided. The budget for the Defense Commissary Agency contained in this bill is about as low as I am prepared to support without persuasive evidence that customer savings and service will not suffer.

That said, I believe the budget before my colleagues is adequate. To ensure the quality of customer service and continued savings, H.R. 4546 requires a GAO study of DECA's budget proposals as well as other measures to protect the commissary benefit.

In addition, the package before the House will allow our deserving National Guard soldiers called to State duty in time of national emergency, like the present, to use commissary stores. We had provided this privilege some years ago to guardsmen called to duty for natural disasters and found that we should have added national emergencies as well.

Of course, I thank our ranking Democrat, the gentleman from Guam (Mr. UNDERWOOD), for his wise counsel and support in our shared responsibilities to manage MWR matters for the committee, and I join him in urging all Members to vote for H.R. 4546.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Chairman, I rise today to voice my support for the Bob Stump Defense Authorization Act for Fiscal Year 2003.

I want to commend the gentleman from Arizona (Mr. STUMP) and the gentleman from Missouri (Mr. SKELTON) for the job they have done on this, and everybody on the committee.

We did have a good discussion last week with this bill. This bill will help solders and their families put more money in their pockets by reducing the average amount of housing expenses paid by service members from the current 11.3 percent to 7½ percent in fiscal year 2003.

□ 1415

Now, that might not mean much to us, but to people who are forced to move every few years, it is a very important issue, this issue of the cost of housing for them. So that puts us on the track to eliminate some of this heavy burden for our families that have men and women in uniform.

The bill, for the first time, fully funds Concurrent Receipt, and establishes a program through which military retirees will receive increasing compensation. And by the year 2007, retirees who are 60 percent or more disabled will receive their full retirement pay and their disability. This is something that our military retirees desperately need.

Unfortunately, this bill also contains provisions that undermine some of our basic commitments to our Nation, including to try to reduce the proliferation of nuclear weapons. The bill gives credence to the fact that the United States should develop nuclear weapons capable of destroying hard and buried targets and use nuclear-tipped missiles to intercept nuclear warheads.

I do not need to remind anyone that nuclear weapons have only been used twice in the history of warfare, and the United States has not designed or built a new nuclear weapon since the Cold War. Mutually Assured Destruction, or MAD, is a policy relic of the Cold War; and it should not be resurrected. It should not be resurrected by us.

Furthermore, this bill furthers the development of national missile defense with little congressional oversight. We may need a missile defense; but we need a structured one, one where we as a Congress look at it and take full responsibility for what is happening with its development.

No bill is perfect. This one has a lack of acknowledgment by the Department of Defense to the members of our Committee on Resources with respect to environmental issues, and this is very shortsighted.

Aside from that, I will be voting for the recommit and for this bill.

Mr. STUMP. Mr. Chairman, I yield 1 minute to the gentleman from Alabama (Mr. EVERETT), a member of the committee.

(Mr. EVERETT asked and was given permission to revise and extend his remarks.)

Mr. EVERETT. Mr. Chairman, I thank the gentleman, the chairman, and my good friend, the gentleman from Arizona (Mr. STUMP), for yielding me this time. I have served under him while he has been chairman of the Committee on Armed Services and also when he was chairman of the Committee on Veterans' Affairs. This House will miss him.

Let me speak about Army aviation training. The Army continues to short fund the training budget of its helicopter pilots. To address this shortfall,

the committee took steps last year to begin funding the Army Aviation Institute Training Simulator program to enhance pilot training at the Aviation War-fighting Center. Unfortunately, the committee did not add funds for the program in this year's authorization bill due to the lack of resources.

The Army is concerned with the crash rate of the OH–58C/D. It is four times greater than all other helicopters in the fleet. The Army has an immediate need for high-fidelity OH–58C/D simulators to improve the crew training of emergency procedures and other techniques on the aircraft. The Army has identified the AAITS program as the best way to provide this training. It is my hope that the defense appropriators in both Houses will give strong consideration to a $15 million add for six high-definition OH–58C/D simulators.

Mr. Chairman, I can't think of a more important responsibility than to train Army Aviators in the best way possible, with the latest technologies available. The AAITS program meets this challenge by using commercially available technologies that are cost effective and ready to be deployed today.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, in spite of the best attempts of the gentleman from Arizona (Mr. STUMP) and the gentleman from Missouri (Mr. SKELTON), this bill has become a political grab bag of extraneous material that has nothing to do with defense authorization and has no place in this bill.

I have time to cite just one example. Article 14 is a provision which contains language that is destructive to our efforts to protect the environment in this country, particularly issues that are destructive to the 1964 Wilderness Act. That language undermines the issue of wilderness as it is practiced by the Federal Government in areas all across the country. It is a special provision. It is even a personal provision. It has no business in this bill.

Furthermore, we were not given the opportunities to present amendments which could give the House the opportunity to debate this issue and to strike these unwarranted and destructive provisions from the bill. That makes this bill unworthy of the House. It ought to be withdrawn. We ought to have an opportunity to debate this issue and those things ought to be brought before us.

Mr. STUMP. Mr. Chairman, I yield 1½ minutes to the gentleman from Georgia (Mr. CHAMBLISS), a member of the committee.

(Mr. CHAMBLISS asked and was given permission to revise and extend his remarks.)

Mr. CHAMBLISS. Mr. Chairman, I strongly support the fiscal year 2003 Bob Stump National Defense Authorization Act, which will provide critical resources for our military to ensure that they have the adequate training, modern equipment, and sufficient resources to do their job in protecting our Nation.

I am proud of the work of the House Committee on Armed Services and our chairman, the gentleman from Arizona (Mr. STUMP), who has done an excellent job in crafting a bill that will support our warfighters. Chairman STUMP is a hero of mine, and we will miss his great service in this body.

This bill is important for our Nation. Our troops deserve a pay raise and we provide that to them. We provide our troops and their families quality health care and benefits which they have earned because of their service and sacrifice for our Nation. We provide significant funds for the development of technologies that are needed for our missile defense systems so that we are better prepared to meet the future threats this country faces.

We increase the resources available to combat terrorism, which is an immediate threat to the people of the United States of America. We increase key readiness accounts so that we continue to increase our capabilities to support our warfighters who are actively engaged in protecting American interests around the globe.

Let me say that this bill is also important for Georgia. We fund critical military construction projects at Robins Air Force Base, Fort Benning, Fort Stewart, and Kings Bay Navy submarine base. We fully funded the President's budget request for vital modern aircraft for our Air Force's F–22 Raptor advanced tactical fighter, the C–17, the C–130, and JSTARS, all of which are important to my home State as well as our long-term national defense priorities.

Mr. Chairman, terrorism and our national security are not fleeting problems. This bill addresses our needs on terrorism from a force-protection standpoint, and I urge the passage of this bill.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of the defense authorization bill.

I commend the chairman, the gentleman from Arizona (Mr. STUMP), and the ranking minority member, the gentleman from Missouri (Mr. SKELTON), for putting together a good bill. It will enable today's troops to succeed in the war in Afghanistan and makes investments in the future to assure the U.S. military retains its edge.

I commend the bill's shipbuilding initiative to fix the Pentagon's paltry request in this area, and it sets an important marker for restoring funding for a third DDG–51 destroyer. The Merchant Marine panel, of which I am ranking member, does quiet but important work to assure a healthy and viable U.S. maritime fleet. I thank the panel chairman, the gentleman from California (Mr. HUNTER), for his leadership in restoring funding for the title XI loan guarantee program, which gives life to our vital shipbuilding industrial base.

I also welcome the creative provision on ship scrapping, which helps States acquire obsolete vessels for artificial reefs. There are, however, parts of this bill that I do not support. First, it contains three environmental provisions not under the jurisdiction of the Committee on Armed Services. They belong to the Committee on Resources, which was denied the opportunity to consider them. These provisions are a part of a last-minute stealth attempt by DOD to exempt itself from a variety of landmark environmental laws.

The package was submitted just 4 days before committee markup, denying time for proper review. In the only hearing, the majority refused to invite State or local governments, environmental groups, or any other non-administration witnesses to testify.

Second, I disagree with the aggressive nuclear policy language in the bill and report which endorses new nuclear weapons or new uses for such weapons. I am afraid that money spent to revitalize and legitimize nuclear weapons will divert funds from weapons our warfighters actually need for combat. I believe it will be destabilizing and lead to new arms races.

Finally, I am disappointed the committee did not make in order my amendment to previous nuclear-tipped interceptors. The U.S. rejected that idea decades ago.

Mr. STUMP. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CALVERT), a member of the committee.

Mr. CALVERT. Mr. Chairman, I too want to thank the chairman, the gentleman from Arizona (Mr. STUMP), for all his years of service. We will miss him very much, but I know he will always be in our hearts.

Mr. Chairman, in my home State of California, environmental litigation may force the Fish and Wildlife Service to designate critical habitat for endangered species on over 50 percent of the 125,000-acre Camp Pendleton in Southern California. Even though there are 17 miles of coastline in Camp Pendleton, environmental restrictions allow the Marines to use less than 1 mile of that coast, as designated on this drawing. One mile. That is it. That small space.

And once they get ashore, Marines have to align everything and everyone up single file to weed through the land that has been designated critical habitat and cross Interstate 5 to another location on the base to begin their maneuvers.

Mr. Chairman, our Marines should be training as they fight, not as if they are going out on some field trip. Our military is one of the best environmental stewards America has. They should not be forced to give up realistic training on their own property to satisfy a few environmental extremists.

Proper training saves lives. We must not sacrifice the safety of our sons and daughters so that a gnatcatcher or a fairy shrimp can have an undisturbed life.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Guam (Mr. UNDERWOOD).

(Mr. UNDERWOOD asked and was given permission to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Chairman, I rise today to join my colleagues in support of H.R. 4546, the Bob Stump National Defense Authorization Act for fiscal year 2003. It will go a long way towards ensuring that our troops get the support they need to win the war against terrorism as it meets many of our military's modernization needs and provides every servicemember with a pay raise they so richly deserve.

In particular, I want to address the provisions in the bill relating to the morale, welfare and recreation activities of DOD. I want to acknowledge the outstanding leadership of our panel chair, the gentleman from Maryland (Mr. BARTLETT), and the active participation of all the panel members. I am pleased that we were able to address many of the urgent MWR issues that will sustain this important benefit, including the bill's acknowledgment of our concern and expression of our appreciation for the contributions of the National Guard during this period of national crisis by making it possible for them to use the commissary, even though they are under State control.

In addition to the MWR provisions, I am also pleased to note that a number of measures included within the bill will support Guam in its strategic role to U.S. national security. Guam's military installations and facilities stand to benefit from over $75 million of military construction and improvements. Most notable are the projects for a new on-base water system at Andersen Air Force Base and the continued construction of the Guam Army Guard Readiness Center. The people of Guam welcome this significant boost in military construction and appreciate the recognition this bill provides to our people in uniform.

Further, the bill before us today restores a balance between protecting the environment and sustaining military readiness, particularly in the case of the Farallon de Medinlla, FDM, bombing range north of Guam in the Northern Marianas. Last month, a Federal Court here in Washington, D.C. ruled that the Navy was in violation of the Migratory Bird Treaty because of the incidental taking of nonendangered birds while conducting critical training activities. This bill narrowly fixes this. We are in support of this provision.

Mr. Chairman, I thank the gentleman from Missouri for yielding me this time, and I want to acknowledge the excellent and noble work that our chairman, the gentleman from Arizona (Mr. STUMP), has done over the years.

Mr. STUMP. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. BILIRAKIS).

(Mr. BILIRAKIS asked and was given permission to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Chairman, the 106th Congress took the first steps toward addressing the inequity that provides for an offset between military retired pay and VA disability, which unfairly penalizes more than 500,000 disabled military retirees nationwide by authorizing a monthly allowance to certain severely disabled military retirees. Last year, Congress took an additional step towards eliminating the offset by authorizing my Concurrent Receipt legislation, H.R. 303.

The bill we are considering today follows the fiscal year 2003 budget and includes a provision to authorize military retirees who are 60 percent or greater disabled to receive their full retired pay and VA disability compensation benefit on a transitional basis by fiscal year 2007.

So I say to all my colleagues, Mr. Chairman, support America and its veterans, vote for H.R. 4546. And I would also offer in closing my compliments to the gentleman from Arizona (Mr. STUMP) for being a great patriot and a great chairman.

Some military retirees—individuals who are eligible for military retirement benefits as a result of a full service career—are also eligible for disability compensation from the VA based on a medical problem they incurred while in the service. Under present law, these service-disabled retirees must surrender a portion of their retired pay if they want to receive the disability compensation to which they are entitled. Congress enacted this unjust law in 1891. Nationwide, more than 500,000 disabled military retirees must give up their retired pay in order to receive their VA disability compensation. In effect, they must pay for their VA disability our of their military retirement—something no other federal retiree must do

I have been trying to repeal this unfair offset for more than 17 years. My legislation, H.R. 303, has received strong bipartisan support with more than 390 cosponsors in the House. More than 80 members have cosponsored similar legislation in the Senate. Moreover, every major veterans and military organization strongly support the concurrent receipt of military retired pay and VA disability compensation. The 106th Congress took the first steps toward addressing this inequity by authorizing the military to pay a monthly allowance to military retirees with severe service-connected disabilities rated by the Department of Veterans' Affairs at 70 percent or greater. These provisions were recently expanded to include retirees with ratings of 60 percent.

Last year, Congress took an additional step towards repealing the offset by authorizing H.R. 303. However, under the provisions of the Fiscal Year 2002 National Defense Authorization Act, this authorization requires the President to submit legislation in his annual budget request and Congress to enact this legislation to offset the cost of this initiative. Since the enactment of last year's defense authorization act, I have been working to secure the money needed to fund ''concurrent receipt.'' I was very pleased that the Budget Committee included almost $6 billion in the FY 2002 Budget Resolution for a partial repeal of the dollar-for-dollar offset between retired pay and VA disability compensation.

I am also pleased that the bill we are considering today follows the FY 2002 budget resolution and includes a provision to authorize military retirees who are 60 percent or greater disabled to receive their full retired pay and VA disability compensation benefit by Fiscal Year 2007. Until the program is fully implemented, the bill establishes a transition program through which retirees will receive increasing amounts of their retired pay. I want to thank Chairman BOB STUMP, Ranking Member IKE SKELTON, Military Personnel Subcommittee Chairman JOHN MCHUGH and Ranking Member VIC SNYDER for their continued support and interest in this issue.

While H.R. 4546 does not allow for the complete elimination of the current offset, it does provide for a substantial concurrent receipt benefit and it is a tremendous step forward in our fight to repeal the current inequitable offset. I urge my colleagues to support the Bob Stump National Defense Authorization Act.

□ 1430

Mr. SKELTON. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. MCNULTY).

(Mr. MCNULTY asked and was given permission to revise and extend his remarks.)

Mr. MCNULTY. Mr. Chairman, I rise in support of the Bob Stump National Defense Authorization Act, which will support all of our men and women in uniform and also the Crusader program.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Chairman, I thank the gentleman from Missouri (Mr. SKELTON) for yielding me this time.

Mr. Chairman, this bill today is one of the most important pieces of legislation that this Congress will consider, and I want to recognize the leadership of the gentleman from Arizona (Chairman STUMP), for his leadership, as well as the leadership of our ranking member, the gentleman from Missouri (Mr. SKELTON). The bipartisan approach that this committee has utilized to craft this bill exemplifies our bipartisan and our unwavering commitment to winning our Nation's war against terrorists.

We also in this bill take major steps forward in providing our Armed Forces with the tools and the resources they need to protect our national security interests around the world. Earlier this year our military chiefs testified before our committee and identified over $25 billion in unfunded requirements for the upcoming fiscal year. Our committee was not able to address every need on the chiefs' list, but I am pleased that we addressed many of the issues, particularly in the areas of quality of life, readiness and modernization, as well as the deficiencies that the Department identified necessary to wage our war on terrorism.

Over the last few years, one area of particular concern to me has been the continued reduction in troop end strength. In the post-Vietnam War era, the active duty military peaked at 2.2 million personnel. Today it is less than 1.5 million. Last year, each of our military services entered the war on terrorism with personnel shortages, a situation that has only worsened due to the heightened operational tempo required around the globe.

I commend the ranking member, the gentleman from Missouri (Mr. SKELTON), for his leadership in advocating an increase in troop strength; and I am pleased that this bill contains an increase of 13,000 in troop authorization above last year's level.

Mr. Chairman, I believe this is an important piece of legislation that deserves the support of the entire Congress. I urge adoption of this legislation.

Lastly, this legislation strengthens our national security interests both at home and abroad by authorizing $7.8 billion for ballistic missile defense programs. The development of medium and long range ballistic missiles by North Korea, Iran, Iraq, and other rogue countries underscores the importance of developing a fielding theater missile defenses capable of defeating these threats as soon as possible. Protecting our country and troops deployed in theater from a ballistic missile attack should continue to be a priority, and I applaud the commitment that is being shown to field this technology in the near term. Mr. Chairman, I especially want to emphasize the importance of fielding the Department of Defense's highest theater missile defense system, the PAC–3. When you look at spectrum of known threats around the world, and focus on those areas where we either have personnel or could likely have troops deployed, it's hard to ignore the fact that most credible ballistic missile threats would be thwarted by the PAC–3 system. Consequently, amendments will be offered by Mr. SPRATT and Mr. HUNTER a little later that seek to add money to this program. I am hopeful that you will support this effort and join with us in ensuring that our troops are adequately protected against these emerging threats.

Mr. Chairman, we are at an important juncture with respect to funding our military and providing them with the resources necessary to effectively wage our war on terrorism. This bill acknowledges the challenges we face and seeks to respond. I urge my colleagues to support this bipartisan bill.

Mr. STUMP. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. MCHUGH), the chairman of the Subcommittee on Personnel.

Mr. MCHUGH. Mr. Chairman, May marks National Military Appreciation Month, and I can think of no appropriate way to recognize it than to rise in strong support of the National Defense Authorization Act for Fiscal Year 2003. I especially commend for my colleagues' consideration and support the military personnel provisions of the bill that address continuing realities and challenges by making improvements in the end strength, compensation, personnel and health care systems of the Department of Defense.

Let me highlight three of those most important areas. First, while fully supporting the efforts of the Secretary of Defense to reduce operational and mission requirements, this bill reflects the view that the war on terrorism will be a long-term effort and that some growth in military manpower is prudent at this time.

Therefore, the bill represents the bipartisan views of all of us, including the gentleman from Missouri (Mr. SKELTON), who was a leader on this, and recommends an increase in active duty end strength of nearly 1 percent, or 12,650, above fiscal year 2002 levels. That is the largest single year growth in active end strength since 1985 and 1986. To support the added strength, the bill provides an additional $550 million as well as increasing National Guard and Reserve component full-time manning by some 2,400 personnel.

Secondly, the bill provides a military pay raise, as proposed by the President, of 4.1 percent across-the-board for all personnel, one-half of 1 percent more than the average pay increase for private sector employees.

In addition, it recommends targeted raises of 6.5 percent to critical mid-grade and senior noncommissioned officers and mid-grade officers, as well as housing rates that will reduce the out-of-pocket housing expenses from the current level of 11.3 percent to 7.5 percent in fiscal year 2003.

Finally, as the gentleman from Florida (Mr. BILIRAKIS) said moments ago, the third major provision I want to highlight would ensure that by 2007 all retirees rated by the Veterans Administration with 60 percent disabled or above will receive both their full military retired pay and their full VA disability pay. This initiative, known widely as concurrent receipts, represents the culmination of a multi-year, bipartisan effort to restore justice in veterans' compensation using the $5.8 billion provided by the House budget resolution for fiscal year 2003.

In closing, Mr. Chairman, let me thank the ranking member of the subcommittee, the gentleman from Arkansas (Mr. SNYDER), for his leadership, for his very active involvement, as well as all members of both sides of the aisle of the Subcommittee on Military Personnel who have a good deal to be proud of in this fine mark and in this great bill.

Mr. Chairman, I urge all Members to join us in support of this very fine measure.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Chairman, I thank the gentleman for yielding me this time. It is a personal privilege to stand in support of the piece of legislation named in honor of a patriot, the gentleman from Arizona (Mr. STUMP), who has served our country so very well. I am honored to support this bill in his name, and thank the gentleman from Missouri (Mr. SKELTON) for his contribution.

America stands today as perhaps the greatest military power in global history; but as we have learned in the last 7 months, even great powers are faced with great challenges. I support this bill because I believe it affirms two of our greatest strengths, and it begins to deal with two of our greatest challenges.

First of all, it affirms the strength that is the most premium strength of the American military structure, the men and women who serve their country. By raising the pay of those men and women by 4.1 percent, by supplementing their medical and other benefits considerably, although not enough, this bill is a good step in the right direction.

Second, as a member of the Subcommittee on Research and Development, I am particularly pleased that we have before us today a bill that will make the greatest investment in research and development in our Nation's history. In particular, I am pleased with the 20 percent increase in the DARPA funding accounts, which I think bring out the very best of America's university sector, private sector and government sector.

With respect to challenges, I believe that the new Northern Command structure that is implemented in this bill is a positive step toward meaningful homeland security. I look forward to working with the Pentagon and my fellow members of the committee in making that command structure effective in homeland security.

Finally, the bill begins to grapple with the very real problem with missile defense. There are those of us who believe that missile defense is necessary and appropriate, but there are some disagreements over how to implement it. Because of the bipartisan leadership of this committee, I believe that we have a constructive approach to bridging those differences and managing this challenge.

In short, I believe this is a bill that every Member of both political parties can support with pride that will help us carry forward in meeting the very great challenges our country faces today. I urge support of the bill.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it was the Roman orator Cicero who once said that the greatest of all virtues is gratitude, and let me again express gratitude to the gentleman from Arizona (Mr. STUMP) for his tireless and skillful efforts in leading our committee, and in his contributions to the United States Congress through the years. We are very proud of him and thank him for what he has done for us, and the role model he has been for the rest of the Members, both Democrat and Republican.

Let me also say a word of thanks and gratitude to the Committee on Armed Services, which I believe is the most bipartisan committee in this body. There are times we have partisan disagreements, but we do attack the various issues as professionals and as representatives of different parts of our country.

But most of all, I think we as a body need to express thanks and gratitude to the young men and young women in uniform. That is the purpose of our being here today. It is the United States Constitution that charges us here in Congress to raise and maintain the military of the United States. The military of the United States is reflected by young people in various colors of uniform all wearing the American flag on their sleeve. So we thank them, we thank their families, and we hope that the piece of legislation that we pass today will be a benefit to them, encouraging them to keep doing a good job and staying the course, and just a word of thanks to them for their determination, dedication and patriotism.

With that, Mr. Chairman, again a special thanks to the gentleman from Arizona (Chairman STUMP).

Mr. Chairman, I yield back the balance of my time.

Mr. STUMP. Mr. Chairman, I yield 30 seconds to the gentleman from Illinois (Mr. KIRK).

(Mr. KIRK asked and was given permission to revise and extend his remarks.)

Mr. KIRK. Mr. Chairman, I want to also thank the gentleman from Arizona (Mr. STUMP) and our other defense leader, the gentleman from Missouri (Mr. SKELTON), for this legislation. This bill supports President Bush and Secretary Rumsfeld, who commands our troops currently in battle. It supports our Naval training at the Navy's only boot camp at Great Lakes, Illinois.

It advances our efforts to combine Naval Hospital Great Lakes with North Chicago VA to help out veterans and active duty health care.

It protects our air crews over Afghanistan and Iraq with improved tactical Navy electronic warfare aircraft, and it supports our fellow allies to meet the missile threat, especially giving early warning eyes in the sky to Israel and Arrow anti-missiles to shoot down SCUDs. It is a good piece of legislation; it deserves our support for the fundamental mission of the Federal Government to defend our country.

Mr. Chairman, I rise in strong support of the Bob Stump National Defense Authorization Act. This bill supports the efforts of President Bush and Secretary Rumsfeld to modernize and strengthen our military. The bill supports the needs of our men and women in uniform, ensuring that they receive better pay, have better equipment at their disposal, have a better quality of life, and are provided with all the tools necessary to complete their missions. The effects of these initiatives will be appreciated by servicemembers around the world, from the recruits currently in my district at the Great Lakes Naval Training Center to the Special Forces troops operating in the mountains of Afghanistan.

Additionally, this bill strongly supports electronic warfare and the EA–6B Prowler, our Nation's lone remaining electronic jamming aircraft. The Prowler is integral to successful airborne strike operations and is often the first aircraft in theater and the last aircraft to leave. Without the Prowler, our aircrews would be vulnerable to a wide variety of threats from integrated air defenses and advanced surface-to-air missiles. In support of the aging Prowler fleet, this bill authorizes $85.8 million to procure and install wing center sections and outer wing panels, both of which have suffered from fatigue and forced the grounding of eight aircraft.

$35 million is included to procure advanced USQ–113 jammers, which will enhance that ability of the Prowler to cut off enemy communications. I am also encouraged that $29 million are included to procure band 9/10 transmitters, which will enhance Prowler capabilities.

Perhaps most importantly, H.R. 4546 includes an increase of $10 million to continue efforts to develop a successor to the Prowler.

Mr. Chairman, I strongly support our men and women in uniform, our national defense, and this bill. I encourage my colleagues to do the same.

Mr. STUMP. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. JEFF MILLER).

(Mr. JEFF MILLER of Florida asked and was given permission to revise and extend his remarks.)

Mr. JEFF MILLER of Florida. Mr. Chairman, I rise in support of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, H.R. 4546.

The legislation remedies a long-committed wrong that has been used against our retired military veterans for many years. By providing $5.58 billion over 5 years towards retiree benefits, H.R. 4546 begins full concurrent receipt for veterans suffering from a disabled rating 60 percent or greater. These individuals have given decades of their life and service to this great country, and they will begin to receive their earned retired pay along with their earned disability payment.

This agreement builds upon the work of the Committee on Veterans Affairs and the Committee on Armed Services over the last couple years, and finishes the work done last year that made the policy change.

Due to the meticulous work by the Committee on the Budget, the requirement to have a full budget offset is no longer needed, and that section has now been removed as a stipulation that claims must be made within 4 years of military separation.

Mr. Chairman, I am proud to be a member of the Committee on Armed Services and proud to support this fiscal year 2003 defense authorization, H.R. 4546.

Mr. STUMP. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. BUYER).

(Mr. BUYER asked and was given permission to revise and extend his remarks.)

Mr. BUYER. Mr. Chairman, I thank the gentleman from Arizona (Mr. STUMP) for all his hard work. I served with the gentleman when he chaired the Committee on Veterans' Affairs, and I think it is appropriate that this defense bill is named after him. And I would say to the gentleman from Missouri (Mr. SKELTON), you two together have put before this Congress another quality product on behalf of the men and women who serve our Nation.

I thank the gentleman from Pennsylvania (Mr. WELDON), as chairman of the Subcommittee on Procurement. The gentleman from Mississippi (Mr. TAYLOR) and I co-chaired the Guard and Reserve Caucus for many years, and serve in that caucus, and a big part of our mark was accepted, just like the gentleman from California (Mr. HUNTER) used to do for us, and there are so many Guard and Reserve. There are so many things for the active force.

So it is not only the procurement mark, but also military construction, and what the gentleman from New York (Mr. MCHUGH) did with regard to end strength, I thank the gentlemen. It is a very good mark. I ask all Members to support the product of the gentleman from Arizona (Mr. STUMP) and the gentleman from Missouri (Mr. SKELTON). It is quality work.

Mr. Chairman, I rise in strong support of H.R. 4546; the Bob Stump National Defense Authorization Act for Fiscal Year 2003.

America is at war, our military personnel are in harm's way, and our Nation is facing dangerous and difficult threats.

September 11, 2001, now marks the most lethal single attack on the United States in our Nation's history.

The Bob Stump National Defense Authorization Act demonstrates strong bipartisan commitment to America's soldiers, sailors, airmen, and Marines who are fighting the global war against terrorism.

President George W. Bush stated and I quote,

Nothing is more important than the national security of our country, nothing is more important. So nothing is more important than our defense budget.

I strong agree.

This National Defense Authorization Act goes beyond the President's request to improve homeland security, support U.S. service members, and increase military readiness and modernization.

It is fitting that this Defense Authorization Act; the largest real increase to defense

spending since 1966; be named after my good friend, Chairman BOB STUMP.

I have had the privilege of working along side BOB, and the opportunity to witness his steadfast support of our Nation's military. We share the same values and beliefs; duty, honor, courage, and commitment to God, country, family, and our fellow man. His leadership will be missed.

Equally fitting is the support H.R. 4546 provides to addressing the needs of the National Guard and Reserves.

Today, there are over 80,000 Reservists and National Guard personnel on active duty from 50 States, the District of Columbia, and Puerto Rico supporting the global war on terrorism. They are a critical component of the total force and vital for our homeland's security.

On behalf of Congressman TAYLOR and myself as cochairs of the National Guard & Reserve Components Caucus, we extend our thanks to the subcommittee chairman and ranking members for their support to the National Guard and Reserves.

The National Guard and Reserve Components Caucus, representing 158 Members of Congress, has organized member support for legislative initiatives dealing with Reserve Components, operations, programs, and policies.

Now in its seventh year, the Reserve Components Caucus, has a proven history of working with and assisting the House Armed Services Committee.

H.R. 4546 goes a long way to support National Guard and Reserve personnel, readiness, modernization, and military construction.

National Guard and Reserve Force personnel strength is increased by adding more than 2,450 full-time military personnel to support the Army National Guard, Army Reserve, Air National Guard, and Air Force Reserve. Additionally, it increases Naval Reserve unit strength by 800 part-time military personnel.

H.R. 4546 also addresses significant personnel, compensation and benefits improvements including a minimum 4.1 percent pay raise for all active, National Guard, and Reserve personnel.

It extends the eligibility period for Selected Reservists' use of the Montgomery GI bill an additional 4 years.

H.R. 4546 also directs a comprehensive study of the rights, benefits and entitlements of Reservists and their dependents.

National Guard and Reserve quality of life improvements in this Defense Authorization Act also include over $510 million for military construction.

National Guard and Reserve Equipment requirements still reflect a $9 billion shortfall, however, H.R. 4546 provides over $470 million for Guard and Reserve equipment procurement above the President's Budget submission.

On behalf of the Reserve Components Caucus, I thank Chairman WELDON for his support in improving Guard and Reserve modernization.

This bill sends a strong signal to the world and recognizes the sacrifice and unselfish commitment of our service men and women in protecting America's cherished freedoms and liberties.

In short, this bill says to the American people that military service; active and reserve service, is critical for our Nation's security.

It is clearly another giant step in our continued efforts to improve quality of life, modernize the force, and improve readiness.

I urge my colleagues to support this bill.

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Mr. STUMP. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. PUTNAM).

Mr. PUTNAM. Mr. Chairman, I want to commend the gentleman from Arizona (Mr. STUMP) on the outstanding work that he has done to make America secure, but some of the rhetoric that I hear from the other side gives me pause and what comes to mind is how quickly we forget.

Some of the environmental concerns that have been raised are completely bogus, Mr. Chairman. When we have a situation where 16 or 17 miles of coastline cannot be used at Camp Pendleton, when we have a situation where soldiers have to draw a circle in the sand and stand there and pretend that it is a foxhole, we are not training our soldiers realistically. The success that we have seen in Afghanistan is the direct result of investment in training and personnel and in troops and in equipment. But that training cannot continue under the current environmental restrictions that we have.

This bill makes some commonsense reforms that allow our soldiers, sailors and airmen to prepare to wage and win war. I commend him for his leadership on this and his striking the delicate balance that recognizes the stewardship of the Department of Defense and the overarching mission that they have, which is to keep America secure.

For the past year, the Government Reform Committee has been investigating the growing number of restrictions, or encroachments, placed on training at military training ranges by environmental regulations, urban sprawl, international treaties and competition for limited airspace and frequency spectrum.

In May of last year the Government Reform Committee held it's first hearing on this issue titled ''Challenges to National Security: Constraints on Military Training''. In August of last year the Government Reform Committee on National Security, Veterans Affairs and International Relations, of which I am vice chairman, held a field hearing in my district at the Avon Park, Fl, Air Force Bombing Range to address the issue of military training range sustainability.

Our hearings have demonstrated that environmental regulations are among the most pervasive and burdensome constraints on military training. At a hearing last spring, for instance, the committee learned that 16 of 17 miles of coastland at Camp Pendleton, California, are off-limits for amphibious training due to a growing list of wildlife protections. Witnesses also testified that soldiers are not allowed to dig foxholes on some ranges, and instead must practice jumping onto circles marked with tape.

As the Defense Department has been forced to expand the amount of land set aside for protected species such as the fairy shrimp, the gnat-catcher, and the checker-spot butterfly, training lanes have become artificially narrow, Environmental laws and regulations have inhibited training at bases across the country and on the waters offshore. Fewer and fewer training areas are now available for realistic combat live-fire training.

When combat drills become predictable and repetitive, readiness declines. Our experience in Afghanistan has demonstrated that our success on the battlefield is directly related to the quality of our military training. We must ensure that well-intentioned environmental regulations do not lead to shortfalls on the proving ground that later become disasters on the battlefield. The changes proposed in H.R. 4546 are intended to save lives in real combat.

The issue is not readiness versus the environment. The issue is our commitment to our military men and women and their families. When we send our constituents or their sons, daughters, spouses, or parents into harm's way, we should do so only in the complete confidence that they are ready. They will only be ready if they are thoroughly and realistically trained. Our military men and women,and their families, have a right to expect that training, and we as a nation have an obligation to provide it.

H.R 4546 provides a common-sense change to laws that have overburdened the military and restricted training efforts. These are not broad waivers. There are no exemptions and no rolling back of decades of environmental law.

The committee mark is a good start, but more may need to be done. The current hair-trigger application of broadly defined environmental regulations has profoundly affected vital military research and development efforts as well. For example, a scientific study funded by the Pentagon showed that a new long-range, lower-frequency sonar designed to detect ultra-quiet enemy submarines would ''harass'' marine mammals under the existing definition. The Navy is now waiting for a letter of authorization from the Fisheries Service to allow use of the sonar. If the definition of harassment were changed, the Navy likely would have greater leeway in using the sonar without seeking permits or exposure to lawsuits.

The Navy should not need to get permits every time an aircraft carrier changes position and the military should not be exposed to lawsuits for allegedly ''annoying'' a marine mammal.

More than anything else, military readiness depends on realistic training. Constraints on military training and research are a growing challenge to our national security. To perform a constantly expanding range of missions—from peacekeeping to assaulting and holding a hostile beachhead—the men and women of our armed forces must train as they fight. They must train under conditions as much like the real thing as possible.

The issue is not readiness versus the environment. Our military men and women have all volunteered to go into harm's way—we owe it to them, and their families, to send them there trained to win. Training saves lives. In this time of war I urge my colleagues to make protecting the lives of our military men and women our highest priority. Supporting this legislation will do that. I urge passage of the bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I want to add my voice to the choir of opposition the National Defense Authorization Act of FY 2003. This bill provides appropriations for an increase in pay for our armed

services personnel, which I believe is very important for the security of our great Nation. However, I rise to oppose this legislation because it provides appropriations for an unproven ballistic missile defense. This is a flawed policy. If the United States was attacked by a long range nuclear missile, any feasible ballistic missile defense system would have less than 15 minutes to detect, track, and attempt to intercept the missile. Thus, this is a technologically daunting task. A top defense official has said that a successful U.S. missile defense system test, which was completed recently, did not realistically duplicate conditions of an actual attack. If our top military leaders think that this is a flawed policy, then we as elected officials should follow their recommendation.

The Defense Department has tested and retested this ballistic missile defense system, and each time the desired results have not been achieved. But yet, The President wants to continue funding this flawed policy. Therefore, I want to strongly support the Tierney amendment, which states that no funds for FY 2003 for the Department of Defense may be used for space-based national missile defense programs.

Additionally, I also strongly support Congressman MARKEY's amendment, which prohibits the use of funds to develop and test a nuclear earth penetrator weapon and also prohibits the use of funds in fiscal year 2003 for a feasibility study of a nuclear earth penetrator weapon.

In almost every case, post-test doubts regarding missile defense have been raised. Critics have charged that test results over the past two decades have been exaggerated by false claims of success and promises of performance that later proved false. Many tests were proven to have had their targets significantly enhanced to ensure the likelihood of success.

Furthermore, kinetic kill as a concept for destroying long-range ballistic missiles is even more problematic at this stage. There is no empirical evidence to support the contention that kinetic kill for ICBM defense will work. Despite the prowess of American technology, there are no quick, cheap or easy solutions in missile defense. Therefore, we should allocate funds for more pressing defense needs and spend our funds on systems that work and will enhance real security for all Americans.

Mr. STARK. Mr. Chairman, I rise in strong opposition to this Defense authorization bill. With the President's war on terrorism continuing and with budget deficits rising, why are we spending money on so many unnecessary programs? Just yesterday the administration admitted that some of these programs are no longer necessary, yet the Republican leadership would rather waste billions of dollars on defense projects that keep defense contractors swimming in money.

Earlier this week, I submitted an amendment to this bill that would have cut the $475 million to further research and develop the Crusader mobile howitzer project. Unfortunately, the Republicans refused to allow this amendment to be considered on the House floor. These Republicans are more interested in looking like they are strong on defense than they are in funding projects that can actually be used to defend our country. Even the Department of Defense has said it doesn't want the Crusader. If you don't believe me, look at the front page of today's Washington Post: Defense Secretary Rumsfeld says, ''We are going to cancel the Crusader.'' Rather than falling in line behind President Bush, as they have on virtually every other initiative proposed by this administration, the Republican leadership wouldn't even allow a debate about this program.

Why do I agree with the administration on a defense project? Let's look at some details. To date, we have spent $3.5 billion on an artillery system that doesn't have a prototype, fails to meet the operability requirements of the army, and would cost another $11 billion if we decided to purchase the system. Fully loaded, the Crusader weighs over 80 tons, so heavy that only the largest cargo plane we have could carry it, and just one at a time! Finally, howitzers like the Crusader are outdated weapons of warfare that are really only effective against large massed armies, such as those that were maintained by the former Soviet Union. There are few armies left in the world who use such WWII era tactics, and if in the future we happen to need these weapons again, the GAO has found that we can either upgrade the existing Paladin howitzer or purchase a German made system that fits the operational requirements of the Crusader.

But the Crusader is not the only program that shouldn't be funded in this bill. This bill also authorizes continued funding of the F–22, the Joint Strike Fighter, and an upgraded version of the F/A 18. With the upgrades of our existing F–15s and F–16s, our Air Force has air-superiority over any existing air force. While some argue that we need upgraded fighter aircraft to counteract improvements in surface to air defense systems, do we really need three different planes? The cost savings of just going with one of these systems instead of three would be astronomical. Not only would we stop throwing billions more dollars at defense contractors, we would save billions more by not having to purchase parts for three different planes and to hire three different sets of mechanics to service them. Finally, cutting these extraneous programs will further integrate our armed forces, a goal specifically mentioned by Secretary Rumsfeld in his speech at the Pentagon yesterday.

This bill spends too much money on programs that will do nothing to protect our citizens. Instead, it lines the pockets of defense contractors and sends our nation's financial health into further disarray. In the interest of national defense and fiscal security, I am voting against this bill and urge my colleagues to do the same.

Mr. BLUMENAUER. Mr. Chairman, there is no function of our national government more fundamental than defense of the Nation. Today, our national defense is more important than ever, and with this authorization bill, we are spending more on national defense than ever. In fact, the $393 billion this bill authorizes means the United States will be spending more on our military than do the next 25 nations combined.

There is no question this bill spends enough to do the job. The question is whether the money is being spent in ways that will do the right job. There is a great debate abroad in the land about the nature of the threats our Nation faces, and the best approaches to dealing with those threats. There is a robust discussion about honoring our responsibilities to those who have served this country; about the responsibility of the military, like the rest of the Federal Government, to play by the rules this Congress has established; and about the military's duty to clean up after itself by returning the lands it no longer needs to productive use for America.

However, that discussion and debate is not occurring in this House. The leadership has so tightly managed the rule for debate on this measure that the House will authorize the largest increase in defense spending since 1966.

We have failed our duty to the people to ask and answer the most fundamental questions: what unnecessary, wasteful systems and programs should be eliminated from this bill because they do nothing to enhance the security of the United States? What should be added in their place, to ensure that we uphold our duty to those who have served and ensure that we strengthen America with our defense investments?

On the first question, the answer is clear. We need to right-size the military for the security needs of the United States today. Unfortunately, in this $393 billion, there is too much money being spent on the wrong stuff.

Three examples, of many, should suffice to make the point. First, we should not be continuing to fund three tactical aircraft programs concurrently at a time when we have the preeminent fighter jet in the world—the F–15.

Second, the bill contains $7.8 billion for missile defense, including funding for initial deployment of a national missile defense system based in Alaska. We should be alarmed that we are not taking the time as a nation to have a thoughtful dialogue on all the potential ramifications of a national missile defense system before rushing ahead with deployment. Since President Ronald Reagan's famous 1983 ''Star Wars'' speech, the United States has spent roughly $100 billion on ballistic missile defenses. We should not be throwing good money after bad. September 11 showed us that there are many threats that are more realistic than that of a ballistic missile streaking across the ocean to land on our shores.

The third is perhaps the most outrageous example. Yesterday, Secretary of Defense Rumsfeld informed members of Congress of his decision to cancel the $11 billion Crusader program. This is a weapons system that Napolean would have loved that was designed for a war from an age long past.

The Army plans to create a mobile force capable of being deployed anywhere in the world in 96 hours, but the Crusader Mobile Howitzer is still too heavy to be lifted by any transport aircraft in our fleet. Neither of the two largest military cargo transports in operation—the C–5 and the C–17—is capable of carrying a complete Crusader. The weapon's designers say they have reduced the total weight of the system from 90 tons to ''only'' 73, but that was accomplished by removing the fuel and ammunition.

The Congressional Budget Office recommends killing the Crusader and purchasing a suitable alternative. The General Accounting Office has identified a German-made howitzer as a viable alternative to the Crusader. According to CBO, acquiring this off-the-shelf weapon would save $6.7 billion over 10 years.

The Crusader is more suitable for fighting Adolf Hitler than meeting the challenges of today. As one Bush adviser remarked, ''Why would you buy the same artillery pieces that

Napoleon would understand? It's all Industrial Age equipment.''

I submitted amendments to the Rules Committee to transfer funds from the Crusader to the cleanup of unexploded ordnance (UXO). These amendments would have supported Secretary Rumsfeld's decision on the Crusader and addressed a serious problem for the military, UXO, which is both a long-term liability and a short-term operational and public relations nightmare.

In addition to these examples of unwise and wasteful expenditure, this bill authorizes unnecessary and destructive waivers of important environmental protections essential to Americans' health and the health of America's land and water. During my time in Congress, I have worked to compel the Federal Government to lead by example. This bill goes against everything I have been working toward. If we exempt the largest landowner in the country from environmental regulations, how can we expect anyone else to follow our laws?

The Department of Defense wants to exempt itself from many environmental laws. This is an important decision, and should involve debate and consideration by all stakeholders. Unfortunately, the Department and their congressional supporters have circumvented the committee process to give us the provisions in this bill.

This bill contains sweeping new exemptions for activities under the Endangered Species Act, the Migratory Bird Treaty Act, and the Wilderness Act, important environmental protections that took years and much debate to put in place. This action should at least warrant a debate in the relevant committees. I am also disappointed that the rule on this bill does not even allow for discussion of these significant environmental exemptions.

No one will argue that the U.S. military does not provide an important service, and that its ability to operate is imperative. However, in preparing itself to protect this country, the Department of Defense should not be allowed to destroy the environment that American public cherishes and the clean and healthy communities that it demands.

The second question we should have more productively discussed in this House is what we could better have done with the enormous resources committed by this legislation. One answer is to better provide for the needs of those who have served our country. Our priorities should include funding concurrent receipts, which enable retirees who were injured in the line of duty to receive both their deserved retirement pay and disability payments. That is the number one issue I hear about from military retirees in my district. I am pleased that this bill starts that process by compensating retirees who are 60 percent or greater disabled, but I firmly believe we could have done more.

A second example, a special area of interest to me and one that has been neglected by all of us for too long, is unexploded ordance. For 2 years now, I have been pursuing remedies to the problem of unexploded ordnance—the bombs and other munitions that didn't go off as intended and are subsequently buried or litter the landscape. There are some 2,000 former military properties in every state and nearly every congressional district where these hidden dangers lurk. This is a prime example of the need for the Federal Government to be a better partner and clean up after itself.

Last year, we succeeded in requiring a prioritized nationwide inventory of UXO-contaminated sites. This year's directs the Department of Defense to designate a single point of contact for UXO. That authority may be delegated no further than the Under Secretary of one of the military departments. In addition, this bill contains language calling for an independent advisory and review panel for UXO matters. All of these provisions are part of the legislation Representative RILEY and I introduced last year, the Ordnance and Explosive Risk Management Act (H.R. 2605).

The Defense Department has put forward a preliminary estimated cost-to-complete of $15 billion for munitions response at Formerly Used Defense Sites. Neutral observers say this cost could in fact run into the hundreds of billions of dollars. At the FY03 proposed funding level of $70 million, it will take 200 years to complete the job, even accepting the low DOD cost estimate. It is more realistic to assume costs over a hundred billion dollars and more than a thousand years to finish the job. The delay is absolutely unacceptable for the environment and the American people.

Those 2,000 sites are at locations nationwide, including Spring Valley right here in the District of Columbia which has munitions remnants left over from World War I weapons testing, and Five Points Outlying Field in Arlington, TX, where people in a new housing development are finding live ordnance in their gardens.

These sites are a legacy of past military activities; it is our nation's responsibility to clean them up. They not only constitute an environmental hazard; documentation has been found detailing at least 65 deaths in this country by accidents with UXO.

We are all profoundly aware of the broader implications of UXO across the globe. As we address the problem at home, we have the potential of sharing our technology and helping to solve UXO problems around the world. Placing greater emphasis on the problem of UXO and focusing a small portion of federal defense spending on it can truly have a transformational effect on the cleanup of tens of millions of acres in the United States. Such action can also impact the development and deployment of new technologies that will save millions of innocent civilians from death and dismemberment in some of the most distressed areas of the world.

There is much that we could do to strengthen and better protect America with the enormous resources authorized in this bill. There are many things authorized in this bill that threaten Americans' health and safety or waste tax dollars with no benefit to our country. We must do better in shaping our Nation's defense policy.

I vote ''no.''

Mr. JEFF MILLER of Florida. Mr. Chairman, I rise today in support of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, H.R. 4546.

Mr. Chairman, yesterday, in Pensacola, FL, the Navy suffered an air training accident whereby seven military and civilian contractor personnel are missing at sea. And while the search continues, and we pray for a successful recovery, this event is a reminder of the risks our uniformed men and women endure—either at home or away. I believe this legislation does much to honor and reward military service and I am proud to be a member of the House Armed Services Committee and proud to have contributed to the work before us.

Mr. Chairman, this legislation remedies a wrong, long committed against our retired military veterans. By providing $5.58 billion, over 5 years, toward retiree benefits, H.R. 4546 begins full concurrent receipt for veterans suffering from a disabled rating 60 percent or greater. These individuals, who have given decades of their life, serving this great country, will begin to receive their earned retired pay along with their earned disability pay.

This agreement builds upon the work of many people, the least not the veterans who walk these halls, write letters or otherwise make the effort to contact their Member of Congress. Due to the meticulous work of the budget committee, the requirement to have a full budget offset is no longer needed. Additionally, this legislation eliminates a stipulation that disability claims must be made within four years of military separation, effectively enacting my bill, H.R. 3620.

Navy training, an important function in my district, is supported in this bill by the authorization of 10 additional Joint Primary Air Training Systems, also known as JPATS. The Navy and Air Force will sue this system, consisting of both the T–6A aircraft and a ground-based training system, for primary pilot training. The T–6A will replace both the Navy's T–34 and Air Force's T–37B fleets, providing safer, more economical and more effective training for future student pilots.

Mr. Chairman, in closing I would like to thank Chairman STUMP for his service to this committee, to the men and women in uniform and to his country. It is my honor to have had the opportunity to serve under his leadership.

Mr. SIMMONS. Mr. Chairman, I rise in support of H.R. 4546, the Bob Stump National Defense Act of Fiscal Year 2003 and I ask my colleagues to support this important legislation.

Mr. Chairman, September 11 highlighted the fact that our military must remain the best trained and best equipped in the world. Our ability to stage Operation Enduring Freedom in South Asia is not the result of anything that happened since the attacks but are a result of years of training and management, tens of thousands of man-hours of research and development, and billions of dollars in testing and manufacturing. The defense budget pays not only for the fuel, munitions, and soldiers' salaries, but it pays for the investment in the weapons needed to fight and win the wars of the future, against any potential enemy in any part of the world.

For over 13 years, we have downsized our military because of cuts in our defense budget. We have decommissioned vessels rather than upgrade them and retired aircraft rather than build new ones. Our military was asked to do more with less. Our servicemen and women were asked to do more with less. We closed bases and gave up training areas, both irreversible and in many cases at great cost. It is no wonder that several years ago our soldiers and airmen began to leave the services in record numbers.

This strong and bipartisan legislation addresses many of these issues and reverses the trend of years past. It looks forward to the challenges of the future. this bill contains a 4.1 percent increase in basic pay with additional increases for mid-grade and senior noncommissioned officers and mid-grade officers.

It also works to honor the commitment our nation has to its veterans by eliminating current law provisions that cause military retirees who are eligible for veteran's disability compensation to have their retirement pay reduced. Veterans who are 60 percent or greater disabled will begin to receive concurrent pay phased in fully by 2007. As a veteran and having spent 30 years as an Army Reservist, I know that investments in our people are as important as any other aspect of our national defense.

This bill also addresses security and quality of life issues. It conveys almost $8.0 million to the Naval Submarine Base in Groton for base security; and $24 million for a 100 units of Navy housing for personnel and their families. This is a wise investment for the future.

Mr. Chairman, I have the privilege of representing the Second District of Connecticut here in Congress. The ''Submarine Capital of the World,'' Groton, is in my district. For over a century, designers and manufacturers in Groton have built submarines. Our nuclear ''silent service'' is made up of the most sophisticated and complex systems ever created by man. In the 1980s, workers in my district built on average over 5 submarines a year, establishing American dominance of the seas around the world and providing the backbone of our strategic nuclear deterrence with the *Trident*-class ballistic missile submarines. My district also is home to an assembly plant for military aircraft engines that power the aircraft that make our air force second to none in the world. Just as important are hundreds of competitive small businesses and high-tech firms that keep our military on the cutting edge.

While I worked for a higher level of procurement funding, I am satisfied with what this bill does for our military and what it does for the State of Connecticut. Connecticut fares especially well with the procurement provisions authorizing funds for another Virginia class submarine, the *Trident* Class to SSGN conversion program, additional engine modifications of F–15s, and F–16 fighter aircraft, and the acquisition of thirty-nine H–60 variant helicopters for the National Guard and Navy. Important research programs at University of Connecticut will continue to bring new technology to the warfighter, and better equipment and medicine to assist and protect our troops in the field.

I am also pleased with the language in the bill that authorizes the Department of Defense, pending settlement of an outstanding legal case, to enter into a multiyear contract for the procurement of *Virginia* Class nuclear attack submarines. Using modern and innovative design and manufacturing techniques, the *Virginia* Class submarine program is using methods and processes that are likely to make it a model for future large-system acquisition programs. Multiyear procurement promises to save both jobs and taxpayer dollars.

Mr. Chairman, testimony received by the House Armed Services committee by both the Secretary of the Navy, the Chief of Naval Operations, other DOD officials and respected defense analysts have warned us of the impending force structure problem we are heading as our submarines begin to reach the end of their service lives or require refueling overhauls. Without increasing the procurement rate to two per year, our submarine force will not meet the mission and operational requirements determined as necessary by our military. Carrier and amphibious groups will not have the required protection and firepower of our submarine fleet. The smartest and most cost-effective way to rebuild our submarine force is multiyear contracting. It is good for the workforce, it is good for the taxpayer, and it is good for our men and women in the military.

Mr. Chairman, this bill is a well-crafted bill to meet many of the needs of our military. I urge my colleagues to support the bill.

Mr. SOUDER. Mr. Chairman, I rise in support of this legislation and wanted to briefly comment as one of the Chairs of the Speaker's Task Force on a Drug Free America and chairman of the Drug Policy Subcommittee on the counterdrug provisions of the bill.

First, I want to commend the Armed Services Committee for its work on the bill and support for counterdrug programs. The Department of Defense plays a critical role in our nation's efforts to keep drugs off our streets, particularly with respect to interdiction programs in narcotics source and transit zones in the Caribbean and South America and in providing training and resources to our allies. There has been concern that the Department intended to substantially reduce its support for these programs, and I very much want to thank the committee for its continued careful attention to ensure that the Defense Department continues its important involvement. My subcommittee and the Speaker's Task Force will continue to follow this carefully, and we look forward to continuing to work with the Department and the Committee.

Second, I wanted to emphasize and associate myself with the guidance contained in the committee's report on this bill with respect to narcotics in Afghanistan. John Walters, the Director of the Office of National Drug Control Policy, recently stated in an interview that our military involvement in Afghanistan has given us the first meaningful opportunity to address the global heroin trade. Ninety percent of the world supply of heroin is grown in Afghanistan, and this huge supply inevitably affects the entire world market. I am concerned at public reports and briefings obtained by my staff which suggest that the Defense Department and the Central Command have been unwilling to participate vigorously in drug interdiction and eradication efforts.

While I agree that the protection of our forces must be the paramount concern, it also seems apparent that the Defense Department can make some important contributions not only to drug eradication, but also to the military goal of cutting off the source of economic support for potential enemies. As we know, the Taliban received substantial financial support from the drug trade. It makes no sense to leave as potentially lucrative a source of funding for future terrorists as the poppy crop in Afghanistan.

I also want to support the committee's report language on this issue with respect to targeting. It expressed concern with the lack of targeting of opium storage facilities in Afghanistan that were identified early in the conduct of Operation Enduring Freedom. The committee shared our understanding that U.S. Central Command had deemed that opium in any form did not constitute a credible military target. I agree strongly with its conclusion that the Department of Defense should review and revise its policy in this regard to ensure that such targets are properly prosecuted in Afghanistan and any future conflicts.

Mr. Chairman, the Department of Defense must continue to play an active role in our drug control efforts, particularly in Afghanistan, and I hope that this bill will encourage it to do so.

Mr. BRADY of Pennsylvania. Mr. Chairman, I rise to support the FY03 Bob Stump National Defense Authorization Act and appreciate all the hard work my colleagues and my chairman did to produce a bill in support of our national defense.

One area of particular concern for me is the Maritime Administration's Title XI Vessel Loan Guarantee Program. I am pleased to see that we have decided to authorize $50 million to continue this valuable program, which sustains our national shipbuilding industrial base by supporting commercial shipbuilding. This is necessary in the face of foreign competition and subsidies and is good for all U.S. shipyards, large and small. In addition, this will also serve to maintain a skilled labor force critical to our defense industrial base.

I note that the committee expects that the Maritime Administration will place a priority on providing loan guarantees under the Title XI Ship Loan Guarantee Program for the construction of commercially viable vessels that are militarily useful, such as for highspeed sealift, or that meet specific requirements of Federal law, such as the requirement for double-hull tankers. These types of commercial projects would be the highest priority for continuing this program. There are many laudable projects, including the FastShip project in my congressional district, which should be supported by the Department of Defense and the Department of Transportation. Military useful projects, like FastShip, have always been a key element of the Title XI program. Highspeed sealift vessels are particularly important in light of the modern military's need for rapid logistical support.

I urge the Maritime Administration to fairly consider these projects for which applications have been filed so that these shipbuilding projects can go forward in our U.S. shipyards and built by our skilled American labor force. The Maritime Administration must consider all both the commercial and the military benefits of these projects by fairly and fully reviewing all available documents on current and future applications. The Maritime Administration is obligated to ensure the strength of our national security through the support of a strong merchant marine.

Finally, I would like to thank Chairman BOB STUMP for all his years of service to our country and for his hard work on this important bill. It has been an honor to serve with him and I am proud to call him my chairman. I urge all my colleagues to join me in supporting this bill and the Title XI vessel loan guarantee authorization.

Ms. LEE. Mr. Chairman, I rise in opposition to this bill.

Now more than ever, it is clear that cold war era thinking will not meet the security needs of today. But it is cold war thinking that continues to fuel our defense budget.

It is misguided thinking that seeks to put the United States back on the path toward renewed nuclear testing, when instead we would all be made safer if we would work toward nuclear nonproliferation.

It is misguided thinking that seeks to spend billions on the Crusader, a weapons system that the Secretary of State himself does not want, when we have so many profound needs here at home.

It is misguided thinking that seeks to allow the Department of Defense to ignore our existing environmental laws. The American public doesn't want fewer environmental protections. They want more.

It is misguided thinking to underfund important programs to destroy chemical weapons in Russia.

And, it is misguided thinking that pours billions into a missile defense system that we are rushing to deploy without fully considering either the enormous technical problems or the serious international repercussions.

As we abandon treaties and international agreements, we work against our own best interests by spurring on nuclear arms races and undermining proliferation and cooperation efforts.

I urge you, then, to oppose another $7.8 billion for missile defense and to oppose this bill.

Mr. SPRATT. Mr. Chairman, I support this bill, but I think an admonition about the budget is in order. We actually have one bill before us, while holding another in abeyance. The President requested a total of $396 billion for national security, primarily for the Department of Defense (DoD) and the nuclear weapons program run by the Department of Energy (DoE). The President asked us to set aside $10 billion of the DoD budget as a ''war reserve'' for actions in Afghanistan and elsewhere in the war on terrorism. For DoD, he requested a total of $379 billion, of which $10 billion is for the war reserve and $369 billion is the regular request.

There are two reasons for keeping separate the $10 billion request. One is to earmark funds for the war on terrorism, the other is not to merge into the base budget funding that may be non-recurring.

One of the bills approved by the House Armed Services Committee authorizes $3.8 billion, which is to be drawn from the $10 billion war reserve. But the $3.8 billion we are authorizing is actually part of the regular $369 billion request. In the main bill, we are authorizing DoD activities at the $369 billion level, but since $3.8 billion of the regular request is now being provided for in the other bill, we have $3.8 billion more in the main bill to be used for ships and other procurement needs, research and development, and member-interest items.

Here are the problems with this approach. One, we are actually authorizing $3.8 billion more than the President requested for regular DoD appropriations, and DoD will eventually need that money for the war on terrorism. I met with the DoD Comptroller, Secretary Zakheim, and he acknowledged that while the $10 billion war reserve was a good faith effort to account for the likely budgetary effect of the war, it is a low-ball estimate. So, if we use $3.8 billion of the $10 billion reserve for regular items, we will have to make up the $3.8 billion by adding that amount to the supplementals that are likely to come later to fully fund the war on terrorism. If the appropriators follow our lead, we will spend $3.8 billion more on defense than the President has requested, and add $3.8 billion more to the deficit and national debt.

Second, what happens if the appropriators do not follow suit, or if they are not allowed to do so by the House leadership? Then, we will have $3.8 billion in hollow BA (Budget Authority). We will authorize $3.8 billion worth of items that never get appropriated. This is not an idle concern because the White House and the Speaker are both resisting efforts by the Appropriations Committee to take up this $3.8 billion shift.

Another shift of funds comes in the military personnel account. This account is reduced by $810 million, and the money is shifted to other purposes. The DoD actuaries are likely in the next month to conclude that the military personnel budget overestimates the accrual payment for the Tricare-for-Life program. This is a program this committee established, and along with it, we instituted the accrual system to make sure the costs of this program are accounted for over the long term. If the actuaries do reduce it by that amount, the effect is minimal. But what if they reduce it by only $400 million? Then we will be shorting the military personnel accounts by $410 million, unless we shift the money back from the items to which it is transferred.

Committee staff asked DoD for a likely estimate of this adjustment and took the high end of the range indicated by DoD. If the actuaries come in lower, the adjustments will have to be made. Certain items now funded will have to be de-funded or cut. Congress should not get in the habit of trying to jump ahead of actuarial estimates in order to find savings to be used for other items.

There is a widespread sentiment that DoD needs more funding, even though the President's request for next year is the largest increase in twenty years. I share the sentiment, but question quite a few of the allocations in this bill. For example, if we took $70,000,000 out of projects like the space-based kinetic interceptor (on which we have spent millions already, to no avail), we could buy 24 PAC–3s and lower the purchase cost from $6.5 to $5.6 million per missile. The PAC–3 is the only missile defense system that we will deploy in the next five years, and it is a theater system, where the threat is clear and present. With only 20 PAC–3s deployed, and 72 in process of being procured, 24 additional PAC–3's could make a major difference to the defense of our troops in some conceivable scenarios in the very near future. Moving from the tactical to the strategic. I have long been concerned that we are under-funding the DOE's nuclear complex both for stockpile stewardship and environmental cleanup. The bill we are reporting does little to address these important areas.

I have always supported a strong defense, but we should bear in mind that our economy is the first instrument of our national defense. The federal budget constitutes 20 percent of our economy and has a great impact on it, as we saw during the 1990s. Each year for eight years, we reduced the budget deficit and then moved the budget into surplus; and every year for 120 straight months, the economy grew. In passing this bill, we take the first step in a defense budget that will cost $557 billion more than inflation over the next ten years. I recognize the need and the primacy we must give the defense of our country, and I do not think that we can be stinting about the cost of our war against terrorism. But I am concerned as to whether we can sustain over the long run all that we are supporting in this bill.

As we pass the bill authorizing a $48 billion increase in defense, the budget overall is moving toward a unified deficit of $150 billion this year. In other words, the federal budget in fiscal year 2002 will borrow and spend all of the Medicare surplus, all of the Social Security surplus, and still need to borrow $150 billion more. Revenue collections this year are lagging last year by $130 billion. For the first time since 1995, the Treasury must borrow money to make it through the first calendar quarter of 2002. These signs are all the more ominous when we remember that the first of 77 million baby boomers will retire in 2008; and when all are retired, the number of beneficiaries on Social Security and Medicare will double.

I agree that the defense budget takes precedence for now, but the federal budget has a rendez-vous with destiny that we cannot dodge. By shifting regular DoD funds to the war reserve and second-guessing actuarial payments, the bill we report sets precedents that I am not eager to establish, and it begs a big question: for how long can we sustain what we have started?

Mr. UDALL of New Mexico. Mr. Chairman today, the House is considering H.R. 4546, the Defense Authorization Act for Fiscal Year 2003. At a time when the men and women of our armed forces are spread across the globe defending our nation and helping to combat terrorism, this is a critically important piece of legislation that deserves to have a full debate on a wide range of issues that affect our fighting men and women and will determine how we defend America in the 21st Century.

Unfortunately, Mr. Chairman, the majority has once again rigged the system to prevent the minority from offering the American people a real debate on these critically important issues. Even more unfortunately, Mr. Chairman, is the sad fact that I'm not really surprised any more when the majority presents us with so few choices. This isn't the first time we've had sham rules on the floor, and most certainly, it won't be the last. Repeatedly, we are given fewer opportunities to offer amendments on the important legislation.

Mr. Chairman, today, once again I am saddened that the majority has prevented us from offering important amendments to improve this bill on a wide range of issues.

We won't have a real debate on whether or not we should change our national nuclear policy. I find it amazing that the Administration seems to be steering our nation towards expanding nuclear weapons, and we seem to be allowing this without any debate.

We also don't have a chance to debate the impact this legislation will have on the environment. We won't debate the Administration's attempt to gut our national environmental protection laws by exempting the Department of Defense from the Migratory Bird and Endangered Species Acts and by waiving protections found in the Wilderness Act.

As many of my colleagues have stated, these issues and many others are of such national significance, it's unconscionable that we aren't having an open and fair debate on them. This sorry excuse for a Rule provided for by the majority is patently unfair. And it's patently undemocratic.

These issues are too important to allow the majority to gag us once again.

Mr. YOUNG of Alaska. Mr. Chairman, I would like to speak briefly on section 312 which says that an approved Integrated Natural Resource Management Plan (INRMP) that addresses the conservation needs of listed threatened or endangered species obviates the need to designate critical habitat under the Endangered Species Act. I would like to remind my colleagues of congressional intent

and statutory direction when we established INRMPs in the 1997 Amendments to the Sikes Act.

I strongly believe that we need to provide our men and women being sent ''in harm's way'' the most thorough and realistic readiness training as possible on our military installations. Let me also express my firm belief that military preparedness and sound stewardship of our natural resources, is not mutually exclusive, they are mutually beneficial. Appropriate land and natural resource management of our installations provides not only for sustainable use for military readiness, but for conservation of our natural resources on public lands under military department jurisdiction. This is the underlying philosophy of the amendments I sponsored to the Sikes Act in 1997 that directed the Secretary of Defense to prepare and implement INRMP's in cooperation with the U.S. Fish and Wildlife Service and respective State fish and wildlife agencies.

Specifically, the Sikes Act directs the Secretary of each military department to prepare and implement an INRMP for each military installation in the United States under the jurisdiction of the Secretary of Defense unless the Secretary determines that the absence of significant natural resources on a particular installation makes preparation of such a plan inappropriate. Section 670a(a)(2) directs that each INRMP shall be prepared ''in cooperation'' with the Secretary of the Interior, acting through the Director of the Fish and Wildlife Service, and with the head of each appropriate State fish and wildlife agency for the State in which the military installation is located. This section further provides that the resulting INRMP for the military installation ''shall reflect the mutual agreement of the parties concerning conservation, protection and management of fish and wildlife resources.''

I understand that DOD has, in practice, not always involved the other statutory parties in development of an INRMP at an early stage, but instead sought their concurrence to a completed draft. While such a policy might comport with the statutory direction as to ''mutual agreement of the parties,'' it does not comport with the ''preparation in cooperation with'' directive. Cooperation of the statutory parties, begun at the earliest stages of development of an INRMP, is the contemplation of the statute. Such cooperation should go far to reconcile potential differences, and I would like to remind the Department of Defense that we expect the process explicitly contemplated in the Sikes Act to be undertaken by the Department. While there are exemplary INRMPs reflecting this sincere level of involvement, the Department needs to re-commit itself to Congress' direction in the 1997 amendments to the Sikes Act by involving all three parties at the beginning, during development, and during implementation of INRMPs. Consensus building and problem solving throughout the process will most likely facilitate the ''mutual agreement'' required by the statute of the three parties.

Finally, I would like to express my strong concerns about the evolution of environmental management practices. I'm strongly against INRMPs becoming something like the environmental impact studies that are required today. Today, EIS documents have become a black hole of time, money and bureaucracy. EIS documents were once two-page documents of environmental consequences. Now EIS documents are thousands of pages long, cost millions of dollars and take years to prepare. Even when good faith efforts have been made to address the minutiae of endless environmental issues in the EIS process, the documents are often subject to litigation, being overturned or disregarded. I want to make it very clear that the creation of the INRMPs where not intended to become a continual EIS process, or as a justification for endless studies on environmental stewardship and management.

PROPOSAL FOR WESTERN ALASKA WORKFORCE DEVELOPMENT

1. Contact Information—a. Alaska Contact: Wendy Redman, University of Alaska, Box 755000, Fairbanks, Alaska 99775.

b. Congressional Office Contact: Ann Gibson, Congressman Don Young's Office, 2111 Rayburn, Washington, DC 20515, 225–5765.

2. Describe the organization's main activities and whether it is a public, private or non-profit entity. The University of Alaska is Alaska's land grant postsecondary institution and the largest public post-secondary institution in the state.

3. A brief description of the proposal: This is a proposal to continue workforce training in an area of Alaska economically devastated by the failure of the salmon industry. The training effort is to re-train former fisheries workers in other fields where there is employment available. The training areas are office occupations, construction, computer repair and nursing assistants.

The primary private economic base in Western Alaska was the salmon fishery. Beginning several years ago, the salmon runs have failed to materialize leaving a dire economic situation. This program is to train workers in new areas and lift their dependence from public assistance.

4. Project costs: The request is for $2.5 million which is all for training equipment, instructors and student stipends.

5. Other funding sources: The University of Alaska contributes approximately $500,000 to the existing training.

6. Federal funding sources: The program did not receive federal funding in FY02.

7. National significance: This program addresses the federal responsibilities when a disaster occurs to assist in economic recovery. It accomplishes this by training workers in new fields where there is employment. The program could be a model for other areas of the nation experiencing similar economic devastation, particularly rural areas.

Mr. ABERCROMBIE. Mr. Chairman, although I am disappointed in the rule before this body, I rise in strong support of the National Defense Authorization Act for Fiscal Year 2003, and urge my colleagues to support this important measure. I deeply regret the decision of the Rules Committee to prohibit several critical amendments from being considered here today.

I would first like to recognize our committee leadership, Chairman STUMP and Ranking Member SKELTON, for the bipartisan bill they have crafted to address the immediate needs of our Armed Forces. Our committee has a long tradition of working across party lines to ensure the readiness and well-being of our Armed Forces, and I am greatly pleased to have participated in yet another cooperative effort with my Armed Services colleagues.

We all know that Chairman STUMP has announced this intention to retire at the end of this Congress. His steadfast leadership, acknowledged in the title of this bill, will be missed, and I know that the entire House wishes him the best of luck in the future.

I would also like to commend my very good friend, JIM SAXTON, Chairman of the Military Installations and Facilities Subcommittee, whom I have been so fortunate to work closely with, both on Armed Services and the Resources Committees. His sincere concern for the quality of life of our troops, as well as his truly bipartisan, cooperative leadership, have guaranteed an equitable bill that directly answers the pressing needs for our military infrastructure.

I would like to thank the committee staff for their tireless work and invaluable expertise. These professionals have been working day in and day out, weekends included, for the past two months, to put together the best bill possible. I would especially like to thank the Military Installations and Facilities Subcommittee professional staff, George Withers and Tom Hawley. No subcommittee is better served than ours with dedicated, smart, and consummate staff.

As ranking member of the Military Installations and Facilities Subcommittee, I am especially concerned about the effect this bill will have on our military housing and infrastructure. Our Subcommittee labored hard to compensate for an anemic construction budget proposed by the President—a budget $1.7 billion lower than that put forward last year. From this highly unsatisfactory starting point, our Subcommittee added $425 million to fund projects vital to the Services. An ongoing campaign against global terrorism is not an excuse to abandon our campaign against substandard facilities and housing. Funding for military construction must match the rhetoric; otherwise, we will lose the battle for quality people willing to serve. Our people, and their living and working conditions, must continue to be our number one priority.

Given the military's current operational tempo, it is imperative that we show our appreciation for those who volunteer to go in harm's way. These men and women pledge to support and defend American democracy, both at home and abroad, often at great personal sacrifice and for significant periods of time. We owe it to them, and to their families, to keep our promise of increased safety and morale in the home and in the workplace.

In pursuit of such a goal, this bill authorizes $678.4 million—$17.7 million more than the President's request—for construction and improvement of 3,447 family housing units and the privatization of over 30,000 units. Privatization authorities, extended in last year's defense bill, provide our military accelerated opportunities to renovate and build vastly improved family housing developments with private sector capital and I applaud the continuation of this important program. Our committee also included $1.2 billion for construction of 49 new barracks and dormitories in the FY03 authorization and $8.6 million in H.R. 4547, the Cost of War Against Terrorism Authorization Act, for unaccompanied personnel housing in Qatar. Once again, attention to the living conditions of our single soldiers, sailors, airmen, and Marines has been a high priority for our committee, and I sincerely hope that we can bring all of our barracks up to the same excellent standard set by the Army's Whole Barracks Renewal at Schofield Barracks, Hawaii. I am especially pleased to note the $17.6 million provided to build Child Development Centers. This represents funding for four such

centers, $6.9 million and one more than recommended by the President's budget, and acknowledges the emphasis this Congress and the military places on the needs of service members with children. Military couples and single parents alike benefit when the military recognizes their specific needs and eases their child-care burdens.

Our achievements in military construction will be an ongoing effort aimed at providing quality living and working facilities for our entire military family, stationed at home and overseas. I know that under Mr. SAXTON's excellent stewardship, the Subcommittee on Military Installations and Facilities will continue to focus on raising the living and working standards for our Armed Forces. They have volunteered to protect our freedom. Now we must protect them by building safe, modern facilities for the 21st century military.

Again, I urge my colleagues to support this measure.

Mr. NUSSLE. Mr. Chairman, I rise today in support of H.R. 4546, the Bob Stump National Defense Authorization Act for Fiscal Year 2003. This important piece of legislation is consistent with the levels established in H. Con. Res. 353, the House-passed budget resolution. On March 20, this body passed a budget resolution that made available the budgetary resources for the largest increase in defense spending in two decades. We provided $393.8 billion in budget authority for national defense, including $10 billion for the expected war costs.

The principal reason for that increase, of course, was our unwavering commitment to win the war against terrorism. But in addition to combating terrorism, we provided a blueprint in the resolution to give every service member a 4.1-percent pay rise, increased housing allowances, and increased incentive pay. Also, and I believe this deserves particularly to be noted, under Republican leadership we kept our promises to America' veterans: For the first time in decades we broke the legislative logjam over concurrent receipt of military retirement pay and veterans disability compensation. The budget resolution provided the resources to phase in full concurrent receipt for retirees with 60 percent or greater VA disabilities. I am happy to say that the defense authorization bill under consideration today is completely consistent with the approach we took on concurrent receipt in the budget resolution.

Finally, section 201 of the budget resolution provided for a $10-billion reserve fund to continue military operations in fiscal year 2003. I am advised that the Armed Services Committee has opted to deal with that subject matter later in a separate bill, H.R. 4547, when the Pentagon provides more budgetary detail about how it plans to spend the $10 billion.

I close in noting that the House Budget Committee completed its work on schedule and provided a framework for timely consideration of the vital bill on the floor today. But as we all know, the other body still has not passed a budget resolution for fiscal year 2003. Given the other body's glacial slowness in doing the public's business, it is all the more important that the House show leadership and pass a resolution deeming the provisions of H. Con. Res. 353 to be in force.

I express my support for H.R. 4546.

Mr. FORBES. Mr. Chairman, as many people are now aware, the largest increase in defense spending in two decades, is not really an 'increase' so much as it is a 'payment past due' on a defense budget that was significantly under-funded in the 1990s. This outstanding debt is most easily seen in the Navy. It was the Navy that brought the Marine Expeditionary Units to the Afghanistan theater of operations, and it is the Navy that conducted 75% of the strike sorties flown in Afghanistan. As we speak, Navy assets are not just in the Indian Ocean, but also off the coasts of Somalia, Yemen, and the Philippines. The Carrier Battle Group was the force enabler in Afghanistan—and it will be the force enabler in the next theater of operations in the war on terror.

America's defense requires a combat credible expeditionary force. America's aircraft carriers with 2.5 acres of sovereign territory are just that. In the early part of the last century, President Theodore Roosevelt sent his 'Big Stick' fleet around the world to deter other nations from developing an aggressive stance towards the U.S. In the year 2002, we have sent our 'Big Stick' around the world to keep those that would terrorize America on the run. Now is the time for a 'Big Stick' budget and investments in carrier battle groups are crucial to maintaining our superiority over America's enemies—conventional, and unconventional.

Mr. HOLT. Mr. Chairman, this could be such a better bill if the committee had made many more amendments in order. There are major changes in defense policy in this bill that may become law without debate. The rule to stifle debate is not just a procedural outrage, it is contrary to our national security. I offered an amendment to the Rules Committee that was not made in order that would have eliminated funding for a program in the bill that does not merit the support of this Congress. My amendment would remove $7.5 million added to this bill for the Kinetic Energy Anti-Satellite—also known as the KE-ASAT—program. Like a giant fly swatter in space, this weapon would knock out enemy satellites.

The Department of Defense does not support KE–ASAT. President Bush requested no money for it. Former President Clinton line item vetoed funding for it in 1998. Defense Secretaries, Pentagon weapons advisory boards and independent defense analysts have all called KE–ASAT a horrendous waste. The GAO, in its examination of this program called KE–ASAT a program ''in disarray.''

Yet we continue to fund it. This money was added to the bill without debate, and, unfortunately, we will not have the opportunity to debate it today. I ask my colleagues: How many other meritorious defense needs could benefit from that $7.5 million? Any one of us could write a laundry list of other, better uses for this money, both in and out of the defense budget.

At this time, when our nation's military is facing so many challenges, it is simply unconscionable to waste money on systems like this. I respectfully urge my colleagues to make my amendment in order and give the Members of the House the opportunity to work their will on this subject.

Mr. UDALL of Colorado. Mr. Chairman, this bill is one of the most important measures that the House will consider this year. It is intended to set out our vision for the defense of our country in the years ahead—both in terms of policy direction and spending priorities. Unfortunately, the vision this bill puts forth is not one I can endorse, and so I cannot vote for it.

There is no doubt that September 11th changed the way we view our national defense. There is no doubt that more than ever, we must focus on defending our homeland against terrorism, we must support our military personnel, and we must give our military the training, equipment, and weapons it needs to beat terrorism around the world.

Like all of my colleagues, I remain steadfastly committed to our fight against terrorism. And yet, as this nation faces the most difficult threat it has faced in decades, I believe it is essential that we understand how our defense capabilities need to change to reflect new 21st century threats. I believe Secretary Rumsfeld is trying to refocus and reprioritize our defense programs along those lines, but clearly he isn't being assisted by some of our colleagues here in the House, who seem content to address new threats with Cold War-era technologies.

So my first objection to this bill is that although it funds defense programs at their highest levels since 1966, it doesn't present a coherent vision of how to realign our defense priorities. We need to make clear decisions about our defense spending, and this bill doesn't begin to consider the choices that must be made.

I have other objections to the bill. It includes provisions concerning the Endangered Species Act and the Migratory Bird Treaty Act, matters within the jurisdiction of other Committees, including the Resources Committee, but which that Committee had no opportunity to consider. There is broad-based support for existing environmental laws—as there should be—and these laws already allow case-by-case flexibility to protect national security. I find it simply unacceptable that neither our Committee nor the full House will have the opportunity to consider whether the changes that would be made by this bill are necessary or appropriate.

The bill also includes an entire title—Title XIV—that not only includes provisions dealt with in a bill referred to the Resources Committee, but also goes further to include matters within our Committee's exclusive jurisdiction. Many Armed Services Committee members themselves have said this was ''a procedural foul,'' but once again the Rules Committee has made it impossible for the House to consider changes. That is another reason I must oppose the bill.

I am also concerned that the bill endorses the President's recent review of the U.S. nuclear posture. That review includes some troubling provisions, such as the one to increase the speed at which nuclear testing could resume if needed. Another provision would reduce the U.S. nuclear arsenal to 1,700–2,200 weapons, but without destroying the weapons removed. I worry that simply storing weapons would encourage a similar move in Russia, where the government's control over its nuclear stockpile is considered less than secure. I also worry that the bill includes a minimum requirement of operationally deployed weapons at 1,700, which would not give the president flexibility in his current negotiations with Russia.

The bill would also urge the Administration to develop nuclear earth-penetrating weapons and nuclear-tipped ballistic missile interceptors. I believe we must be extremely cautious before we consider expanding applications of nuclear use. We all agree on the need to maintain the deterrent capability of our nuclear forces, but I fear the language in this bill could

begin to blur the distinction between conventional and nuclear weapons and thus increase the likelihood of nuclear use.

Finally, I am concerned that this bill would give the Pentagon's National Missile Agency exemptions from regulations for controlling and monitoring new weapons programs. Giving the Pentagon this exemption effectively eliminates the checks and balances that are so necessary in weapons development, and especially given the past technical failures and cost overruns in missile defense programs to date, I can't support a bill that includes this provision.

In short, Mr. Chairman, I don't question the urgent need to provide for this country's defense—I just think we need to do it right. This bill doesn't do it right, and so I can't support it.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 4546

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the ''Bob Stump National Defense Authorization Act for Fiscal Year 2003''.

(b) FINDINGS.—Congress makes the following findings:

(1) Representative Bob Stump of Arizona was elected to the House of Representatives in 1976 for service in the 95th Congress, after serving in the Arizona legislature for 18 years and serving as President of the Arizona State Senate from 1975 to 1976, and he has been reelected to each subsequent Congress.

(2) A World War II combat veteran, Representative Stump entered service in the United States Navy in 1943, just after his 16th birthday, and served aboard the USS LUNGA POINT and the USS TULAGI, which participated in the invasions of Luzon, Iwo Jima, and Okinawa.

(3) Representative Stump was elected to the Committee on Armed Services in 1978 and has served on nearly all of its subcommittees and panels during 25 years of distinguished service on the committee. He has served as chairman of the committee during the 107th Congress and has championed United States national security as the paramount function of the Federal Government.

(4) Also serving on the Committee on Veterans' Affairs of the House of Representatives, chairing that committee from 1995 to 2000, and serving on the Permanent Select Committee on Intelligence of the House of Representatives, including service as the ranking minority member in 1985 and 1986, Representative Stump has dedicated his entire congressional career to steadfastly supporting America's courageous men and women in uniform both on and off the battlefield.

(5) Representative Stump's tireless efforts on behalf of those in the military and veterans have been recognized with numerous awards for outstanding service from active duty and reserve military, veterans' service, military retiree, and industry organizations.

(6) During his tenure as chairman of the Committee on Armed Services of the House of Representatives, Representative Stump has—

(A) overseen the largest sustained increase to defense spending since the Reagan administration;

(B) led efforts to improve the quality of military life, including passage of the largest military pay raise since 1982;

(C) supported military retirees, including efforts to reverse concurrent receipt law and to save the Armed Forces Retirement Homes;

(D) championed military readiness by defending military access to critical training facilities such Vieques, Puerto Rico, expanding the National Training Center at Ft. Irwin, California, and working to restore balance between environmental concerns and military readiness requirements;

(E) reinvigorated efforts to defend America against ballistic missiles by supporting an increase in fiscal year 2002 of nearly 50 percent above the fiscal year 2001 level for missile defense programs; and

(F) honored America's war heroes by expanding Arlington National Cemetery, establishing a site for the Air Force Memorial, and assuring construction of the World War II Memorial.

(7) In recognition of his long record of accomplishments in enhancing the national security of the United States and his legislative victories on behalf of active duty service members, reservists, guardsmen, and veterans, it is altogether fitting and proper that this Act be named in honor of Representative Bob Stump of Arizona, as provided in subsection (a).

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. 1. Short title; findings.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. Defense Inspector General.
Sec. 106. Chemical demilitarization program.
Sec. 107. Defense health programs.

Subtitle B—Navy Programs

Sec. 111. Shipbuilding initiative.

Subtitle C—Air Force Programs

Sec. 121. Multiyear procurement authority for C–130J aircraft program.

Subtitle D—Other Programs

Sec. 141. Revisions to multiyear contracting authority.
Sec. 142. Transfer of technology items and equipment in support of homeland security.
Sec. 143. Destruction of existing stockpile of lethal chemical agents and munitions.
Sec. 144. Report on unmanned aerial vehicle systems.
Sec. 145. Report on impact of Army Aviation Modernization Plan on the Army National Guard.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for defense science and technology.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. RAH–66 Comanche aircraft program.
Sec. 212. Extension of requirement relating to management responsibility for naval mine countermeasures programs.
Sec. 213. Extension of authority to carry out pilot program for revitalizing the laboratories and test and evaluation centers of the Department of Defense.
Sec. 214. Revised requirements for plan for Manufacturing Technology Program.
Sec. 215. Technology Transition Initiative.
Sec. 216. Defense Acquisition Challenge Program.

Subtitle C—Ballistic Missile Defense

Sec. 231. Limitation on obligation of funds for procurement of Patriot (PAC–3) missiles pending submission of required certification.
Sec. 232. Responsibility of Missile Defense Agency for research, development, test, and evaluation related to system improvements of programs transferred to military departments.
Sec. 233. Amendments to reflect change in name of Ballistic Missile Defense Organization to Missile Defense Agency.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Armed Forces Retirement Home.

Subtitle B—Environmental Provisions

Sec. 311. Incidental taking of migratory birds during military readiness activity.
Sec. 312. Military readiness and the conservation of protected species.
Sec. 313. Single point of contact for policy and budgeting issues regarding unexploded ordnance, discarded military munitions, and munitions constituents.

Subtitle C—Commissaries and Nonappropriated Fund Instrumentalities

Sec. 321. Authority for each military department to provide base operating support to fisher houses.
Sec. 322. Use of commissary stores and MWR retail facilities by members of National Guard serving in national emergency.
Sec. 323. Uniform funding and management of morale, welfare, and recreation programs.

Subtitle D—Workplace and Depot Issues

Sec. 331. Notification requirements in connection with required studies for conversion of commercial or industrial type functions to contractor performance.
Sec. 332. Waiver authority regarding prohibition on contracts for performance of security-guard functions.
Sec. 333. Exclusion of certain expenditures from percentage limitation on contracting for performance of depot-level maintenance and repair workloads.
Sec. 334. Repeal of obsolete provision regarding depot-level maintenance and repair workloads that were performed at closed or realigned military installations.
Sec. 335. Clarification of required core logistics capabilities.

Subtitle E—Defense Dependents Education

Sec. 341. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 342. Availability of quarters allowance for unaccompanied defense department teacher required to reside on overseas military installation.
Sec. 343. Provision of summer school programs for students who attend defense dependents' education system.

Subtitle F—Information Technology

Sec. 351. Navy-Marine Corps Intranet contract.
Sec. 352. Annual submission of information on national security and information technology capital assets.
Sec. 353. Implementation of policy regarding certain commercial off-the-shelf information technology products.
Sec. 354. Installation and connection policy and procedures regarding Defense Switch Network.

Subtitle G—Other Matters

Sec. 361. Distribution of monthly reports on allocation of funds within operation and maintenance budget subactivities.
Sec. 362. Minimum deduction from pay of certain members of the Armed Forces to support Armed Forces Retirement Home.
Sec. 363. Condition on conversion of Defense Security Service to a working capital funded entity.
Sec. 364. Continuation of Arsenal support program initiative.
Sec. 365. Training range sustainment plan, Global Status of Resources and Training System, and training range inventory.
Sec. 366. Amendments to certain education and nutrition laws relating to acquisition and improvement of military housing.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revision in permanent end strength minimum levels.
Sec. 403. Authority for military department Secretaries to increase active-duty end strengths by up to 1 percent.
Sec. 404. General and flag officer management.
Sec. 405. Extension of certain authorities relating to management of numbers of general and flag officers in certain grades.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for reserves on active duty in support of the Reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2003 limitation on nondual status technicians.

Subtitle C—Authorization of Appropriations

Sec. 421. Authorization of appropriations for military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—General Personnel Management Authorities

Sec. 501. Increase in number of Deputy Commandants of the Marine Corps.
Sec. 502. Extension of good-of-the-service waiver authority for officers appointed to a Reserve Chief or Guard Director position.

Subtitle B—Reserve Component Management

Sec. 511. Reviews of National Guard strength accounting and management and other issues.
Sec. 512. Courts-martial for the National Guard when not in Federal service.
Sec. 513. Matching funds requirements under National Guard Youth Challenge Program.

Subtitle C—Reserve Component Officer Personnel Policy

Sec. 521. Exemption from active status strength limitation for reserve component general and flag officers serving on active duty in certain joint duty assignments designated by the Chairman of the Joint Chiefs of Staff.
Sec. 522. Eligibility for consideration for promotion to grade of major general for certain reserve component brigadier generals who do not otherwise qualify for consideration for promotion under the one-year rule.
Sec. 523. Retention of promotion eligibility for reserve component general and flag officers transferred to an inactive status.
Sec. 524. Authority for limited extension of medical deferment of mandatory retirement or separation for reserve officers.

Subtitle D—Education and Training

Sec. 531. Authority for phased increase to 4,400 in authorized strengths for the service academies.
Sec. 532. Enhancement of reserve component delayed training program.

Subtitle E—Decorations and Awards

Sec. 541. Waiver of time limitations for award of certain decorations to certain persons.
Sec. 542. Option to convert award of Armed Forces Expeditionary Medal awarded for Operation Frequent Wind to Vietnam Service Medal.

Subtitle F—Administrative Matters

Sec. 551. Staffing and funding for Defense Prisoner of War/Missing Personnel Office.
Sec. 552. Three-year freeze on reductions of personnel of agencies responsible for review and correction of military records.
Sec. 553. Department of Defense support for persons participating in military funeral honors details.
Sec. 554. Authority for use of volunteers as proctors for administration of Armed Services Vocational Aptitude Battery test.
Sec. 555. Annual report on status of female members of the Armed Forces.

Subtitle G—Benefits

Sec. 561. Voluntary leave sharing program for members of the Armed Forces.
Sec. 562. Enhanced flexibility in medical loan repayment program.
Sec. 563. Expansion of overseas tour extension benefits.
Sec. 564. Vehicle storage in lieu of transportation when member is ordered to a nonforeign duty station outside continental United States.

Subtitle H—Military Justice Matters

Sec. 571. Right of convicted accused to request sentencing by military judge.
Sec. 572. Report on desirability and feasibility of consolidating separate courses of basic instruction for judge advocates.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Increase in basic pay for fiscal year 2003.
Sec. 602. Expansion of basic allowance for housing low-cost or no-cost moves authority to members assigned to duty outside United States.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.
Sec. 612. One-year extension of certain bonus and special pay authorities for certain health care professionals.
Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.
Sec. 614. One-year extension of other bonus and special pay authorities.
Sec. 615. Minimum levels of hardship duty pay for duty on the ground in Antarctica or on Arctic icepack.
Sec. 616. Increase in maximum rates for prior service enlistment bonus.
Sec. 617. Retention incentives for health care providers qualified in a critical military skill.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Extension of leave travel deferral period for members performing consecutive overseas tours of duty.

Subtitle D—Retired Pay and Survivors Benefits

Sec. 641. Phase-in of full concurrent receipt of military retired pay and veterans disability compensation for military retirees with disabilities rated at 60 percent or higher.
Sec. 642. Change in service requirements for eligibility for retired pay for nonregular service.
Sec. 643. Elimination of possible inversion in retired pay cost-of-living adjustment for initial COLA computation.
Sec. 644. Technical revisions to so-called ''forgotten widows'' annuity program.

Subtitle E—Reserve Component Montgomery GI Bill

Sec. 651. Extension of Montgomery GI Bill-Selected Reserve eligibility period.

Subtitle F—Other Matters

Sec. 661. Addition of definition of continental United States in title 37.

TITLE VII—HEALTH CARE MATTERS

Subtitle A—Health Care Program Improvements

Sec. 701. Elimination of requirement for TRICARE preauthorization of inpatient mental health care for medicare-eligible beneficiaries.
Sec. 702. Expansion of TRICARE Prime Remote for certain dependents.
Sec. 703. Enabling dependents of certain members who died while on active duty to enroll in the TRICARE dental program.
Sec. 704. Improvements regarding the Department of Defense Medicare-Eligible Retiree Health Care Fund.
Sec. 705. Certification of institutional and noninstitutional providers under the TRICARE program.
Sec. 706. Technical correction regarding transitional health care.

Subtitle B—Reports

Sec. 711. Comptroller General report on TRICARE claims processing.
Sec. 712. Comptroller General report on provision of care under the TRICARE program.
Sec. 713. Repeal of report requirement.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Sec. 801. Plan for acquisition management professional exchange pilot program.

Sec. 802. Evaluation of training, knowledge, and resources regarding negotiation of intellectual property arrangements.
Sec. 803. Limitation period for task and delivery order contracts.
Sec. 804. One-year extension of program applying simplified procedures to certain commercial items; report.
Sec. 805. Authority to make inflation adjustments to simplified acquisition threshold.
Sec. 806. Improvement of personnel management policies and procedures applicable to the civilian acquisition workforce.
Sec. 807. Modification of scope of ball and roller bearings covered for purposes of procurement limitation.
Sec. 808. Rapid acquisition and deployment procedures.
Sec. 809. Quick-reaction special projects acquisition team.
Sec. 810. Report on development of anti-cyberterrorism technology.
Sec. 811. Contracting with Federal Prison Industries.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Sec. 901. Change in title of Secretary of the Navy to Secretary of the Navy and Marine Corps.
Sec. 902. Report on implementation of United States Northern Command.
Sec. 903. National defense mission of Coast Guard to be included in future Quadrennial Defense Reviews.
Sec. 904. Change in year for submission of Quadrennial Defense Review.
Sec. 905. Report on effect of noncombat operations on combat readiness of the Armed Forces.
Sec. 906. Conforming amendment to reflect disestablishment of Department of Defense Consequence Management Program Integration Office.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. Transfer authority.
Sec. 1002. Authorization of supplemental appropriations for fiscal year 2002.
Sec. 1003. Uniform standards throughout Department of Defense for exposure of personnel to pecuniary liability for loss of Government property.
Sec. 1004. Accountable officials in the Department of Defense.
Sec. 1005. Improvements in purchase card management.
Sec. 1006. Authority to transfer funds within a major acquisition program from procurement to RDT&E.
Sec. 1007. Development and procurement of financial and nonfinancial management systems.

Subtitle B—Reports

Sec. 1011. After-action reports on the conduct of military operations conducted as part of Operation Enduring Freedom.
Sec. 1012. Report on biological weapons defense and counter-proliferation.
Sec. 1013. Requirement that Department of Defense reports to Congress be accompanied by electronic version.
Sec. 1014. Strategic force structure plan for nuclear weapons and delivery systems.
Sec. 1015. Report on establishment of a joint national training complex and joint opposing forces.
Sec. 1016. Repeal of various reports required of the Department of Defense.
Sec. 1017. Report on the role of the Department of Defense in supporting homeland security.
Sec. 1018. Study of short-term and long-term effects of nuclear earth penetrator weapon.
Sec. 1019. Study of short-term and long-term effects of nuclear-tipped ballistic missile interceptor.

Subtitle C—Other Matters

Sec. 1021. Sense of Congress on maintenance of a reliable, flexible, and robust strategic deterrent.
Sec. 1022. Time for transmittal of annual defense authorization legislative proposal.
Sec. 1023. Technical and clerical amendments.
Sec. 1024. War risk insurance for vessels in support of NATO-approved operations.
Sec. 1025. Conveyance, Navy drydock, Portland, Oregon.
Sec. 1026. Additional Weapons of Mass Destruction Civil Support Teams.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Sec. 1101. Eligibility of Department of Defense nonappropriated fund employees for long-term care insurance.
Sec. 1102. Extension of Department of Defense authority to make lump-sum severance payments.
Sec. 1103. Common occupational and health standards for differential payments as a consequence of exposure to asbestos.
Sec. 1104. Continuation of Federal Employee Health Benefits program eligibility.
Sec. 1105. Triennial full-scale Federal wage system wage surveys.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

Sec. 1201. Support of United Nations-sponsored efforts to inspect and monitor Iraqi weapons activities.
Sec. 1202. Strengthening the defense of Taiwan.
Sec. 1203. Administrative services and support for foreign liaison officers.
Sec. 1204. Additional countries covered by loan guarantee program.
Sec. 1205. Limitation on funding for Joint Data Exchange Center in Moscow.
Sec. 1206. Limitation on number of military personnel in Colombia.

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
Sec. 1302. Funding allocations.
Sec. 1303. Prohibition against use of funds until submission of reports.
Sec. 1304. Report on use of revenue generated by activities carried out under Cooperative Threat Reduction programs.
Sec. 1305. Prohibition against use of funds for second wing of fissile material storage facility.
Sec. 1306. Sense of Congress and report requirement regarding Russian proliferation to Iran.
Sec. 1307. Prohibition against use of Cooperative Threat Reduction funds outside the States of the former Soviet Union.
Sec. 1308. Limited waiver of restriction on use of funds.
Sec. 1309. Limitation on use of funds until submission of report on defense and military contacts activities.

TITLE XIV—UTAH TEST AND TRAINING RANGE

Sec. 1401. Definition of Utah Test and Training Range.
Sec. 1402. Military operations and overflights at Utah Test and Training Range.
Sec. 1403. Designation and management of lands in Utah Test and Training Range.
Sec. 1404. Designation of Pilot Range Wilderness.
Sec. 1405. Designation of Cedar Mountain Wilderness.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title; definition.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Modification of authority to carry out certain fiscal year 2002 projects.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Modification of authority to carry out certain fiscal year 2002 project.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Improvements to military family housing units.
Sec. 2403. Energy conservation projects.
Sec. 2404. Authorization of appropriations, Defense Agencies.
Sec. 2405. Modification of authority to carry out certain fiscal year 2000 project.
Sec. 2406. Modification of authority to carry out certain fiscal year 1999 project.
Sec. 2407. Modification of authority to carry out certain fiscal year 1997 project.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized guard and reserve construction and land acquisition projects.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
Sec. 2702. Extension of authorizations of certain fiscal year 2000 projects.
Sec. 2703. Extension of authorizations of certain fiscal year 1999 projects.
Sec. 2704. Effective date.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Changes to alternative authority for acquisition and improvement of military housing.

Sec. 2802. Modification of authority to carry out construction projects as part of environmental response action.
Sec. 2803. Leasing of military family housing in Korea.

Subtitle B—Real Property and Facilities Administration

Sec. 2811. Agreements with private entities to limit encroachments and other constraints on military training, testing, and operations.
Sec. 2812. Conveyance of surplus real property for natural resource conservation purposes.
Sec. 2813. National emergency exemption from screening and other requirements of McKinney-Vento Homeless Assistance Act for property used in support of response activities.
Sec. 2814. Demonstration program on reduction in long-term facility maintenance costs.
Sec. 2815. Expanded authority to transfer property at military installations to be closed to persons who construct or provide military family housing.

Subtitle C—Land Conveyances

PART I—ARMY CONVEYANCES

Sec. 2821. Land conveyances, lands in Alaska no longer required for National Guard purposes.
Sec. 2822. Land conveyance, Fort Campbell, Kentucky.
Sec. 2823. Land conveyance, Army Reserve Training Center, Buffalo, Minnesota.
Sec. 2824. Land conveyance, Fort Bliss, Texas
Sec. 2825. Land conveyance, Fort Hood, Texas.

PART II—NAVY CONVEYANCES

Sec. 2831. Land conveyance, Marine Corps Air Station, Miramar, San Diego, California.
Sec. 2832. Boundary adjustments, Marine Corps Base, Quantico, and Prince William Forest Park, Virginia.

PART III—AIR FORCE CONVEYANCES

Sec. 2841. Land conveyances, Wendover Air Force Base Auxiliary Field, Nevada.

Subtitle D—Other Matters

Sec. 2861. Easement for construction of roads or highways, Marine Corps Base, Camp Pendleton, California.
Sec. 2862. Sale of excess treated water and wastewater treatment capacity, Marine Corps Base, Camp Lejeune, North Carolina.
Sec. 2863. Ratification of agreement regarding Adak Naval Complex, Alaska, and related land conveyances.
Sec. 2864. Special requirements for adding military installation to closure list.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

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Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Environmental and other defense activities.

Subtitle B—Department of Energy National Security Authorizations General Provisions

Sec. 3120. Short title; definitions.
Sec. 3121. Reprogramming.
Sec. 3122. Minor construction projects.
Sec. 3123. Limits on construction projects.
Sec. 3124. Fund transfer authority.
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Sec. 3126. Authority for emergency planning, design, and construction activities.
Sec. 3127. Funds available for all national security programs of the Department of Energy.
Sec. 3128. Availability of funds.
Sec. 3129. Transfer of defense environmental management funds.
Sec. 3130. Transfer of weapons activities funds.
Sec. 3131. Scope of authority to carry out plant projects.

Subtitle C—Program Authorizations, Restrictions, and Limitations

Sec. 3141. One-year extension of panel to assess the reliability, safety, and security of the United States nuclear stockpile.
Sec. 3142. Transfer to National Nuclear Security Administration of Department of Defense's Cooperative Threat Reduction program relating to elimination of weapons grade plutonium in Russia.
Sec. 3143. Repeal of requirement for reports on obligation of funds for programs on fissile materials in Russia.
Sec. 3144. Annual certification to the President and Congress on the condition of the United States nuclear weapons stockpile.
Sec. 3145. Plan for achieving one-year readiness posture for resumption by the United States of underground nuclear weapons tests.

Subtitle D—Matters Relating to Defense Environmental Management

Sec. 3151. Defense environmental management cleanup reform program.
Sec. 3152. Report on status of environmental management initiatives to accelerate the reduction of environmental risks and challenges posed by the legacy of the Cold War.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Authorized uses of National Defense Stockpile funds.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

TITLE XXXV—MARITIME ADMINISTRATION

Sec. 3501. Authorization of appropriations for fiscal year 2003.
Sec. 3502. Authority to convey vessel USS SPHINX (ARL–24).
Sec. 3503. Financial assistance to States for preparation of transferred obsolete ships for use as artificial reefs.
Sec. 3504. Independent analysis of title XI insurance guarantee applications.

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 2003 for procurement for the Army as follows:

(1) For aircraft, $2,300,327,000.

(2) For missiles, $1,693,896,000.

(3) For weapons and tracked combat vehicles, $2,372,958,000.

(4) For ammunition, $1,320,026,000.

(5) For other procurement, $6,119,447,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2003 for procurement for the Navy as follows:

(1) For aircraft, $8,971,555,000.

(2) For weapons, including missiles and torpedoes, $1,916,617,000.

(3) For shipbuilding and conversion, $9,279,494,000.

(4) For other procurement, $4,527,763,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2003 for procurement for the Marine Corps in the amount of $1,351,983,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2003 for procurement of ammunition for the Navy and the Marine Corps in the amount of $1,104,453,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2003 for procurement for the Air Force as follows:

(1) For aircraft, $12,522,755,000.

(2) For missiles, $3,482,639,000.

(3) For ammunition, $1,176,864,000.

(4) For other procurement, $10,907,730,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2003 for Defense-wide procurement in the amount of $2,621,009,000.

SEC. 105. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 2003 for procurement for the Inspector General of the Department of Defense in the amount of $2,000,000.

SEC. 106. CHEMICAL DEMILITARIZATION PROGRAM.

There is hereby authorized to be appropriated for fiscal year 2003 the amount of $1,490,199,000 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 2003 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 $278,742,000.

SEC. 111. SHIPBUILDING INITIATIVE.

(a) USE OF SPECIFIED SHIPBUILDING AUTHORIZATION AMOUNT SUBJECT TO CONTRACTOR AGREEMENT.—Of the amounts authorized to be appropriated by section 102(a)(3) for fiscal year 2003, $810,000,000 shall be available for shipbuilding programs of the Navy either in accordance with subsection (b) or in accordance with subsection (c).

(b) DDG–51 AUTHORIZATION IF AGREEMENT REACHED.—If as of the date of the enactment of this Act the Secretary of the Navy has submitted to Congress a certification described in subsection (d), then the amount referred to in subsection (a) shall be available for procurement of one Arleigh Burke class (DDG-51) destroyer.

(c) AUTHORIZATION IF AGREEMENT NOT REACHED.—If as of the date of the enactment of this Act the Secretary of the Navy has not submitted to Congress a certification described in subsection (d), then the amount referred to in subsection (a) shall be available as follows:

(1) $415,000,000 shall be available for advance procurement for Virginia class submarines.

(2) $210,000,000 shall be available for advance procurement for cruiser conversion.

(3) $185,000,000 shall be available for nuclear-powered submarine (SSN) engineered refueling overhaul.

(d) CERTIFICATION.—A certification referred to in subsections (b) and (c) is a certification by the Secretary of the Navy that the prime contractor for the Virginia class submarine program has entered into a binding agreement with the United States to expend from its own funds an amount not less than $385,000,000 for economic order quantity procurement of nuclear and nonnuclear components for Virginia class submarines beginning in fiscal year 2003.

(e) MULTIYEAR PROCUREMENT AUTHORITY.—(1) If the terms of an agreement described in subsection (d) between the United States and the prime contractor for the Virginia class submarine program include a requirement for the Secretary of the Navy to seek to acquire Virginia class submarines through a multiyear procurement contract, the Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract for procurement of Virginia class submarines, beginning with the fiscal year 2003 program year.

(2)(A) In the case of a contract authorized by paragraph (1), a certification under subsection (i)(1)(A) of section 2306b of title 10, United States Code, with respect to that contract may only be submitted if the certification includes an additional certification that each of the conditions specified in subsection (a) of that section has been satisfied with respect to that contract.

(B) Upon transmission to Congress of a certification referred to in subparagraph (A) with respect to a contract authorized by paragraph (1), the contract may then be entered into only after a period of 30 days has elapsed after the date of the transmission of such certification.

Subtitle C—Air Force Programs

SEC. 121. MULTIYEAR PROCUREMENT AUTHORITY FOR C–130J AIRCRAFT PROGRAM.

(a) MULTIYEAR AUTHORITY.—Beginning with the fiscal year 2003 program year, the Secretary of the Air Force may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract for procurement of C-130J aircraft.

(b) LIMITATION.—The Secretary of Defense may not enter into a contract authorized by subsection (a) until—

(1) the Secretary submits to the congressional defense committees a certification described in subsection (c); and

(2) a period of 30 days has expired after such certification is submitted.

(c) REQUIRED CERTIFICATION AS TO PROGRESS TOWARD SUCCESSFUL OPERATIONAL TEST AND EVALUATION.—A certification under subsection (b)(1) is a certification by the Secretary of Defense that the C-130J program is making satisfactory progress towards a successful operational test and evaluation.

(d) REQUIRED CERTIFICATION WITH RESPECT TO MULTIYEAR CONTRACTING CONDITIONS.—(1) In the case of a contract authorized by subsection (a) of this section, a certification under subsection (i)(1)(A) of section 2306b of title 10, United States Code, with respect to that contract may only be submitted if the certification includes an additional certification that each of the conditions specified in subsection (a) of that section has been satisfied with respect to that contract.

(2) Upon transmission to Congress of a certification referred to in paragraph (1) with respect to a contract authorized by subsection (a), the contract may then be entered into only after a period of 30 days has elapsed after the date of the transmission of such certification.

Subtitle D—Other Programs

SEC. 141. REVISIONS TO MULTIYEAR CONTRACTING AUTHORITY.

(a) USE OF PROCUREMENT AND ADVANCE PROCUREMENT FUNDS.—Section 2306b(i) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4)(A) Unless otherwise authorized by law, the Secretary of Defense may obligate funds for procurement of an end item under a multiyear contract for the purchase of property only for procurement of a complete and usable end item.

''(B) Unless otherwise authorized by law, the Secretary of Defense may obligate funds appropriated for any fiscal year for advance procurement under a multiyear contract for the purchase of property only for the procurement of those long-lead items necessary in order to meet a planned delivery schedule for complete major end items that are programmed under the contract to be acquired with funds appropriated for a subsequent fiscal year.''.

(b) EFFECTIVE DATE.—Paragraph (4) of section 2306b(i) of title 10, United States Code, as added by subsection (a), shall not apply with respect to any multiyear contract authorized by law before the date of the enactment of this Act.

SEC. 142. TRANSFER OF TECHNOLOGY ITEMS AND EQUIPMENT IN SUPPORT OF HOMELAND SECURITY.

(a) IN GENERAL.—Subchapter III of chapter 148 of title 10, United States Code, is amended by adding at the end the following new section:

''§2520. Transfer of technology items and equipment in support of homeland security

''The Secretary of Defense shall enter into an agreement with an independent, nonprofit, technology-oriented entity that has demonstrated the ability to facilitate the transfer of defense technologies, developed by both the private and public sectors, to aid Federal, State, and local first responders. Under the agreement the entity shall develop and deploy technology items and equipment, through coordination between Government agencies and private sector, commercial developers and suppliers of technology, that will enhance public safety and shall—

''(1) work in coordination with the InterAgency Board for Equipment Standardization and Interoperability;

''(2) develop technology items and equipment that meet the standardization requirements established by the Board;

''(3) evaluate technology items and equipment that have been identified using the standards developed by the Board and other state-of-the-art technology items and equipment that may benefit first responders;

''(4) identify and coordinate among the public and private sectors research efforts applicable to national security and homeland security;

''(5) facilitate the timely transfer of technology items and equipment between public and private sources;

''(6) eliminate redundant research efforts with respect to technologies to be deployed to first responders;

''(7) expedite the advancement of high priority projects from research through implementation of initial manufacturing; and

''(8) establish an outreach program, in coordination with the Board, with first responders to facilitate awareness of available technology items and equipment to support crisis response.''.

(b) DEADLINE FOR AGREEMENT.—The Secretary of Defense shall enter into the agreement required by section 2520 of title 10, United States Code (as added by subsection (a)) not later than January 15, 2003.

(c) STRATEGIC PLAN.—The entity described in section 2520 of such title shall develop a strategic plan to carry out the goals described in such section, which shall include identification of—

(1) the initial technology items and equipment considered for development; and

(2) the program schedule timelines for such technology items and equipment.

(d) REPORT REQUIRED.—Not later than March 15, 2003, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on—

(1) the actions taken to carry out such section 2520;

(2) the relationship of the entity described in such section to the InterAgency Board for Equipment Standardization and Interoperability; and

(3) the strategic plan of such entity to meet the goals described in such section.

(e) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III of chapter 148 of title 10, United States Code, is amended by adding at the end the following new item:

''2520. Transfer of technology items and equipment in support of homeland security.''.

SEC. 143. DESTRUCTION OF EXISTING STOCKPILE OF LETHAL CHEMICAL AGENTS AND MUNITIONS.

(a) PROGRAM MANAGEMENT.—The Secretary of Defense shall ensure that the program for destruction of the United States stockpile of lethal chemical agents and munitions is managed as a major defense acquisition program (as defined in section 2430 of title 10, United States Code) in accordance with the essential elements of such programs as may be determined by the Secretary.

(b) REQUIREMENT FOR UNDER SECRETARY OF DEFENSE (COMPTROLLER) ANNUAL CERTIFICATION.—Beginning with respect to the budget request for fiscal year 2004, the Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees on an annual basis a certification that the budget request for the chemical agents and munitions destruction program has been submitted in accordance with the requirements of applicable Federal laws.

SEC. 144. REPORT ON UNMANNED AERIAL VEHICLE SYSTEMS.

(a) REPORT.—Not later than January 1, 2003, the Secretary of Defense shall submit to Congress a report on unmanned aerial vehicle systems of the Department of Defense.

(b) MATTERS TO BE INCLUDED CONCERNING UNMANNED AERIAL VEHICLE SYSTEMS.—The Secretary shall include in the report under subsection (a) the following, shown for each system referred to in that subsection:

(1) A description of the infrastructure that the Department of Defense has (or is planning) for the system.

(2) A description of the operational requirements document (ORD) for the system.

(3) A description of the physical infrastructure of the Department for training and basing.

(4) A description of the manner in which the Department is interfacing with the industrial base.

(5) A description of the acquisition plan for the system.

(c) SUGGESTIONS FOR CHANGES IN LAW.—The Secretary shall also include in the report under subsection (a) such suggestions as the Secretary considers appropriate for changes in law that would facilitate the way the Department acquires unmanned aerial vehicle systems.

SEC. 145. REPORT ON IMPACT OF ARMY AVIATION MODERNIZATION PLAN ON THE ARMY NATIONAL GUARD.

(a) REPORT BY CHIEF OF THE NATIONAL GUARD BUREAU.—Not later than February 1, 2003, the Chief of the National Guard Bureau shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the requirements for Army National Guard aviation. The report shall include the following:

(1) An analysis of the impact of the Army Aviation Modernization Plan on the ability of the Army National Guard to conduct its aviation missions.

(2) The plan under that aviation modernization plan for the transfer of aircraft from the active component of the Army to the Army reserve components, including a timeline for those transfers.

(3) The progress, as of January 1, 2003, in carrying out the transfers under the plan referred to in paragraph (2).

(4) An evaluation of the suitability of existing Commercial Off The Shelf (COTS) light-twin engine helicopters for performance of Army National Guard aviation missions.

(b) VIEWS OF THE CHIEF OF STAFF OF THE ARMY.—If, before the report under subsection (a) is submitted, the Chief of the National Guard Bureau receives from the Chief of Staff of the Army the views of the Chief of Staff on the matters to be covered in the report, the Chief of the Bureau shall include those views with the report as submitted under subsection (a).

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 2003 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $6,933,319,000.

(2) For the Navy, $13,274,540,000.

(3) For the Air Force, $18,803,184,000.

(4) For Defense-wide activities, $17,413,291,000, of which $222,054,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR DEFENSE SCIENCE AND TECHNOLOGY.

(a) FISCAL YEAR 2003.—Of the amounts authorized to be appropriated by section 201, $10,023,658,000 shall be available for the Defense Science and Technology Program, including basic research, applied research, and advanced technology development projects.

(b) BASIC RESEARCH, APPLIED RESEARCH, AND ADVANCED TECHNOLOGY DEVELOPMENT DEFINED.—For purposes of this section, the term ''basic research, applied research, and advanced technology development'' means work funded in program elements for defense research and development under Department of Defense category 6.1, 6.2, or 6.3.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. RAH–66 COMANCHE AIRCRAFT PROGRAM.

(a) LIMITATION.—None of the funds authorized to be appropriated for fiscal year 2003 for engineering and manufacturing development for the RAH–66 Comanche aircraft program may be obligated until the Secretary of the Army submits to the congressional defense committees a report, prepared in coordination with the Under Secretary of Defense for Acquisition, Technology, and Logistics, containing an accurate estimate of funds required to complete engineering and manufacturing development for that aircraft and the new time line and plan for bringing that aircraft to initial operational capability, as called for in the joint explanatory statement of the committee of conference on the bill S. 1438 of the One Hundred Seventh Congress (at page 535 of House Report 107–333, submitted December 12, 2001).

(b) LIMITATION ON TOTAL COST OF ENGINEERING AND MANUFACTURING DEVELOPMENT.—The total amount obligated or expended for engineering and manufacturing development under the RAH–66 Comanche aircraft program may not exceed $6,000,000,000.

(c) ADJUSTMENT OF LIMITATION AMOUNTS.—(1) Subject to paragraph (2), the Secretary of the Army shall adjust the amount of the limitation set forth in subsection (b) by the following amounts:

(A) The amounts of increases or decreases in costs attributable to economic inflation after September 30, 2002.

(B) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2002.

(2) Before making any adjustment under paragraph (1) in an amount greater than $20,000,000, the Secretary of the Army shall submit to the congressional defense committees notice in writing of the proposed increase.

(d) ANNUAL DOD INSPECTOR GENERAL REVIEW.—(1) Not later than March 1 of each year, the Department of Defense Inspector General shall review the RAH–66 Comanche aircraft program and submit to Congress a report on the results of the review.

(2) The report submitted on the program each year shall include the following:

(A) The extent to which engineering and manufacturing development under the program is meeting the goals established for engineering and manufacturing development under the program, including the performance, cost, and schedule goals.

(B) The status of modifications expected to have a significant effect on cost, schedule, or performance of RAH–66 aircraft.

(C) The plan for engineering and manufacturing development (leading to production) under the program for the fiscal year that begins in the following year.

(D) A conclusion regarding whether the plan referred to in subparagraph (C) is consistent with the limitation in subsection (a).

(E) A conclusion regarding whether engineering and manufacturing development (leading to production) under the program is likely to be completed at a total cost not in excess of the amount specified in subsection (a).

(3) No report is required under this subsection after the RAH–66 aircraft has completed engineering and manufacturing development.

(e) LIMITATION ON OBLIGATION OF FUNDS.—Of the total amount authorized to be appropriated for the RAH–66 Comanche aircraft program for research, development, test, and evaluation for a fiscal year, not more than 90 percent of that amount may be obligated until the Department of Defense Inspector General submits to Congress the report required to be submitted in that fiscal year under subsection (d).

SEC. 212. EXTENSION OF REQUIREMENT RELATING TO MANAGEMENT RESPONSIBILITY FOR NAVAL MINE COUNTERMEASURES PROGRAMS.

Section 216(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1317), as most recently amended by section 211 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1946), is amended by striking ''through 2003'' and inserting ''through 2008''.

SEC. 213. EXTENSION OF AUTHORITY TO CARRY OUT PILOT PROGRAM FOR REVITALIZING THE LABORATORIES AND TEST AND EVALUATION CENTERS OF THE DEPARTMENT OF DEFENSE.

Section 246 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1955; 10 U.S.C. 2358 note) is amended—

(1) in subsection (a)(1), by inserting before the period at the end the following: '', and to demonstrate improved efficiency in the performance of the research, development, test, and evaluation functions of the Department of Defense'';

(2) in subsection (a)(4), by striking ''for a period'' and all that follows through the period at the end and inserting ''until March 1, 2008.'';

(3) in subsection (b)(2), by striking ''Promptly after'' and all that follows through ''The report shall contain'' and inserting ''Not later than December 31 of each year, the Secretary of Defense shall submit to the congressional defense committees a report on the activities of the pilot program during the preceding fiscal year. Each such report shall contain, for each laboratory or center in the pilot program,''; and

(4) by adding at the end of subsection (b) the following new paragraph:

''(3) Not later than March 1, 2007, the Secretary of Defense shall submit to the committees referred to in paragraph (2) the Secretary's recommendation as to whether, and to what extent, the authority to carry out the pilot program should be extended.''.

SEC. 214. REVISED REQUIREMENTS FOR PLAN FOR MANUFACTURING TECHNOLOGY PROGRAM.

(a) STREAMLINED CONTENTS OF PLAN.—Subsection (e) of section 2521 of title 10, United States Code, is amended by striking ''prepare a five-year plan'' in paragraph (1) and all that follows through the end of subparagraph (B) of paragraph (2) and inserting the following: ''prepare and maintain a five-year plan for the program.

''(2) The plan shall establish the following:

''(A) The overall manufacturing technology objectives, milestones, priorities, and investment strategy for the program.

''(B) The specific objectives of, and funding for the program by, each military department and each Defense Agency participating in the program.''.

(b) BIENNIAL REPORT.—Such subsection is further amended in paragraph (3)—

(1) by striking ''annually'' and inserting ''biennially''; and

(2) by striking ''for a fiscal year'' and inserting ''for each even-numbered fiscal year''.

SEC. 215. TECHNOLOGY TRANSITION INITIATIVE.

(a) ESTABLISHMENT AND CONDUCT.—Chapter 139 of title 10, United States Code, is amended by inserting after section 2359 the following new section:

''§ 2359a. Technology Transition Initiative

''(a) INITIATIVE REQUIRED.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall carry out an initiative, to be known as the Technology Transition Initiative (hereinafter in this section referred to as the 'Initiative'), to facilitate the rapid transition of new technologies from science and technology programs of the Department of Defense into acquisition programs of the Department for the production of such technologies.

''(b) OBJECTIVES.—The Initiative shall have the following objectives:

''(1) To accelerate the introduction of new technologies into appropriate acquisition programs.

''(2) To successfully demonstrate new technologies in relevant environments.

''(3) To ensure that new technologies are sufficiently mature for production.

''(c) MANAGEMENT OF INITIATIVE.—(1) The Initiative shall be managed by a senior official in the Office of the Secretary of Defense designated by the Secretary (hereinafter in this section referred to as the 'Manager'). In managing the Initiative, the Manager shall report directly to the Under Secretary of Defense for Acquisition, Technology, and Logistics.

''(2) The Secretary shall establish a board of directors (hereinafter in this section referred to as the 'Board'), composed of the acquisition executive of each military department, the members of the Joint Requirements Oversight Council, and the commander of the Joint Forces Command. The Board shall assist the Manager in managing the Initiative.

''(3) The Secretary shall establish, under the auspices of the Under Secretary of Defense for Acquisition, Technology, and Logistics, a panel of highly qualified scientists and engineers. The panel shall advise the Under Secretary on matters relating to the Initiative.

''(d) DUTIES OF MANAGER.—The Manager shall have following duties:

''(1) To identify, in consultation with the Board, promising technologies that have been demonstrated in science and technology programs of the Department.

''(2) To identify potential sponsors in the Department to undertake the transition of such technologies into production.

''(3) To work with the science and technology community and the acquisition community to develop memoranda of agreement, joint funding agreements, and other cooperative arrangements to provide for the transition of such technologies into production.

''(4) Provide funding support for projects selected under subsection (e).

''(e) JOINTLY FUNDED PROJECTS.—(1) The acquisition executive of each military department shall identify technology projects of that military department to recommend for funding support under the Initiative and shall submit to the Manager a list of such recommended projects, ranked in order of priority. Such executive shall identify such projects, and establish priorities among such projects, using a competitive process, on the basis of the greatest potential benefits in areas of interest identified by the Secretary of that military department.

''(2) The Manager, in consultation with the Board, shall select projects for funding support from among the projects on the lists submitted under paragraph (1). From the funds made available to the Manager for the Initiative, the Manager shall provide funds for each selected project in an amount determined by mutual agreement between the Manager and the acquisition executive of the military department concerned, but not less than 50 percent of the total cost of the project.

''(3) The acquisition executive of the military department concerned shall manage each project selected under paragraph (2) that is undertaken by the military department. Memoranda of agreement, joint funding agreements, and other cooperative arrangements between the science and technology community and the acquisition community shall be used in carrying out the project if the acquisition executive determines that it is appropriate to do so to achieve the objectives of the project.

''(f) REQUIREMENT FOR PROGRAM ELEMENT.—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 amount requested for activities of the Initiative shall be set forth in a separate program element within amounts requested for research, development, test, and evaluation for Defense-wide activities.

''(g) DEFINITION OF ACQUISITION EXECUTIVE.—In this section, the term 'acquisition executive', with respect to a military department, means the official designated as the senior procurement executive for that military department under section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3)).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2359 the following new item:

''2359a. Technology Transition Initiative.''.

SEC. 216. DEFENSE ACQUISITION CHALLENGE PROGRAM.

(a) IN GENERAL.—(1) Chapter 139 of title 10, United States Code, is amended by inserting after section 2359a (as added by section 215) the following new section:

''§ 2359b. Defense Acquisition Challenge Program

''(a) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a program to provide opportunities for the increased introduction of innovative and cost-saving technology in acquisition programs of the Department of Defense. The program, to be known as the Defense Acquisition Challenge Program (hereinafter in this section referred to as the 'Challenge Program'), shall provide any person or activity within or outside the Department of Defense with the opportunity to propose alternatives, to be known as challenge proposals, at the component, subsystem, or system level of an existing Department of Defense acquisition program that would result in improvements in performance, affordability, manufacturability, or operational capability of that acquisition program.

''(b) PANEL.—(1) In carrying out the Challenge Program, the Secretary shall establish a panel of highly qualified scientists and engineers (hereinafter in this section referred to as the 'Panel') under the auspices of the Under Secretary of Defense for Acquisition, Technology, and Logistics. The duty of the Panel shall be to carry out evaluations of challenge proposals under subsection (c).

''(2) A member of the Panel may not participate in any evaluation of a challenge proposal under subsection (c) if at any time within the previous five years that member has, in any capacity, participated in or been affiliated with the acquisition program for which the challenge proposal is submitted.

''(c) EVALUATION BY PANEL.—(1) Under procedures prescribed by the Secretary, a person or activity within or outside the Department of Defense may submit challenge proposals to the Panel.

''(2) The Panel shall carry out an evaluation of each challenge proposal submitted under paragraph (1) to determine each of the following criteria:

''(A) Whether the challenge proposal has merit.

''(B) Whether the challenge proposal is likely to result in improvements in performance, affordability, manufacturability, or operational capability at the component, subsystem, or system level of the applicable acquisition program.

''(C) Whether the challenge proposal could be implemented rapidly in the applicable acquisition program.

''(3) If the Panel determines that a challenge proposal satisfies each of the criteria specified in paragraph (2), the person or activity submitting that challenge proposal shall be provided an opportunity to submit such challenge proposal for a full review and evaluation under subsection (d).

''(d) FULL REVIEW AND EVALUATION.—(1) Under procedures prescribed by the Secretary, for each challenge proposal submitted for a full review and evaluation as provided in subsection (c)(3), the office carrying out the applicable acquisition program, and the prime system contractor carrying out such program, shall jointly conduct a full review and evaluation of the challenge proposal.

''(2) The full review and evaluation shall, independent of the determination of the Panel under subsection (c)(2), determine each of the matters specified in subparagraphs (A), (B), and (C) of such subsection.

''(e) ACTION UPON FAVORABLE FULL REVIEW AND EVALUATION.—(1) Under procedures prescribed by the Secretary, each challenge proposal determined under a full review and evaluation to satisfy each of the criteria specified in subsection (c)(2) shall be considered by the prime system contractor for incorporation into the applicable acquisition program as a new technology insertion at the component, subsystem, or system level.

''(2) The Secretary shall encourage the adoption of each challenge proposal referred to in paragraph (1) by providing suitable incentives to the office carrying out the applicable acquisition program and the prime system contractor carrying out such program.

''(f) ACCESS TO TECHNICAL RESOURCES.—The Secretary shall ensure that the Panel (in carrying out evaluations of challenge proposals under subsection (c)) and each office and prime system contractor (in conducting a full review and evaluation under subsection (d)) have the authority to call upon the technical resources of the laboratories, research, development, and engineering centers, test and evaluation activities, and other elements of the Department.

''(g) ELIMINATION OF CONFLICTS OF INTEREST.—In carrying out each evaluation under subsection (c) and full review under subsection (d), the Secretary shall ensure the elimination of conflicts of interest.

''(h) REPORT.—The Secretary shall submit to Congress, with the submission of the budget request for the Department of Defense for each fiscal year during which the Challenge Program is carried out, a report on the Challenge Program for that fiscal year. The report shall include the number and scope of challenge proposals submitted, evaluated, subjected to full review, and adopted.

''(i) SUNSET.—The authority to carry out this section shall terminate on September 30, 2007.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2359a (as added by section 215) the following new item:

''2359b. Defense Acquisition Challenge Program.''.

(b) INITIAL FUNDING.—(1) Of the funds authorized to be appropriated by section 201(4) for Defense-wide research, development, test, and evaluation for fiscal year 2003, $25,000,000 shall be available in program element 0603826D8Z for the Defense Acquisition Challenge Program required by section 2359b of title 10, United States Code, as added by subsection (a).

(2) The funds provided under paragraph (1) may be used only for review and evaluation of challenge proposals, and not for implementation of challenge proposals.

Subtitle C—Ballistic Missile Defense

SEC. 231. LIMITATION ON OBLIGATION OF FUNDS FOR PROCUREMENT OF PATRIOT (PAC–3) MISSILES PENDING SUBMISSION OF REQUIRED CERTIFICATION.

None of the funds appropriated for fiscal year 2003 for procurement of missiles for the Army may be obligated for the Patriot Advanced Capability (PAC–3) missile program until the Secretary of Defense has submitted to the congressional defense committees the following:

(1) The criteria for the transfer of responsibility for a missile defense program from the Director of the Missile Defense Agency to the Secretary of a military department, as required by section 224(b)(2) of title 10, United States Code.

(2) The notice and certification with respect to the transfer of responsibility for the Patriot Advanced Capability (PAC–3) missile program from the Director to the Secretary of the Army required by section 224(c) of such title.

SEC. 232. RESPONSIBILITY OF MISSILE DEFENSE AGENCY FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION RELATED TO SYSTEM IMPROVEMENTS OF PROGRAMS TRANSFERRED TO MILITARY DEPARTMENTS.

Section 224(e) of title 10, United States Code, is amended—

(1) by striking ''before a'' and inserting ''for each'';

(2) by striking ''is''; and

(3) by striking ''roles and responsibilities'' and all that follows through the period at the end and inserting ''responsibility for research, development, test, and evaluation related to system improvements for that program remains with the Director.''.

SEC. 233. AMENDMENTS TO REFLECT CHANGE IN NAME OF BALLISTIC MISSILE DEFENSE ORGANIZATION TO MISSILE DEFENSE AGENCY.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Sections 203, 223, and 224 are each amended by striking ''Ballistic Missile Defense Organization'' each place it appears and inserting ''Missile Defense Agency''.

(2)(A) The heading of section 203 is amended to read as follows:

''§ 203. Director of Missile Defense Agency''.

(B) The item relating to such section in the table of sections at the beginning of subchapter II of chapter 8 is amended to read as follows:

''203. Director of Missile Defense Agency.''.

(b) PUBLIC LAW 107–107.—(1) Section 232 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 10 U.S.C. 2431 note) is amended by striking ''Ballistic Missile Defense Organization'' each place it appears and inserting ''Missile Defense Agency''.

(2) The heading for such section is amended to read as follows:

"SEC. 232. PROGRAM ELEMENTS FOR MISSILE DEFENSE AGENCY.".

(c) PUBLIC LAW 106–398.—(1) Section 3132 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 10 U.S.C. 2431 note) is amended by striking ''Ballistic Missile Defense Organization'' each place it appears and inserting ''Missile Defense Agency''.

(2) Such section is further amended in subsection (c) by striking ''BMDO'' and inserting ''MDA''.

(3) The section heading for such section is amended to read as follows:

"SEC. 3132. ENHANCED COOPERATION BETWEEN NATIONAL NUCLEAR SECURITY ADMINISTRATION AND MISSILE DEFENSE AGENCY.".

(d) OTHER LAWS.—The following provisions are each amended by striking ''Ballistic Missile Defense Organization'' each place it appears and inserting ''Missile Defense Agency'':

(1) Section 233 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 223 note).

(2) Section 234 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C. 2431 note).

(3) Sections 235 (10 U.S.C. 2431 note) and 243 (10 U.S.C. 2431 note) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160).

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 2003 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, $24,159,733,000.

(2) For the Navy, $29,428,876,000.

(3) For the Marine Corps, $3,588,512,000.

(4) For the Air Force, $27,299,404,000.

(5) For Defense-wide activities, $14,370,037,000.

(6) For the Army Reserve, $1,918,110,000.

(7) For the Naval Reserve, $1,233,759,000.

(8) For the Marine Corps Reserve, $185,532,000.

(9) For the Air Force Reserve, $2,194,719,000.

(10) For the Army National Guard, $4,300,767,000.

(11) For the Air National Guard, $4,077,845,000.

(12) For the Defense Inspector General, $155,165,000.

(13) For the United States Court of Appeals for the Armed Forces, $9,614,000.

(14) For Environmental Restoration, Army, $395,900,000.

(15) For Environmental Restoration, Navy, $256,948,000.

(16) For Environmental Restoration, Air Force, $389,773,000.

(17) For Environmental Restoration, Defense-wide, $23,498,000.

(18) For Environmental Restoration, Formerly Used Defense Sites, $212,102,000.

(19) For Overseas Humanitarian, Disaster, and Civic Aid programs, $58,400,000.

(20) For Drug Interdiction and Counter-drug Activities, Defense-wide, $848,907,000.

(21) For the Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Trust Fund, $25,000,000.

(22) For Defense Health Program, $14,242,541,000.

(23) For Cooperative Threat Reduction programs, $416,700,000.

(24) For Support for International Sporting Competitions, Defense, $19,000,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2003 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, $1,504,956,000.

(2) For the National Defense Sealift Fund, $934,129,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2003 from the Armed Forces Retirement Home Trust Fund the sum of $69,921,000 for the operation of the Armed Forces Retirement Home.

Subtitle B—Environmental Provisions

SEC. 311. INCIDENTAL TAKING OF MIGRATORY BIRDS DURING MILITARY READINESS ACTIVITY.

Section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) is amended by adding at the end the following new subsection:

''(c)(1) Section 2 shall not apply to the incidental taking of a migratory bird by a member of the Armed Forces during a military readiness activity authorized by the Secretary of Defense or the Secretary of the military department concerned.

''(2)(A) In this subsection, the term 'military readiness activity' includes—

''(i) all training and operations of the Armed Forces that relate to combat; and

''(ii) the adequate and realistic testing of military equipment, vehicles, weapons, and sensors for proper operation and suitability for combat use.

''(B) The term does not include—

''(i) the routine operation of installation operating support functions, such as administrative offices, military exchanges, commissaries, water treatment facilities, storage facilities, schools, housing, motor pools, laundries, morale, welfare, and recreation activities, shops, and mess halls;

''(ii) the operation of industrial activities; or

''(iii) the construction or demolition of facilities used for a purpose described in clause (i) or (ii).''.

SEC. 312. MILITARY READINESS AND THE CONSERVATION OF PROTECTED SPECIES.

(a) LIMITATION ON DESIGNATION OF CRITICAL HABITAT.—Section 4(a)(3) of the Endangered Species Act of 1973 (16 U.S.C. 1533(a)(3)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by inserting ''(A)'' after ''(3)''; and

(3) by adding at the end the following:

''(B)(i) The Secretary 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)).

''(ii) Nothing in this subparagraph affects the requirement to consult under section 7(a)(2) with respect to an agency action (as that term is defined in that section).

''(iii) Nothing in this subparagraph affects the obligation of the Department of Defense to comply with section 9 of the Endangered Species Act of 1973, including the prohibition preventing extinction and taking of endangered species and threatened species.''.

(b) CONSIDERATION OF EFFECTS OF DESIGNATION OF CRITICAL HABITAT.—Section 4(b)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1533(b)(2)) is amended by inserting ''the impact on national security,'' after ''the economic impact,''.

SEC. 313. SINGLE POINT OF CONTACT FOR POLICY AND BUDGETING ISSUES REGARDING UNEXPLODED ORDNANCE, DISCARDED MILITARY MUNITIONS, AND MUNITIONS CONSTITUENTS.

Section 2701 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(k) UXO PROGRAM MANAGER.—(1) The Secretary of Defense shall establish a program manager who shall serve as the single point of contact in the Department of Defense for policy and budgeting issues involving the characterization, remediation, and management of explosive and related risks with respect to unexploded ordnance, discarded military munitions, and munitions constituents at defense sites (as such terms are defined in section 2710 of this title) that pose a threat to human health or safety.

''(2) The Secretary of Defense may delegate this authority to the Secretary of a military department, who may delegate the authority to the Under Secretary of that military department. The authority may not be further delegated.

''(3) The program manager may establish an independent advisory and review panel that may include representatives of the National Academy of Sciences, nongovernmental organizations with expertise regarding unexploded ordnance, discarded military munitions, or munitions constituents, the Environmental Protection Agency, States (as defined in section 2710 of this title), and tribal governments. If established, the panel would report annually to Congress on progress made by the Department of Defense to address unexploded ordnance, discarded military munitions, or munitions constituents at defense sites and make such recommendations as the panel considered appropriate.''.

Subtitle C—Commissaries and Nonappropriated Fund Instrumentalities

SEC. 321. AUTHORITY FOR EACH MILITARY DEPARTMENT TO PROVIDE BASE OPERATING SUPPORT TO FISHER HOUSES.

Section 2493(f) of title 10, United States Code, is amended to read as follows:

''(f) BASE OPERATING SUPPORT.—The Secretary of a military department may provide base operating support for Fisher Houses associated with health care facilities of that military department.''.

SEC. 322. USE OF COMMISSARY STORES AND MWR RETAIL FACILITIES BY MEMBERS OF NATIONAL GUARD SERVING IN NATIONAL EMERGENCY.

(a) ADDITIONAL BASIS FOR AUTHORIZED USE.—Section 1063a of title 10, United States Code, is amended—

(1) in subsection (a), by inserting ''or national emergency'' after ''federally declared disaster''; and

(2) in subsection (c), by adding at the end the following new paragraph:

''(3) NATIONAL EMERGENCY.—The term 'national emergency' means a national emergency declared by the President or Congress.''.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 1063a. Use of commissary stores and MWR retail facilities: members of National Guard serving in federally declared disaster or national emergency".

(2) The table of sections at the beginning of chapter 54 of such title is amended by striking the item relating to section 1063a and inserting the following new item:

''1063a. Use of commissary stores and MWR retail facilities: members of National Guard serving in federally declared disaster or national emergency.''.

SEC. 323. UNIFORM FUNDING AND MANAGEMENT OF MORALE, WELFARE, AND RECREATION PROGRAMS.

(a) IN GENERAL.—Chapter 147 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2494. Uniform funding and management of morale, welfare, and recreation programs

''(a) AUTHORITY FOR UNIFORM FUNDING AND MANAGEMENT.—Under regulations prescribed by the Secretary of Defense, funds appropriated to the Department of Defense and available for morale, welfare, and recreation programs may be treated as nonappropriated funds and expended in accordance with laws applicable to the expenditures of nonappropriated funds. When made available for morale, welfare, and recreation programs under such regulations, appropriated funds shall be considered to be nonappropriated funds for all purposes and shall remain available until expended.

''(b) CONDITIONS ON AVAILABILITY.—Funds appropriated to the Department of Defense may be made available to support a morale, welfare, or recreation program only if the program is authorized to receive appropriated fund support and only in the amounts the program is authorized to receive.

''(c) CONVERSION OF EMPLOYMENT POSITIONS.—(1) The Secretary of Defense may identify positions of employees in morale, welfare, and recreation programs within the Department of Defense who are paid with appropriated funds whose status may be converted from the status of an employee paid with appropriated funds to the status of an employee of a nonappropriated fund instrumentality.

''(2) The status of an employee in a position identified by the Secretary under paragraph (1) may, with the consent of the employee, be converted to the status of an employee of a nonappropriated fund instrumentality. An employee who does not consent to the conversion may not be removed from the position because of the failure to provide such consent.

''(3) The conversion of an employee from the status of an employee paid by appropriated funds to the status of an employee of a nonappropriated fund instrumentality shall be without a break in service for the concerned employee. The conversion shall not entitle an employee to severance pay, back pay or separation pay under subchapter IX of chapter 55 of title 5, or be considered an involuntary separation or other adverse personnel action entitling an employee to any right or benefit under such title or any other provision of law or regulation.

''(4) In this subsection, the term 'an employee of a nonappropriated fund instrumentality' means an employee described in section 2105(c) of title 5.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2494. Uniform funding and management of morale, welfare, and recreation programs.''.

Subtitle D—Workplace and Depot Issues

SEC. 331. NOTIFICATION REQUIREMENTS IN CONNECTION WITH REQUIRED STUDIES FOR CONVERSION OF COMMERCIAL OR INDUSTRIAL TYPE FUNCTIONS TO CONTRACTOR PERFORMANCE.

Subsection (c) of section 2461 of title 10, United States Code, is amended to read as follows:

''(c) SUBMISSION OF ANALYSIS RESULTS.—(1) Upon the completion of an analysis of a commercial or industrial type function described in subsection (a) for possible change to performance by the private sector, the Secretary of Defense shall submit to Congress a report containing the results of the analysis, including the results of the examinations required by subsection (b)(3).

''(2) The report shall also contain the following:

''(A) The date when the analysis of the function was commenced.

''(B) The Secretary's certification that the Government calculation of the cost of performance of the function by Department of Defense civilian employees is based on an estimate of the most cost effective manner for performance of the function by Department of Defense civilian employees.

''(C) The number of Department of Defense civilian employees who were performing the function when the analysis was commenced and the number of such employees whose employment was or will be terminated or otherwise affected by changing to performance of the function by the private sector or by implementation of the most efficient organization of the function.

''(D) The Secretary's certification that the factors considered in the examinations performed under subsection (b)(3), and in the making of the decision regarding changing to performance of the function by the private sector or retaining performance in the most efficient organization of the function, did not include any predetermined personnel constraint or limitation in terms of man years, end strength, full-time equivalent positions, or maximum number of employees.

''(E) A statement of the potential economic effect of implementing the decision regarding changing to performance of the function by the private sector or retaining performance in the most efficient organization of the function on each affected local community, as determined in the examination under subsection (b)(3)(B)(ii).

''(F) A schedule for completing the change to performance of the function by the private sector or implementing the most efficient organization of the function

''(G) In the case of a commercial or industrial type function performed at a Center of Industrial and Technical Excellence designated under section 2474(a) of this title or an Army ammunition plant, a description of the effect that the manner of performance of the function, and administration of the resulting contract if any, will have on the overhead costs of the center or ammunition plant, as the case may be.

''(H) The Secretary's certification that the entire analysis is available for examination.

''(3)(A) If a decision is made to change the commercial or industrial type function that was the subject of the analysis to performance by the private sector, the change of the function to contractor performance may not begin until after the submission of the report required by paragraph (1).

''(B) Notwithstanding subparagraph (A), in the case of a commercial or industrial type function performed at a Center of Industrial and Technical Excellence designated under section 2474(a) of this title or an Army ammunition plant, the change of the function to contractor performance may not begin until at least 60 days after the submission of the report.''.

SEC. 332. WAIVER AUTHORITY REGARDING PROHIBITION ON CONTRACTS FOR PERFORMANCE OF SECURITY-GUARD FUNCTIONS.

Section 2465 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) The Secretary of Defense or the Secretary of a military department may waive the prohibition under subsection (a) regarding contracting for the performance of security-guard functions at a military installation or facility under the jurisdiction of the Secretary if such functions—

''(1) are or will be performed by members of the armed forces in the absence of a waiver; or

''(2) were not performed at the installation or facility before September 11, 2001.''.

SEC. 333. EXCLUSION OF CERTAIN EXPENDITURES FROM PERCENTAGE LIMITATION ON CONTRACTING FOR PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOADS.

Section 2474(f)(2) of title 10, United States Code, is amended by striking ''for fiscal years 2002 through 2005''.

SEC. 334. REPEAL OF OBSOLETE PROVISION REGARDING DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOADS THAT WERE PERFORMED AT CLOSED OR REALIGNED MILITARY INSTALLATIONS.

(a) REPEAL.—Section 2469a of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 146 of such title is amended by striking the item relating to section 2469a.

SEC. 335. CLARIFICATION OF REQUIRED CORE LOGISTICS CAPABILITIES.

Section 2464(a)(3) of title 10, United States Code, is amended by striking ''those capabilities that are necessary to maintain and repair the weapon systems'' and inserting ''those logistics capabilities (including acquisition logistics, supply management, system engineering, maintenance, and modification management) that are necessary to sustain the weapon systems''.

Subtitle E—Defense Dependents Education

SEC. 341. 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 2003.—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, 2003, the Secretary of Defense shall notify each local educational agency that is eligible for educational agencies assistance for fiscal year 2003 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. 342. AVAILABILITY OF QUARTERS ALLOWANCE FOR UNACCOMPANIED DEFENSE DEPARTMENT TEACHER REQUIRED TO RESIDE ON OVERSEAS MILITARY INSTALLATION.

(a) AUTHORITY TO PROVIDE ALLOWANCE.—Subsection (b) of section 7 of the Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 905) is amended by adding at the end the following new sentence: ''If the teacher is unaccompanied by dependents and is required to reside on a United States military installation in an overseas area, the teacher may receive a quarters allowance to reside in excess family housing at the installation notwithstanding the availability single room housing at the installation.''.

(b) TECHNICAL CORRECTION TO REFLECT CODIFICATION.—Such section is further amended by striking ''the Act of June 26, 1930 (5 U.S.C. 118a)'' both places it appears and inserting ''section 5912 of title 5, United States Code''.

SEC. 343. PROVISION OF SUMMER SCHOOL PROGRAMS FOR STUDENTS WHO ATTEND DEFENSE DEPENDENTS' EDUCATION SYSTEM.

Section 1402(d) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 921(d)) is

amended by striking paragraph (2) and inserting the following new paragraph (2):

''(2) Individuals eligible to receive a free public education under subsection (a) may enroll without charge in a summer school program offered under this subsection. Students who are required under section 1404 to pay tuition to enroll in a school of the defense dependents' education system shall also be charged a fee, at a rate established by the Secretary, to attend a course offered as part of the summer school program.''.

Subtitle F—Information Technology

SEC. 351. NAVY-MARINE CORPS INTRANET CONTRACT.

(a) AUTHORIZED DURATION OF CONTRACT.—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–215) and amended by section 362 of Public Law 107–107 (115 Stat. 1065), is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following new subsection (i):

''(i) DURATION OF NAVY-MARINE CORPS INTRANET CONTRACT.—Notwithstanding section 2306c of title 10, United States Code, the Navy-Marine Corps Intranet contract may have a term in excess of five years, but not more than seven years.''.

(b) CLARIFICATION OF PHASED IMPLEMENTATION REQUIREMENTS.—Subsection (b) of such section is amended in paragraphs (2) and (3) by striking ''provided'' each place it appears and inserting ''ordered''.

SEC. 352. ANNUAL SUBMISSION OF INFORMATION ON NATIONAL SECURITY AND INFORMATION TECHNOLOGY CAPITAL ASSETS.

(a) REQUIREMENT TO SUBMIT INFORMATION.—Not later than the date that the President submits the budget of the United States Government to Congress each year, the Secretary of Defense shall submit to Congress a description of, and relevant budget information on, each information technology and national security capital asset of the Department of Defense that—

(1) has an estimated life cycle cost (as computed in fiscal year 2003 constant dollars), in excess of $120,000,000; and

(2) has a cost for the fiscal year in which the description is submitted (as computed in fiscal year 2003 constant dollars) in excess of $30,000,000.

(b) INFORMATION TO BE INCLUDED.—The description submitted under subsection (a) shall include, with respect to each such capital asset and national security system—

(1) the name and identifying acronym;

(2) the date of initiation;

(3) a summary of performance measurements and metrics;

(4) the total amount of funds, by appropriation account, appropriated and obligated for prior fiscal years, with a specific breakout of such information for the two preceding fiscal years;

(5) the funds, by appropriation account, requested for that fiscal year;

(6) each prime contractor and the work to be performed;

(7) a description of program management and management oversight;

(8) the original baseline cost and most current baseline information; and

(9) a description of compliance with the provisions enacted in the Government Performance Results Act of 1993 (Public Law 103–62; 107 Stat. 285) and the Clinger–Cohen Act of 1996 (division D of Public Law 104–106; 110 Stat. 642).

(c) ADDITIONAL INFORMATION TO BE INCLUDED FOR CERTAIN SYSTEMS.—(1) For each information technology and national security system of the Department of Defense that has a cost for the fiscal year in excess of $2,000,000, the Secretary shall identify that system by name, function, and total funds requested for the system.

(2) For each information technology and national security system of the Department of Defense that has a cost for the fiscal year in excess of $10,000,000, the Secretary shall identify that system by name, function, and total funds requested (by appropriation account) for that fiscal year, the funds appropriated for the preceding fiscal year, and the funds estimated to be requested for the next fiscal year.

(d) DEFINITIONS.—In this section:

(1) The term ''information technology'' has the meaning given that term in section 5002 of the Clinger–Cohen Act of 1996 (40 U.S.C. 1401(3)).

(2) The term ''capital asset'' has the meaning given that term in Office of Management and Budget Circular A–11.

(3) The term ''national security system'' has the meaning given that term in section 5142 of the Clinger–Cohen Act of 1996 (40 U.S.C. 1452).

SEC. 353. IMPLEMENTATION OF POLICY REGARDING CERTAIN COMMERCIAL OFF-THE-SHELF INFORMATION TECHNOLOGY PRODUCTS.

The Secretary of Defense shall ensure that—

(1) the Department of Defense implements the policy established by the Committee on National Security Systems (formerly the National Security Telecommunications and Information Systems Security Committee) that limits the acquisition by the Federal Government of all commercial off-the-shelf information assurance and information assurance-enabled information technology products to those products that have been evaluated and validated in accordance with appropriate criteria, schemes, or programs; and

(2) implementation of such policy includes uniform enforcement procedures.

SEC. 354. INSTALLATION AND CONNECTION POLICY AND PROCEDURES REGARDING DEFENSE SWITCH NETWORK.

(a) ESTABLISHMENT OF POLICY AND PROCEDURES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish clear and uniform policy and procedures, applicable to the military departments and Defense Agencies, regarding the installation and connection of telecom switches to the Defense Switch Network.

(b) ELEMENTS OF POLICY AND PROCEDURES.—The policy and procedures shall address at a minimum the following:

(1) Clear interoperability and compatibility requirements for certifying, installing, and connecting telecom switches to the Defense Switch Network.

(2) Current, complete, and enforceable testing, validation, and certification procedures needed to ensure the interoperability and compatibility requirements are satisfied.

(c) EXCEPTIONS.—(1) The Secretary of Defense may specify certain circumstances in which—

(A) the requirements for testing, validation, and certification of telecom switches may be waived; or

(B) interim authority for the installation and connection of telecom switches to the Defense Switch Network may be granted.

(2) Only the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence, after consultation with the Chairman of the Joint Chiefs of Staff, may approve a waiver or grant of interim authority under paragraph (1).

(d) INVENTORY OF DEFENSE SWITCH NETWORK.—The Secretary of Defense shall prepare and maintain an inventory of all telecom switches that, as of the date on which the Secretary issues the policy and procedures—

(1) are installed or connected to the Defense Switch Network; but

(2) have not been tested, validated, and certified by the Defense Information Systems Agency (Joint Interoperability Test Center).

(e) TELECOM SWITCH DEFINED.—In this section, the term ''telecom switch'' means hardware or software designed to send and receive voice, data, and video signals across a network.

Subtitle G—Other Matters

SEC. 361. DISTRIBUTION OF MONTHLY REPORTS ON ALLOCATION OF FUNDS WITHIN OPERATION AND MAINTENANCE BUDGET SUBACTIVITIES.

(a) DESIGNATION OF RECIPIENTS.—Subsection (a) of section 228 of title 10, United States Code, is amended by striking ''to Congress'' and inserting ''to the congressional defense committees''.

(b) CONGRESSIONAL DEFENSE COMMITTEES DEFINED.—Subsection (e) of such section is amended—

(1) by striking ''(e) O&M BUDGET ACTIVITY DEFINED.—For purposes of this section, the'' and inserting the following:

''(e) DEFINITIONS.—In this section:

''(1) The''; and

(2) by adding at the end the following:

''(2) The term 'congressional defense committees' means the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.''.

SEC. 362. MINIMUM DEDUCTION FROM PAY OF CERTAIN MEMBERS OF THE ARMED FORCES TO SUPPORT ARMED FORCES RETIREMENT HOME.

Section 1007(i) of title 37, United States Code, is amended—

(1) in paragraph (1), by striking ''an amount (determined under paragraph (3)) not to exceed $1.00.'' and inserting ''an amount equal to $1.00 and such additional amount as may be determined under paragraph (3).''; and

(2) in paragraph (3)—

(A) by striking ''the amount'' in the first sentence and inserting ''the additional amount''; and

(B) by striking ''The amount'' in the second sentence and inserting ''The additional amount''.

SEC. 363. CONDITION ON CONVERSION OF DEFENSE SECURITY SERVICE TO A WORKING CAPITAL FUNDED ENTITY.

The Secretary of Defense may not convert the Defense Security Service to a working capital funded entity of the Department of Defense unless the Secretary submits, in advance, to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a certification that the Defense Security Service has the financial systems in place to fully support operation of the Defense Security Service as a working capital funded entity under section 2208 of title 10, United States Code.

SEC. 364. CONTINUATION OF ARSENAL SUPPORT PROGRAM INITIATIVE.

(a) EXTENSION THROUGH FISCAL YEAR 2004.—Subsection (a) of section 343 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–65) is amended by striking ''and 2002'' and inserting ''through 2004''.

(b) REPORTING REQUIREMENTS.—Subsection (g) of such section is amended—

(1) in paragraph (1), by striking ''2002'' and inserting ''2004''; and

(2) in paragraph (2), by striking the first sentence and inserting the following new sentence: ''Not later than July 1, 2003, the Secretary of the Army shall submit to the congressional defense committees a report on the results of the demonstration program since its implementation, including the Secretary's views regarding the benefits of the program for Army manufacturing arsenals and the Department of the Army and the success of the program in achieving the purposes specified in subsection (b).''.

SEC. 365. TRAINING RANGE SUSTAINMENT PLAN, GLOBAL STATUS OF RESOURCES AND TRAINING SYSTEM, AND TRAINING RANGE INVENTORY.

(a) PLAN REQUIRED.—(1) The Secretary of Defense shall develop a comprehensive plan for using existing authorities available to the Secretary of Defense and the Secretaries of the military departments to address problems created by limitations on the use of military lands, marine areas, and airspace reserved, withdrawn, or designated for training and testing activities by, for, or on behalf of the Armed Forces.

(2) The plan shall include the following:

(A) Goals and milestones for tracking planned actions and measuring progress.

(B) Projected funding requirements for implementing planned actions.

(C) Designation of an office in the Office of the Secretary of Defense and each of the military departments that will have lead responsibility for overseeing implementation of the plan.

(3) The Secretary of Defense shall submit the plan to Congress at the same time as the President submits the budget for fiscal year 2004 and shall submit an annual report to Congress describing the progress made in implementing the plan and any additional encroachment problems.

(b) READINESS REPORTING IMPROVEMENT.—Not later than June 30, 2003, the Secretary of Defense, using existing measures within the authority of the Secretary, shall submit to Congress a report on the plans of the Department of Defense to improve the Global Status of Resources and Training System—

(1) to better reflect the increasing challenges units of the Armed Forces must overcome to achieve training requirements; and

(2) to quantify the extent to which encroachment and other individual factors are making military lands, marine areas, and airspace less available to support unit accomplishment of training plans and readiness goals.

(c) TRAINING RANGE INVENTORY.—The Secretary of Defense shall develop and maintain a training range data bank for each of the Armed Forces—

(1) to identify all available operational training ranges;

(2) to identify all training capacities and capabilities available at each training range;

(3) to identify all current encroachment threats or other potential limitations on training that are, or are likely to, adversely affect training and readiness; and

(4) to provide a point of contact for each training range.

(d) GAO EVALUATION.—(1) With respect to each report submitted under this section, the Comptroller General shall submit to Congress, within 60 days after receiving the report, an evaluation of the report.

(e) ARMED FORCES DEFINED.—In this section, the term ''Armed Forces'' means the Army, Navy, Air Force, and Marine Corps.

SEC. 366. AMENDMENTS TO CERTAIN EDUCATION AND NUTRITION LAWS RELATING TO ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

(a) ELIGIBILITY FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES AFFECTED BY PRIVATIZATION OF MILITARY HOUSING.—Section 8003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)) is amended by adding at the end the following:

''(H) ELIGIBILITY FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES AFFECTED BY PRIVATIZATION OF MILITARY HOUSING.—

''(i) ELIGIBILITY.—For any fiscal year beginning with fiscal year 2003, a heavily impacted local educational agency that received a basic support payment under subparagraph (A) for the prior fiscal year, but is ineligible for such payment for the current fiscal year under subparagraph (B) or (C), as the case may be, by reason of the conversion of military housing units to private housing described in clause (iii), shall be deemed to meet the eligibility requirements under subparagraph (B) or (C), as the case may be, for the period during which the housing units are undergoing such conversion.

''(ii) AMOUNT OF PAYMENT.—The amount of a payment to a heavily impacted local educational agency for a fiscal year by reason of the application of clause (i), and calculated in accordance with subparagraph (D) or (E) (as the case may be), shall be based on the number of children in average daily attendance in the schools of such agency for the fiscal year.

''(iii) CONVERSION OF MILITARY HOUSING UNITS TO PRIVATE HOUSING DESCRIBED.—For purposes of clause (i), 'conversion of military housing units to private housing' means the conversion of military housing units to private housing units pursuant to subchapter IV of chapter 169 of title 10, United States Code, or pursuant to any other related provision of law.''.

(b) EXCLUSION OF CERTAIN MILITARY BASIC ALLOWANCES FOR HOUSING FOR DETERMINATION OF ELIGIBILITY FOR FREE AND REDUCED PRICE MEALS.—Section 9(b)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(3)) is amended by adding at the end the following: ''For the one-year period beginning on the date of the enactment of this sentence, the amount of a basic allowance provided under section 403 of title 37, United States Code, on behalf of an individual who is a member of the uniformed services for housing that is acquired or constructed under the authority of subchapter IV of chapter 169 of title 10, United States Code, or any other related provision of law, shall not be considered to be income for purposes of determining the eligibility of a child of the individual for free or reduced price lunches under this Act.''.

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, 2003, as follows:

(1) The Army, 484,800.

(2) The Navy, 379,457.

(3) The Marine Corps, 175,000.

(4) The Air Force, 360,795.

SEC. 402. REVISION IN PERMANENT END STRENGTH MINIMUM LEVELS.

(a) REVISED END STRENGTH FLOORS.—Section 691(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ''480,000'' and inserting ''484,800'';

(2) in paragraph (2), by striking ''376,000'' and inserting ''379,457';

(3) in paragraph (3), by striking ''172,600'' and inserting ''175,000''; and

(4) in paragraph (4), by striking ''358,800'' and inserting ''360,795''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2002, or the date of the enactment of this Act, whichever is later.

SEC. 403. AUTHORITY FOR MILITARY DEPARTMENT SECRETARIES TO INCREASE ACTIVE-DUTY END STRENGTHS BY UP TO 1 PERCENT.

(a) SERVICE SECRETARY AUTHORITY.—Section 115 of title 10, United States Code, is amended by inserting after subsection (e) the following new subsection:

''(f) Upon determination by the Secretary of a military department that such action would enhance manning and readiness in essential units or in critical specialties or ratings, the Secretary may increase the end strength authorized pursuant to subsection (a)(1)(A) for a fiscal year for the armed force under the jurisdiction of that Secretary or, in the case of the Secretary of the Navy, for any of the armed forces under the jurisdiction of that Secretary. Any such increase for a fiscal year—

''(1) shall be by a number equal to not more than 1 percent of such authorized end strength; and

''(2) shall be counted as part of the increase for that armed force for that fiscal year authorized under subsection (c)(1).''.

(b) EFFECTIVE DATE.—Subsection (f) of section 115 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2002, or the date of the enactment of this Act, whichever is later.

SEC. 404. GENERAL AND FLAG OFFICER MANAGEMENT.

(a) EXCLUSION OF SENIOR MILITARY ASSISTANT TO THE SECRETARY OF DEFENSE FROM LIMITATION ON ACTIVE DUTY OFFICERS IN GRADES ABOVE MAJOR GENERAL AND REAR ADMIRAL.—Effective on the date specified in subsection (e), section 525(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(8) An officer while serving in a position designated by the Secretary of Defense as Senior Military Assistant to the Secretary of Defense, if serving in the grade of lieutenant general or vice admiral, is in addition to the number that otherwise would be permitted for that officer's armed force for that grade under paragraph (1) or (2). Only one officer may be designated as Senior Military Assistant to the Secretary of Defense for purposes of this paragraph.''.

(b) INCREASE IN NUMBER OF LIEUTENANT GENERALS AUTHORIZED FOR THE MARINE CORPS.—Effective on the date specified in subsection (e), paragraph (2)(B) of such section is amended by striking ''16.2 percent'' and inserting ''17.5 percent''.

(c) GRADE OF CHIEF OF VETERINARY CORPS OF THE ARMY.—(1) Effective on the date specified in subsection (e), chapter 307 of such title is amended by adding at the end the following new section:

''§3084. Chief of Veterinary Corps: grade

''The Chief of the Veterinary Corps of the Army serves in the grade of brigadier general. An officer appointed to that position who holds a lower grade shall be appointed in the grade of brigadier general.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''3084. Chief of Veterinary Corps: grade.''.

(d) REVIEW OF ACTIVE DUTY AND RESERVE GENERAL AND FLAG OFFICER AUTHORIZATIONS.—(1) The Secretary of Defense shall submit to Congress a report containing any recommendations of the Secretary (together with the rationale of the Secretary for the recommendations) concerning the following:

(A) Revision of the limitations on general and flag officer grade authorizations and distribution in grade prescribed by sections 525, 526, and 12004 of title 10, United States Code.

(B) Statutory designation of the positions and grades of any additional general and flag officers in the commands specified in chapter 1006 of title 10, United States Code, and the reserve component offices specified in sections 3038, 5143, 5144, and 8038 of such title.

(2) The provisions of subsection (b) through (e) of section 1213 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2694) shall apply to the report under paragraph (1) in the same manner as they applied to the report required by subsection (a) of that section.

(e) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall take effect on the date of the receipt by Congress of the report required by subsection (d).

SEC. 405. 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 ''September 30, 2003'' and inserting ''December 31, 2004''.

(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 ''September 30, 2003'' and inserting ''December 31, 2004''.

(c) AUTHORIZED STRENGTH FOR GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.—Section 526(b)(3) of such title is amended by striking ''October 1, 2002'' and inserting ''December 31, 2004''.

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, 2003, as follows:

(1) The Army National Guard of the United States, 350,000.

(2) The Army Reserve, 205,000.

(3) The Naval Reserve, 87,800.

(4) The Marine Corps Reserve, 39,558.

(5) The Air National Guard of the United States, 106,600.

(6) The Air Force Reserve, 75,600.

(7) The Coast Guard Reserve, 9,000.

(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, 2003, 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, 24,562.

(2) The Army Reserve, 14,070.

(3) The Naval Reserve, 14,572.

(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 11,697.

(6) The Air Force Reserve, 1,498.

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 2003 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 National Guard of the United States, 24,102.

(2) For the Army Reserve, 6,599.

(3) For the Air National Guard of the United States, 22,495.

(4) For the Air Force Reserve, 9,911.

SEC. 414. FISCAL YEAR 2003 LIMITATION ON NON-DUAL STATUS TECHNICIANS.

(a) ARMY.—The number of non-dual status technicians employed by the reserve components of the Army as of September 30, 2003, may not exceed the following:

(1) For the Army Reserve, 995.

(2) For the Army National Guard of the United States, 1,600, to be counted within the limitation specified in section 10217(c)(2) of title 10, United States Code.

(b) AIR FORCE.—The number of non-dual status technicians employed by the reserve components of the Army and the Air Force as of September 30, 2003, may not exceed the following:

(1) For the Air Force Reserve, 90.

(2) For the Air National Guard of the United States, 350, to be counted within the limitation specified in section 10217(c)(2) of title 10, United States Code.

(c) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term ''non-dual status technician'' has the meaning given that term in section 10217(a) of title 10, United States Code.

(d) TECHNICAL AMENDMENTS.—Effective October 1, 2002, section 10217(c)(2) of title 10, United States Code, is amended—

(1) in the first sentence, by striking ''Effective October 1, 2002, the'' and inserting ''The''; and

(2) in the second sentence, by striking ''after the preceding sentence takes effect''.

Subtitle C—Authorization of Appropriations

SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2003 a total of $93,725,028,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2003.

TITLE V—MILITARY PERSONNEL POLICY

SEC. 501. INCREASE IN NUMBER OF DEPUTY COMMANDANTS OF THE MARINE CORPS.

Section 5045 of title 10, United States Code, is amended by striking ''five'' and inserting ''six''.

SEC. 502. EXTENSION OF GOOD-OF-THE-SERVICE WAIVER AUTHORITY FOR OFFICERS APPOINTED TO A RESERVE CHIEF OR GUARD DIRECTOR POSITION.

(a) WAIVER OF REQUIREMENT FOR SIGNIFICANT JOINT DUTY EXPERIENCE.—Sections 3038(b)(4), 5143(b)(4), 5144(b)(4), 8038(b)(4), and 10506(a)(3)(D) of title 10, United States Code, are each amended by striking ''October 1, 2003'' and inserting ''December 31, 2004''.

(b) REPORT ON FUTURE IMPLEMENTATION OF REQUIREMENT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report setting forth the steps being taken (and proposed to be taken) by the Secretary, the Secretaries of the military departments, and the Chairman of the Joint Chiefs of Staff to ensure that no further extension of the waiver authority under the sections amended by subsection (a) is required and that after December 31, 2004, appointment of officers to serve in the positions covered by those sections shall be made from officers with the requisite joint duty experience.

Subtitle B—Reserve Component Management

SEC. 511. REVIEWS OF NATIONAL GUARD STRENGTH ACCOUNTING AND MANAGEMENT AND OTHER ISSUES.

(a) COMPTROLLER GENERAL ASSESSMENTS.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on management of the National Guard. The report shall include the following:

(1) The Comptroller General's assessment of the effectiveness of the implementation of Department of Defense plans for improving management and accounting for personnel strengths in the National Guard, including an assessment of the process that the Department of Defense, the National Guard Bureau, the Army National Guard and State-level National Guard leadership, and leadership in the other reserve components have for identifying and addressing in a timely manner specific units in which non-participation rates are significantly in excess of the established norms.

(2) The Comptroller General's assessment of the effectiveness of the process for Federal recognition of senior National Guard officers and recommendations for improvement to that process.

(3) The Comptroller General's assessment of the process for, and the nature and extent of, the administrative or judicial corrective action taken by the Secretary of Defense, the Secretary of the Army, and the Secretary of the Air Force as a result of Inspector General investigations or other investigations in which allegations against senior National Guard officers are substantiated in whole or in part.

(4) The Comptroller General's determination of the effectiveness of the Federal protections provided for members or employees of the National Guard who report allegations of waste, fraud, abuse, or mismanagement and the nature and extent to which corrective action is taken against those in the National Guard who retaliate against such members or employees.

(b) SECRETARY OF DEFENSE REPORT ON DIFFERENT ARMY AND AIR FORCE PROCEDURES.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the differing Army and Air Force policies for taking adverse administrative actions against National Guard officers in a State status. The report shall include the Secretary's determination as to whether changes should be made in those policies, especially through requiring the Air Force to adopt the same policy as the Army for such administrative actions.

SEC. 512. COURTS-MARTIAL FOR THE NATIONAL GUARD WHEN NOT IN FEDERAL SERVICE.

(a) MANNER OF PRESCRIBING PUNISHMENTS.—Section 326 of title 32, United States Code, is amended by adding at the end the following new sentence: ''Punishments shall be as provided by the laws of the respective States and Territories, Puerto Rico, and the District of Columbia.''.

(b) CONVENING AUTHORITY.—Section 327 of such title is amended to read as follows:

''§ 327. Courts-martial of National Guard not in Federal service: convening authority

''(a) In the National Guard not in Federal service, general, special, and summary courts-martial may be convened as provided by the laws of the States and Territories, Puerto Rico, and the District of Columbia.

''(b) In addition to convening authorities as provided under subsection (a), in the National Guard not in Federal service—

''(1) general courts-martial may be convened by the President;

''(2) special courts-martial may be convened—

''(A) by the commanding officer of a garrison, fort, post, camp, air base, auxiliary air base, or other place where troops are on duty; or

''(B) by the commanding officer of a division, brigade, regiment, wing, group, detached battalion, separate squadron, or other detached command; and

''(3) summary courts-martial may be convened—

''(A) by the commanding officer of a garrison, fort, post, camp, air base, auxiliary air base, or other place where troops are on duty; or

''(B) by the commanding officer of a division, brigade, regiment, wing, group, detached battalion, detached squadron, detached company, or other detachment.''.

(2) The item relating to such section in the table of sections at the beginning of chapter 3 of such title is amended to read as follows:

''327. Courts-martial of National Guard not in Federal service: convening authority.''.

(c) REPEAL OF SUPERSEDED AND OBSOLETE PROVISIONS.—

(1) Sections 328, 329, 330, 331, 332, and 333 of title 32, United States Code, are repealed.

(2) The table of sections at the beginning of chapter 3 of such title is amended by striking the items relating to sections 328, 329, 330, 331, 332, and 333.

(d) PREPARATION OF MODEL STATE CODE OF MILITARY JUSTICE AND MODEL STATE MANUAL FOR COURTS-MARTIAL.—(1) The Secretary of Defense shall prepare, for consideration for enactment by the States, a model State code of military justice and a model State manual of courts-martial for use with respect to the National Guard not in Federal service. Both such models shall be consistent with the recommendations contained in the report, issued in 1998, by the panel known as the Department of Defense Panel to Study Military Justice in the National Guard not in Federal Service.

(2) The Secretary shall ensure that adequate support for the preparation of such model State code and model State manual (including the detailing of attorneys and other staff) is provided by the General Counsel of the Department of Defense, the Secretary of the Army, the Secretary of the Air Force, and the Chief of the National Guard Bureau.

(3) If the amounts available to the Chief of the National Guard Bureau are not adequate for the costs required to provide support under paragraph (2) (including costs for increased pay when members of the National Guard are ordered to active duty, cost of detailed attorneys and other staff, allowances, and travel expenses), the Secretary shall, upon request of the Chief of the Bureau, provide such additional amounts as are necessary.

(4) Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the implementation of this subsection. The report shall include proposals in final form of both the model State code and the model State manual required by paragraph (1) and shall set forth the efforts being made to present those proposals to the States for their consideration for enactment.

(5) In this subsection, the term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

SEC. 513. MATCHING FUNDS REQUIREMENTS UNDER NATIONAL GUARD YOUTH CHALLENGE PROGRAM.

Effective October 1, 2002, subsection (d) of section 509 of title 32, United States Code, is amended to read as follows:

''(d) MATCHING FUNDS REQUIRED.—The amount of assistance provided under this section to a State program of the National Guard Challenge Program for a fiscal year may not exceed 75 percent of the costs of operating the State program during that fiscal year.''.

Subtitle C—Reserve Component Officer Personnel Policy

SEC. 521. EXEMPTION FROM ACTIVE STATUS STRENGTH LIMITATION FOR RESERVE COMPONENT GENERAL AND FLAG OFFICERS SERVING ON ACTIVE DUTY IN CERTAIN JOINT DUTY ASSIGNMENTS DESIGNATED BY THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF.

Section 12004 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(f)(1) A general or flag officer who is on active duty but who is not counted under section 526(a) of this title by reason of section 526(b)(2)(B) of this title shall also be excluded from being counted under subsection (a).

''(2) This subsection shall cease to be effective on the date specified in section 526(b)(3) of this title.''.

SEC. 522. ELIGIBILITY FOR CONSIDERATION FOR PROMOTION TO GRADE OF MAJOR GENERAL FOR CERTAIN RESERVE COMPONENT BRIGADIER GENERALS WHO DO NOT OTHERWISE QUALIFY FOR CONSIDERATION FOR PROMOTION UNDER THE ONE-YEAR RULE.

Section 14301(g) of title 10, United States Code, is amended to read as follows:

''(g) BRIGADIER GENERALS.—(1) An officer who is a reserve component brigadier general of the Army or the Air Force who is not eligible for consideration for promotion under subsection (a) because the officer is not on the reserve active status list (as required by paragraph (1) of that subsection for such eligibility) is nevertheless eligible for consideration for promotion to the grade of major general by a promotion board convened under section 14101(a) of this title if—

''(A) as of the date of the convening of the promotion board, the officer has been in an inactive status for less than one year; and

''(B) immediately before the date of the officer's most recent transfer to an inactive status, the officer had continuously served on the reserve active status list or the active-duty list (or a combination of the reserve active status list and the active-duty list) for at least one year.

''(2) An officer who is a reserve component brigadier general of the Army or the Air Force who is on the reserve active status list but who is not eligible for consideration for promotion under subsection (a) because the officer's service does not meet the one-year-of-continuous-service requirement under paragraph (2) of that subsection is nevertheless eligible for consideration for promotion to the grade of major general by a promotion board convened under section 14101(a) of this title if—

''(A) the officer was transferred from an inactive status to the reserve active status list during the one-year period preceding the date of the convening of the promotion board;

''(B) immediately before the date of the officer's most recent transfer to an active status, the officer had been in an inactive status for less than one year; and

''(C) immediately before the date of the officer's most recent transfer to an inactive status, the officer had continuously served for at least one year on the reserve active status list or the active-duty list (or a combination of the reserve active status list and the active-duty list).''.

SEC. 523. RETENTION OF PROMOTION ELIGIBILITY FOR RESERVE COMPONENT GENERAL AND FLAG OFFICERS TRANSFERRED TO AN INACTIVE STATUS.

Section 14317 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(f) EFFECT OF TRANSFER OF OFFICERS IN PAY GRADE O–7 TO INACTIVE STATUS.—Notwithstanding subsection (a), if a reserve officer on the active-status list in the grade of brigadier general or rear admiral (lower half) is transferred to an inactive status after having been recommended for promotion to the grade of major general or rear admiral under this chapter, or after having been found qualified for Federal recognition in the grade of major general under title 32, but before being promoted, the officer shall retain promotion eligibility and, if otherwise qualified, may be promoted to the higher grade after returning to an active status.''.

SEC. 524. AUTHORITY FOR LIMITED EXTENSION OF MEDICAL DEFERMENT OF MANDATORY RETIREMENT OR SEPARATION FOR RESERVE OFFICERS.

(a) DEFERMENT OF RETIREMENT OR SEPARATION FOR MEDICAL REASONS.—Chapter 1407 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 14519. Deferment of retirement or separation for medical reasons

''(a) If the Secretary of the military department concerned determines that the evaluation of the physical condition of a Reserve officer and determination of the officer's entitlement to retirement or separation for physical disability require hospitalization or medical observation and that such hospitalization or medical observation cannot be completed with confidence in a manner consistent with the officer's well-being before the date on which the officer would otherwise be required to be separated, retired, or transferred to the Retired Reserve under this title, the Secretary may defer the separation, retirement, or transfer of the officer under this title.

''(b) A deferral under subsection (a) of separation, retirement, or transfer to the Retired Reserve may not extend for more than 30 days after completion of the evaluation requiring hospitalization or medical observation.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''14519. Deferment of retirement or separation for medical reasons.''.

Subtitle D—Education and Training

SEC. 531. AUTHORITY FOR PHASED INCREASE TO 4,400 IN AUTHORIZED STRENGTHS FOR THE SERVICE ACADEMIES.

(a) MILITARY ACADEMY.—Section 4342 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting before the period at the end of the first sentence the following: ''or such higher number as may be prescribed by the Secretary of the Army under subsection (j)''; and

(2) by adding at the end the following new subsection:

''(j)(1) Beginning with the 2003–2004 academic year, the Secretary of the Army may prescribe annual increases in the cadet strength limit in effect under subsection (a). For any academic year, any such increase shall be by no more than 100 cadets or such lesser number as applies under paragraph (3) for that year. Such annual increases may be prescribed until the cadet strength limit is 4,400. However, no increase may be prescribed for any academic year after the 2007–2008 academic year.

''(2) Any increase in the cadet strength limit under paragraph (1) with respect to an academic year shall be prescribed not later than the date on which the budget of the President is submitted to Congress under section 1105 of title 31 for the fiscal year beginning in the same year as the year in which that academic year begins. Whenever the Secretary prescribes such an increase, the Secretary shall submit to Congress a notice in writing of the increase. The notice shall state the amount of the increase in the cadet strength limit and the new cadet strength limit, as so increased, and the amount of the increase in Senior Army Reserve Officers' Training Corps enrollment under each of sections 2104 and 2107 of this title.

''(3) The amount of an increase under paragraph (1) in the cadet strength limit for an academic year may not exceed the increase (if any) for the preceding academic year in the total number of cadets enrolled in the Army Senior Reserve Officers' Training Corps program under chapter 103 of this title who have entered into an agreement under section 2104 or 2107 of this title.

''(4) In this subsection, the term 'cadet strength limit' means the authorized maximum strength of the Corps of Cadets of the Academy.''.

(b) NAVAL ACADEMY.—Section 6954 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting before the period at the end of the first sentence the following: ''or such higher number as may be prescribed by the Secretary of the Navy under subsection (h)''; and

(2) by adding at the end the following new subsection:

''(h)(1) Beginning with the 2003–2004 academic year, the Secretary of the Navy may prescribe

annual increases in the midshipmen strength limit in effect under subsection (a). For any academic year, any such increase shall be by no more than 100 midshipmen or such lesser number as applies under paragraph (3) for that year. Such annual increases may be prescribed until the midshipmen strength limit is 4,400. However, no increase may be prescribed for any academic year after the 2007–2008 academic year.

''(2) Any increase in the midshipmen strength limit under paragraph (1) with respect to an academic year shall be prescribed not later than the date on which the budget of the President is submitted to Congress under section 1105 of title 31 for the fiscal year beginning in the same year as the year in which that academic year begins. Whenever the Secretary prescribes such an increase, the Secretary shall submit to Congress a notice in writing of the increase. The notice shall state the amount of the increase in the midshipmen strength limit and the new midshipmen strength limit, as so increased, and the amount of the increase in Senior Navy Reserve Officers' Training Corps enrollment under each of sections 2104 and 2107 of this title.

''(3) The amount of an increase under paragraph (1) in the midshipmen strength limit for an academic year may not exceed the increase (if any) for the preceding academic year in the total number of midshipmen enrolled in the Navy Senior Reserve Officers' Training Corps program under chapter 103 of this title who have entered into an agreement under section 2104 or 2107 of this title.

''(4) In this subsection, the term 'midshipmen strength limit' means the authorized maximum strength of the Brigade of Midshipmen.''.

(c) AIR FORCE ACADEMY.—Section 9342 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting before the period at the end of the first sentence the following: ''or such higher number as may be prescribed by the Secretary of the Air Force under subsection (j)''; and

(2) by adding at the end the following new subsection:

''(j)(1) Beginning with the 2003–2004 academic year, the Secretary of the Air Force may prescribe annual increases in the cadet strength limit in effect under subsection (a). For any academic year, any such increase shall be by no more than 100 cadets or such lesser number as applies under paragraph (3) for that year. Such annual increases may be prescribed until the cadet strength limit is 4,400. However, no increase may be prescribed for any academic year after the 2007–2008 academic year.

''(2) Any increase in the cadet strength limit under paragraph (1) with respect to an academic year shall be prescribed not later than the date on which the budget of the President is submitted to Congress under sections 1105 of title 31 for the fiscal year beginning in the same year as the year in which that academic year begins. Whenever the Secretary prescribes such an increase, the Secretary shall submit to Congress a notice in writing of the increase. The notice shall state the amount of the increase in the cadet strength limit and the new cadet strength limit, as so increased, and the amount of the increase in Senior Air Force Reserve Officers' Training Corps enrollment under each of sections 2104 and 2107 of this title.

''(3) The amount of an increase under paragraph (1) in the cadet strength limit for an academic year may not exceed the increase (if any) for the preceding academic year in the total number of cadets enrolled in the Air Force Senior Reserve Officers' Training Corps program under chapter 103 of this title who have entered into an agreement under section 2104 or 2107 of this title.

''(4) In this subsection, the term 'cadet strength limit' means the authorized maximum strength of Air Force Cadets of the Academy.''.

(d) TARGET FOR INCREASES IN NUMBER OF ROTC SCHOLARSHIP PARTICIPANTS.—Section 2107 of such title is amended by adding at the end the following new subsection:

''(i) The Secretary of each military department shall seek to achieve an increase in the number of agreements entered into under this section so as to achieve an increase, by the 2006–2007 academic year, of not less than 400 in the number of cadets or midshipmen, as the case may be, enrolled under this section, compared to such number enrolled for the 2002–2003 academic year. In the case of the Secretary of the Navy, the Secretary shall seek to ensure that not less than one-third of such increase in agreements under this section are with students enrolled (or seeking to enroll) in programs of study leading to a baccalaureate degree in nuclear engineering or another appropriate technical, scientific, or engineering field of study.''.

(e) REPEAL OF LIMIT ON NUMBER OF ROTC SCHOLARSHIPS.—Section 2107 of such title is further amended by striking the first sentence of subsection (h)(1).

(f) REPEAL OF OBSOLETE LANGUAGE.—Section 4342(i) of such title is amended by striking ''(beginning with the 2001–2002 academic year)''.

SEC. 532. ENHANCEMENT OF RESERVE COMPONENT DELAYED TRAINING PROGRAM.

(a) INCREASE IN TIME FOLLOWING ENLISTMENT FOR COMMENCEMENT OF INITIAL PERIOD OF ACTIVE DUTY FOR TRAINING.—Section 12103(d) of title 10, United States Code, is amended by striking ''270 days'' in the last sentence and inserting ''one year''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to enlistments under section 12103(d) of title 10, United States Code, after the end of the 90–day period beginning on the date of the enactment of this Act.

(c) TRANSITION.—In the case of a person who enlisted under section 12103(d) of title 10, United States Code, before the date of the enactment of this Act and who as of such date has not commenced the required initial period of active duty for training under that section, the amendment made by subsection (a) may be applied to that person, but only with the agreement of that person and the Secretary concerned.

Subtitle E—Decorations and Awards

SEC. 541. WAIVER OF TIME LIMITATIONS FOR AWARD OF CERTAIN DECORATIONS TO CERTAIN PERSONS.

(a) WAIVER.—Any limitation established by law or policy for the time within which a recommendation for the award of a military decoration or award must be submitted shall not apply to awards of decorations described in this section, the award of each such decoration having been determined by the Secretary concerned to be warranted in accordance with section 1130 of title 10, United States Code.

(b) DISTINGUISHED FLYING CROSS.—Subsection (a) applies to the award of the Distinguished Flying Cross (including multiple awards to the same individual) in the case of each individual concerning whom the Secretary of the military department concerned (or a designated official acting on behalf of the Secretary of the military department concerned) submitted to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate, during the period beginning on December 28, 2001, and ending on the day before the date of the enactment of this Act, a notice as provided in section 1130(b) of title 10, United States Code, that the award of the Distinguished Flying Cross to that individual is warranted and that a waiver of time restrictions prescribed by law for recommendation for such award is recommended.

SEC. 542. OPTION TO CONVERT AWARD OF ARMED FORCES EXPEDITIONARY MEDAL AWARDED FOR OPERATION FREQUENT WIND TO VIETNAM SERVICE MEDAL.

(a) IN GENERAL.—The Secretary of the military department concerned shall, upon the application of an individual who is an eligible Vietnam evacuation veteran, award that individual the Vietnam Service Medal, notwithstanding any otherwise applicable requirements for the award of that medal. Any such award shall be made in lieu of the Armed Forces Expeditionary Medal awarded the individual for participation in Operation Frequent Wind.

(b) ELIGIBLE VIETNAM EVACUATION VETERAN.—For purposes of this section, the term ''eligible Vietnam evacuation veteran'' means a member or former member of the Armed Forces who was awarded the Armed Forces Expeditionary Medal for participation in military operations designated as Operation Frequent Wind arising from the evacuation of Vietnam on April 29 and 30, 1975.

Subtitle F—Administrative Matters

SEC. 551. STAFFING AND FUNDING FOR DEFENSE PRISONER OF WAR/MISSING PERSONNEL OFFICE.

(a) REQUIREMENT FOR STAFFING AND FUNDING AT LEVELS REQUIRED FOR PERFORMANCE OF FULL RANGE OF MISSIONS.—Subsection (a) of section 1501 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5)(A) The Secretary of Defense shall ensure that the office is provided sufficient military and civilian personnel levels, and sufficient funding, to enable the office to fully perform its complete range of missions. The Secretary shall ensure that Department of Defense programming, planning, and budgeting procedures are structured so as to ensure compliance with the preceding sentence for each fiscal year.

''(B) For any fiscal year, the number of military and civilian personnel assigned or detailed to the office may not be less than the number requested in the President's budget for fiscal year 2003, unless a level below such number is expressly required by law.

''(C) For any fiscal year, the level of funding allocated to the office within the Department of Defense may not be below the level requested for such purposes in the President's budget for fiscal year 2003, unless such a level of funding is expressly required by law.''.

(b) NAME OF OFFICE.—Such subsection is further amended by inserting after the first sentence of paragraph (1) the following new sentence: ''Such office shall be known as the Defense Prisoner of War/Missing Personnel Office.''.

SEC. 552. THREE-YEAR FREEZE ON REDUCTIONS OF PERSONNEL OF AGENCIES RESPONSIBLE FOR REVIEW AND CORRECTION OF MILITARY RECORDS.

(a) IN GENERAL.—Chapter 79 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1559. Personnel limitation

''(a) LIMITATION.—During fiscal years 2003, 2004, and 2005, the Secretary of a military department may not carry out any reduction in the number of military and civilian personnel assigned to duty with the service review agency for that military department below the baseline number for that agency until—

''(1) the Secretary submits to Congress a report that—

''(A) describes the reduction proposed to be made;

''(B) provides the Secretary's rationale for that reduction; and

''(C) specifies the number of such personnel that would be assigned to duty with that agency after the reduction; and

''(2) a period of 90 days has elapsed after the date on which the report is submitted.

''(b) BASELINE NUMBER.—The baseline number for a service review agency under this section is—

''(1) for purposes of the first report with respect to a service review agency under this section, the number of military and civilian personnel assigned to duty with that agency as of January 1, 2002; and

''(2) for purposes of any subsequent report with respect to a service review agency under

this section, the number of such personnel specified in the most recent report with respect to that agency under this section.

''(c) SERVICE REVIEW AGENCY DEFINED.—In this section, the term 'service review agency' means—

''(1) with respect to the Department of the Army, the Army Review Boards Agency;

''(2) with respect to the Department of the Navy, the Board for Correction of Naval Records; and

''(3) with respect to the Department of the Air Force, the Air Force Review Boards Agency.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1559. Personnel limitation.''.

SEC. 553. DEPARTMENT OF DEFENSE SUPPORT FOR PERSONS PARTICIPATING IN MILITARY FUNERAL HONORS DETAILS.

Section 1491(d) of title 10, United States Code, is amended—

(1) by striking ''To provide a'' after ''SUPPORT.—'' and inserting ''(1) To support a'';

(2) by redesignating paragraph (1) as subparagraph (A) and amending such subparagraph, as so redesignated, to read as follows:

''(A) For a person who participates in a funeral honors detail (other than a person who is a member of the armed forces not in a retired status or an employee of the United States), either transportation (or reimbursement for transportation) and expenses or the daily stipend prescribed under paragraph (2).'';

(3) by redesignating paragraph (2) as subparagraph (B) and in that subparagraph—

(A) by striking ''Materiel, equipment, and training for'' and inserting ''For''; and

(B) by inserting before the period at the end ''and for members of the armed forces in a retired status, materiel, equipment, and training'';

(4) by redesignating paragraph (3) as subparagraph (C) and in that subparagraph—

(A) by striking ''Articles of clothing for'' and inserting ''For''; and

(B) by inserting '', articles of clothing'' after ''subsection (b)(2)''; and

(5) by adding at the end the following new paragraphs:

''(2) The Secretary of Defense shall prescribe annually a flat rate daily stipend for purposes of paragraph (1)(A). Such stipend shall be set at a rate so as to encompass typical costs for transportation and other miscellaneous expenses for persons participating in funeral honors details who are members of the armed forces in a retired status and other persons are not members of the armed forces or employees of the United States.

''(3) A stipend paid under this subsection to a member of the armed forces in a retired status is in addition to any compensation to which the member is entitled under section 435(a)(2) of title 37 and any other compensation to which the member may be entitled.''.

SEC. 554. AUTHORITY FOR USE OF VOLUNTEERS AS PROCTORS FOR ADMINISTRATION OF ARMED SERVICES VOCATIONAL APTITUDE BATTERY TEST.

Section 1588(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(6) Voluntary services as a proctor for administration to secondary school students of the test known as the 'Armed Services Vocational Aptitude Battery'.''.

SEC. 555. ANNUAL REPORT ON STATUS OF FEMALE MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Chapter 23 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 488. Status of female members of the armed forces: annual report

''(a) ANNUAL REPORT.—The Secretary of Defense shall submit to Congress an annual report on the status of female members of the armed forces. Information in the report shall be shown for the Department of Defense as a whole and separately for each of the Army, Navy, Air Force, and Marine Corps.

''(b) MATTERS TO BE INCLUDED.—Each report under subsection (a) shall include, at a minimum, the following information with respect to female members:

''(1) Access to health care.

''(2) Positions open.

''(3) Assignment policies.

''(4) Joint spouse assignments.

''(5) Deployment availability rates.

''(6) Promotion and retention rates.

''(7) Assignments in nontraditional fields.

''(8) Assignments to command positions.

''(9) Selection for service schools.

''(10) Sexual harassment.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''488. Status of female members of the armed forces: annual report.''.

Subtitle G—Benefits

SEC. 561. VOLUNTARY LEAVE SHARING PROGRAM FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—(1) Chapter 40 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 709. Voluntary transfers of leave

''(a) PROGRAM.—The Secretary concerned shall, by regulation, establish a program under which leave accrued by a member of an armed force may be transferred to another member of the same armed force who requires additional leave because of a qualifying emergency. Any such transfer of leave may be made only upon the voluntary written application of the member whose leave is to be transferred.

''(b) APPROVAL OF COMMANDING OFFICER REQUIRED.—Any transfer of leave under a program under this section may only be made with the approval of the commanding officer of the leave donor and the leave recipient.

''(c) QUALIFYING EMERGENCY.—In this section, the term 'qualifying emergency', with respect to a member of the armed forces, means a circumstance that—

''(1) is likely to require the prolonged absence of the member from duty; and

''(2) is due to—

''(A) a medical condition of a member of the immediate family of the member; or

''(B) any other hardship that the Secretary concerned determines appropriate for purposes of this section.

''(d) MILITARY DEPARTMENT REGULATIONS.—Regulations prescribed under this section by the Secretaries of the military department shall be as uniform as practicable and shall be subject to approval by the Secretary of Defense.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''709. Voluntary transfers of leave.''.

(b) DEADLINE FOR IMPLEMENTING REGULATIONS.—Regulations to implement section 709 of title 10, United States Code, as added by subsection (a), shall be prescribed not later than six months after the date of the enactment of this Act.

SEC. 562. ENHANCED FLEXIBILITY IN MEDICAL LOAN REPAYMENT PROGRAM.

(a) ELIGIBLE PERSONS.—Subsection (d) of section 2173 of title 10, United States Code, is amended by striking ''Participants'' and all that follows through ''and students'' and inserting ''Students''.

(b) LOAN REPAYMENT AMOUNTS.—Subsection (e)(2) of such section is amended by striking the last sentence.

SEC. 563. EXPANSION OF OVERSEAS TOUR EXTENSION BENEFITS.

Section 705(b)(2) of title 10, United States Code, is amended—

(1) by striking ''recuperative'' and inserting ''recuperation''; and

(2) by inserting before the period at the end the following: '', or to an alternate location at a cost not to exceed the cost of transportation to the nearest port in the 48 contiguous States, and return''.

SEC. 564. VEHICLE STORAGE IN LIEU OF TRANSPORTATION WHEN MEMBER IS ORDERED TO A NONFOREIGN DUTY STATION OUTSIDE CONTINENTAL UNITED STATES.

(a) STORAGE COSTS AUTHORIZED.—Subsection (b) of section 2634 of title 10, United States Code, is amended by striking paragraphs (1) and (2) and inserting the following:

''(b)(1) When a member receives a vehicle storage qualifying order, the member may elect to have a motor vehicle described in subsection (a) stored at the expense of the United States at a location approved by the Secretary concerned. In the case of a vehicle storage qualifying order that is to make a change of permanent station, such storage is in lieu of transportation authorized by subsection (a).

''(2) In this subsection, the term 'vehicle storage qualifying order' means any of the following:

''(A) An order to make a change of permanent station to a foreign country in a case in which the laws, regulations, or other restrictions imposed by the foreign country or by the United States either—

''(i) preclude entry of a motor vehicle described in subsection (a) into that country; or

''(ii) would require extensive modification of the vehicle as a condition to entry.

''(B) An order to make a change of permanent station to a nonforeign area outside the continental United States in a case in which the laws, regulations, or other restrictions imposed by that area or by the United States either—

''(i) preclude entry of a motor vehicle described in subsection (a) into that area; or

''(ii) would require extensive modification of the vehicle as a condition to entry.

''(C) An order under which a member is transferred or assigned in connection with a contingency operation to duty at a location other than the permanent station of the member for a period of more than 30 consecutive days but which is not considered a change of permanent station.''.

(b) NONFOREIGN AREA OUTSIDE THE CONTINENTAL UNITED STATES DEFINED.—Subsection (h) of such section is amended by adding at the end the following new paragraph:

''(3) The term 'nonforeign area outside the continental United States' means any of the following: the States of Alaska and Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands, and any possession of the United States.''.

(c) EFFECTIVE DATE.—The amendments made by this section apply to orders to make a change of permanent station to a nonforeign area outside the continental United States (as such term is defined in subsection (h)(3) of section 2634 of title 10, United States Code, as added by subsection (b)) that are issued on or after the date of the enactment of this Act.

Subtitle H—Military Justice Matters

SEC. 571. RIGHT OF CONVICTED ACCUSED TO REQUEST SENTENCING BY MILITARY JUDGE.

(a) SENTENCING BY JUDGE.—(1) Chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 852 (article 52) the following new section:

''§ 852a. Art. 52a. Right of accused to request sentencing by military judge rather than by members

''(a) In the case of an accused convicted of an offense by a court-martial composed of a military judge and members, the sentence shall be tried before and adjudged by the military judge

rather than the members if, after the findings are announced and before evidence in the sentencing proceeding is introduced, the accused, knowing the identity of the military judge and after consultation with defense counsel, requests orally on the record or in writing that the sentence be tried before and adjudged by the military judge rather than the members.

''(b) This section shall not apply with respect to an offense for which the death penalty may be adjudged unless the case has been previously referred to trial as a noncapital case.''.

(2) The table of sections at the beginning of subchapter VII of such chapter is amended by inserting after the item relating to section 852 (article 52) the following new item:

''852a. 52a. Right of accused to request sentencing by military judge rather than by members.''.

(b) EFFECTIVE DATE.—Section 852a of title 10, United States Code (article 52a of the Uniform Code of Military Justice), as added by subsection (a), shall apply with respect to offenses committed on or after January 1, 2003.

SEC. 572. REPORT ON DESIRABILITY AND FEASIBILITY OF CONSOLIDATING SEPARATE COURSES OF BASIC INSTRUCTION FOR JUDGE ADVOCATES.

Not later than February 1, 2003, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the desirability and feasibility of consolidating the separate Army, Navy, and Air Force courses of basic instruction for judge advocates into a single course to be conducted at a single location. The report shall include—

(1) an assessment of the advantages and disadvantages of such a consolidation;

(2) a recommendation as to whether such a consolidation is desirable and feasible; and

(3) any proposal for legislative action that the Secretary considers appropriate for carrying out such a consolidation.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 2003.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2003 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, 2003, 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	7,474.50	7,719.30	7,881.60	7,927.20	8,129.40
O–7	6,210.90	6,499.20	6,633.00	6,739.20	6,930.90
O–6	4,603.20	5,057.10	5,388.90	5,388.90	5,409.60
O–5	3,837.60	4,323.00	4,622.40	4,678.50	4,864.80
O–4	3,311.10	3,832.80	4,088.70	4,145.70	4,383.00
O–3[3]	2,911.20	3,300.30	3,562.20	3,883.50	4,069.50
O–2[3]	2,515.20	2,864.70	3,299.40	3,410.70	3,481.20
O–1[3]	2,183.70	2,272.50	2,746.80	2,746.80	2,746.80
	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	8,468.70	8,547.30	8,868.90	8,961.30	9,238.20
O–7	7,120.80	7,340.40	7,559.40	7,779.00	8,468.70
O–6	5,641.20	5,672.10	5,672.10	5,994.60	6,564.30
O–5	4,977.00	5,222.70	5,403.00	5,635.50	5,991.90
O–4	4,637.70	4,954.50	5,201.40	5,372.70	5,471.10
O–3[3]	4,273.50	4,405.80	4,623.30	4,736.10	4,736.10
O–2[3]	3,481.20	3,481.20	3,481.20	3,481.20	3,481.20
O–1[3]	2,746.80	2,746.80	2,746.80	2,746.80	2,746.80
	Over 18	Over 20	Over 22	Over 24	Over 26
O–10[2]	$0.00	$12,077.70	$12,137.10	$12,389.40	$12,829.20
O–9	0.00	10,563.60	10,715.70	10,935.60	11,319.60
O–8	9,639.00	10,008.90	10,255.80	10,255.80	10,255.80
O–7	9,051.30	9,051.30	9,051.30	9,051.30	9,096.90
O–6	6,898.80	7,233.30	7,423.50	7,616.10	7,989.90
O–5	6,161.70	6,329.10	6,519.60	6,519.60	6,519.60
O–4	5,528.40	5,528.40	5,528.40	5,528.40	5,528.40
O–3[3]	4,736.10	4,736.10	4,736.10	4,736.10	4,736.10
O–2[3]	3,481.20	3,481.20	3,481.20	3,481.20	3,481.20
O–1[3]	2,746.80	2,746.80	2,746.80	2,746.80	2,746.80

[1] Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for commissioned officers in pay grades 0–7 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, 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, or Commandant of the Coast Guard, the rate of basic pay for this grade is $14,155.50, 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	$3,883.50	$4,069.50
O–2E	0.00	0.00	0.00	3,410.70	3,481.20
O–1E	0.00	0.00	0.00	2,746.80	2,933.70
	Over 8	Over 10	Over 12	Over 14	Over 16
O–3E	$4,273.50	$4,405.80	$4,623.30	$4,806.30	$4,911.00
O–2E	3,591.90	3,778.80	3,923.40	4,031.10	4,031.10
O–1E	3,042.00	3,152.70	3,261.60	3,410.70	3,410.70
	Over 18	Over 20	Over 22	Over 24	Over 26

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	$5,054.40	$5,054.40	$5,054.40	$5,054.40	$5,054.40
O–2E	4,031.10	4,031.10	4,031.10	4,031.10	4,031.10
O–1E	3,410.70	3,410.70	3,410.70	3,410.70	3,410.70

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	3,008.10	3,236.10	3,329.10	3,420.60	3,578.10
W–3	2,747.10	2,862.00	2,979.30	3,017.70	3,141.00
W–2	2,416.50	2,554.50	2,675.10	2,763.00	2,838.30
W–1	2,133.90	2,308.50	2,425.50	2,501.10	2,662.50
	Over 8	Over 10	Over 12	Over 14	Over 16
W–5	$0.00	$0.00	$0.00	$0.00	$0.00
W–4	3,733.50	3,891.00	4,044.60	4,203.60	4,356.00
W–3	3,281.70	3,467.40	3,580.50	3,771.90	3,915.60
W–2	2,993.10	3,148.50	3,264.00	3,376.50	3,453.90
W–1	2,782.20	2,888.40	3,006.90	3,085.20	3,203.40
	Over 18	Over 20	Over 22	Over 24	Over 26
W–5	$0.00	$5,169.30	$5,346.60	$5,524.50	$5,703.30
W–4	4,512.00	4,664.40	4,822.50	4,978.20	5,137.50
W–3	4,058.40	4,201.50	4,266.30	4,407.00	4,548.00
W–2	3,579.90	3,705.90	3,831.00	3,957.30	3,957.30
W–1	3,320.70	3,409.50	3,409.50	3,409.50	3,409.50

[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	2,068.50	2,257.80	2,343.90	2,428.20	2,516.40
E–6	1,770.60	1,947.60	2,033.70	2,117.10	2,204.10
E–5	1,625.40	1,733.70	1,817.40	1,903.50	2,037.00
E–4	1,502.70	1,579.80	1,665.30	1,749.30	1,824.00
E–3	1,356.90	1,442.10	1,528.80	1,528.80	1,528.80
E–2	1,290.00	1,290.00	1,290.00	1,290.00	1,290.00
E–1	[3] 1,150.80	1,150.80	1,150.80	1,150.80	1,150.80
	Over 8	Over 10	Over 12	Over 14	Over 16
E–9[2]	$0.00	$3,564.30	$3,645.00	$3,747.00	$3,867.00
E–8	2,975.40	3,061.20	3,141.30	3,237.60	3,342.00
E–7	2,667.90	2,753.40	2,838.30	2,990.40	3,066.30
E–6	2,400.90	2,477.40	2,562.30	2,636.70	2,663.10
E–5	2,151.90	2,236.80	2,283.30	2,283.30	2,283.30
E–4	1,824.00	1,824.00	1,824.00	1,824.00	1,824.00
E–3	1,528.80	1,528.80	1,528.80	1,528.80	1,528.80
E–2	1,290.00	1,290.00	1,290.00	1,290.00	1,290.00
E–1	1,150.80	1,150.80	1,150.80	1,150.80	1,150.80
	Over 18	Over 20	Over 22	Over 24	Over 26
E–9[2]	$3,987.30	$4,180.80	$4,344.30	$4,506.30	$4,757.40
E–8	3,530.10	3,625.50	3,787.50	3,877.50	4,099.20
E–7	3,138.60	3,182.70	3,331.50	3,427.80	3,671.40
E–6	2,709.60	2,709.60	2,709.60	2,709.60	2,709.60
E–5	2,283.30	2,283.30	2,283.30	2,283.30	2,283.30
E–4	1,824.00	1,824.00	1,824.00	1,824.00	1,824.00
E–3	1,528.80	1,528.80	1,528.80	1,528.80	1,528.80
E–2	1,290.00	1,290.00	1,290.00	1,290.00	1,290.00
E–1	1,150.80	1,150.80	1,150.80	1,150.80	1,150.80

[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, 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, basic pay for this grade is $5,732.70, 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 $1,064.70.*

SEC. 602. EXPANSION OF BASIC ALLOWANCE FOR HOUSING LOW-COST OR NO-COST MOVES AUTHORITY TO MEMBERS ASSIGNED TO DUTY OUTSIDE UNITED STATES.

Section 403(c) of title 37, United States Code, is amended by adding at the end the following new paragraph:

''(4) In the case of a member who is assigned to duty outside of the United States, the location or the circumstances of which make it necessary that the member be reassigned under the conditions of low-cost or no-cost permanent change of station or permanent change of assignment, the member may be treated as if the member were not reassigned if the Secretary concerned determines that it would be inequitable to base the member's entitlement to, and amount of, a basic allowance for housing on the cost of housing in the area to which the member is reassigned.''.

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, 2002'' and inserting ''December 31, 2003''.

(b) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c(e) of such title is amended by striking ''December 31, 2002'' and inserting ''December 31, 2003''.

(c) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by striking ''December 31, 2002'' and inserting ''December 31, 2003''.

(d) SELECTED RESERVE AFFILIATION BONUS.—Section 308e(e) of such title is amended by striking ''December 31, 2002'' and inserting ''December 31, 2003''.

(e) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of such title is amended by striking ''December 31, 2002'' and inserting ''December 31, 2003''.

(f) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(f) of such title is amended by striking ''December 31, 2002'' and inserting ''December 31, 2003''.

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, 2002'' and inserting ''December 31, 2003''.

(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, 2003'' and inserting ''January 1, 2004''.

(c) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking ''December 31, 2002'' and inserting ''December 31, 2003''.

(d) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of such title is amended by striking ''December 31, 2002'' and inserting ''December 31, 2003''.

(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, 2002'' and inserting ''December 31, 2003''.

(f) ACCESSION BONUS FOR DENTAL OFFICERS.—Section 302h(a)(1) of such title is amended by striking ''December 31, 2002'' and inserting ''December 31, 2003''.

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, 2002'' and inserting ''December 31, 2003''.

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking ''December 31, 2002'' and inserting ''December 31, 2003''.

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking ''December 31, 2002'' and inserting ''December 31, 2003''.

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, 2002'' and inserting ''December 31, 2003''.

(b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking ''December 31, 2002'' and inserting ''December 31, 2003''.

(c) ENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 309(e) of such title is amended by striking ''December 31, 2002'' and inserting ''December 31, 2003''.

(d) RETENTION BONUS FOR MEMBERS WITH CRITICAL MILITARY SKILLS.—Section 323(i) of such title is amended by striking ''December 31, 2002'' and inserting ''December 31, 2003''.

(e) ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.—Section 324(g) of such title is amended by striking ''December 31, 2002'' and inserting ''December 31, 2003''.

SEC. 615. MINIMUM LEVELS OF HARDSHIP DUTY PAY FOR DUTY ON THE GROUND IN ANTARCTICA OR ON ARCTIC ICEPACK.

Section 305 of title 37, 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) DUTY IN CERTAIN LOCATIONS.—(1) In the case of duty at a location described in paragraph (2) at any time during a month, the member of a uniformed service performing that duty is entitled to special pay under this section at a monthly rate of not less than $240, but not to exceed the monthly rate specified in subsection (a). For each day of that duty during the month, the member shall receive an amount equal to 1/30 of the monthly rate prescribed under this subsection.

''(2) Paragraph (1) applies with respect to duty performed on the ground in Antarctica or on the Arctic icepack.''.

SEC. 616. INCREASE IN MAXIMUM RATES FOR PRIOR SERVICE ENLISTMENT BONUS.

Section 308i(b)(1) of title 37, United States Code, is amended—

(1) in subparagraph (A), by striking ''$5,000'' and inserting ''$8,000'';

(2) in subparagraph (B), by striking ''$2,500'' and inserting ''$4,000''; and

(3) in subparagraph (C), by striking ''$2,000'' and inserting ''$3,500''.

SEC. 617. RETENTION INCENTIVES FOR HEALTH CARE PROVIDERS QUALIFIED IN A CRITICAL MILITARY SKILL.

(a) EXCEPTION TO LIMITATION ON MAXIMUM BONUS AMOUNT.—Subsection (d) of section 323 of title 37, United States Code, is amended—

(1) by inserting ''(1)'' before ''A member''; and

(2) by adding at the end the following new paragraph:

''(2) The limitation in paragraph (1) on the total bonus payments that a member may receive under this section does not apply with respect to an officer who is assigned duties as a health care provider.''.

(b) EXCEPTION TO YEARS OF SERVICE LIMITATION.—Subsection (e) of such section is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting ''(1)'' before ''A retention''; and

(3) by adding at the end the following new paragraph:

''(2) The limitations in paragraph (1) do not apply with respect to an officer who is assigned duties as a health care provider during the period of active duty for which the bonus is being offered.''.

Subtitle C—Travel and Transportation Allowances

SEC. 631. EXTENSION OF LEAVE TRAVEL DEFERRAL PERIOD FOR MEMBERS PERFORMING CONSECUTIVE OVERSEAS TOURS OF DUTY.

(a) AUTHORIZED DEFERRAL PERIOD.—Section 411b of title 37, United States Code is amended by inserting after subsection (a) the following new subsection:

''(b) AUTHORITY TO DEFER TRAVEL; LIMITATIONS.—(1) Under the regulations referred to subsection (a), a member may defer the travel for which the member is paid travel and transportation allowances under this section until anytime before the completion of the consecutive tour at the same duty station or the completion of the tour of duty at the new duty station under the order involved, as the case may be.

''(2) If a member is unable to undertake the travel before expiration of the deferral period under paragraph (1) because of duty in connection with a contingency operation, the member may defer the travel until not more than one year after the date on which the member's duty in connection with the contingency operation ends.''.

(b) CONFORMING AND CLERICAL AMENDMENTS.—Such section is further amended—

(1) in subsection (a)—

(A) by striking ''(a)(1)'' and inserting ''(a) ALLOWANCES AUTHORIZED.—''; and

(B) by striking paragraph (2); and

(2) by striking ''(b) The allowances'' and inserting ''(c) LIMITATION ON ALLOWANCE RATE.—''.

(c) APPLICATION OF AMENDMENT.—Subsection (b) of section 411b of title 37, United States Code, as added by subsection (a), shall apply with respect to members of the uniformed services in a deferred leave travel status under such section as of the date of the enactment of this Act or after that date.

Subtitle D—Retired Pay and Survivors Benefits

SEC. 641. PHASE-IN OF FULL CONCURRENT RECEIPT OF MILITARY RETIRED PAY AND VETERANS DISABILITY COMPENSATION FOR MILITARY RETIREES WITH DISABILITIES RATED AT 60 PERCENT OR HIGHER.

(a) CONCURRENT RECEIPT.—Section 1414 of title 10, United States Code, is amended to read as follows:

''§ 1414. Members eligible for retired pay who have service-connected disabilities rated at 60 percent or higher: concurrent payment of retired pay and veterans' disability compensation

''(a) PAYMENT OF BOTH RETIRED PAY AND COMPENSATION.—Subject to subsection (b), a member or former member of the uniformed services who is entitled for any month to retired pay and who is also entitled for that month to veterans' disability compensation for a qualifying service-connected disability (hereinafter in this section referred to as a 'qualified retiree') is entitled to be paid both for that month without regard to sections 5304 and 5305 of title 38. For fiscal years 2003 through 2006, payment of retired pay to such a member or former member is subject to subsection (c).

''(b) SPECIAL RULES FOR CHAPTER 61 DISABILITY RETIREES.—

''(1) CAREER RETIREES.—The retired pay of a member retired under chapter 61 of this title with 20 years or more of service otherwise creditable under section 1405 of this title at the time of the member's retirement is subject to reduction under sections 5304 and 5305 of title 38, but

only to the extent that the amount of the member's retired pay under chapter 61 of this title exceeds the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member's service in the uniformed services if the member had not been retired under chapter 61 of this title.

''(2) DISABILITY RETIREES WITH LESS THAN 20 YEARS OF SERVICE.—Subsection (a) does not apply to a member retired under chapter 61 of this title with less than 20 years of service otherwise creditable under section 1405 of this title at the time of the member's retirement.

''(c) PHASE-IN OF FULL CONCURRENT RECEIPT.—For fiscal years 2003 through 2006, retired pay payable to a qualified retiree shall be determined as follows:

''(1) FISCAL YEAR 2003.—For a month during fiscal year 2003, the amount of retired pay payable to a qualified retiree is the amount (if any) of retired pay in excess of the current baseline offset plus the following:

''(A) For a month for which the retiree receives veterans' disability compensation for a qualifying service-connected disability rated as total, $750.

''(B) For a month for which the retiree receives veterans' disability compensation for a qualifying service-connected disability rated as 90 percent, $500.

''(C) For a month for which the retiree receives veterans' disability compensation for a qualifying service-connected disability rated as 80 percent, $250.

''(D) For a month for which the retiree receives veterans' disability compensation for a qualifying service-connected disability rated as 70 percent, $250.

''(E) For a month for which the retiree receives veterans' disability compensation for a qualifying service-connected disability rated as 60 percent, $125.

''(2) FISCAL YEAR 2004.—For a month during fiscal year 2004, the amount of retired pay payable to a qualified retiree is the sum of—

''(A) the amount specified in paragraph (1) for that qualified retiree; and

''(B) 23 percent of the difference between (i) the current baseline offset, and (ii) the amount specified in paragraph (1) for that member's disability.

''(3) FISCAL YEAR 2005.—For a month during fiscal year 2005, the amount of retired pay payable to a qualified retiree is the sum of—

''(A) the amount determined under paragraph (2) for that qualified retiree; and

''(B) 30 percent of the difference between (i) the current baseline offset, and (ii) the amount determined under paragraph (2) for that qualified retiree.

''(4) FISCAL YEAR 2006.—For a month during fiscal year 2006, the amount of retired pay payable to a qualified retiree is the sum of—

''(A) the amount determined under paragraph (3) for that qualified retiree; and

''(B) 64 percent of the difference between (i) the current baseline offset, and (ii) the amount determined under paragraph (3) for that qualified retiree.

''(d) DEFINITIONS.—In this section:

''(1) RETIRED PAY.—The term 'retired pay' includes retainer pay, emergency officers' retirement pay, and naval pension.

''(2) VETERANS' DISABILITY COMPENSATION.—The term 'veterans' disability compensation' has the meaning given the term 'compensation' in section 101(13) of title 38.

''(3) SERVICE-CONNECTED.—The term 'service-connected' has the meaning given that term in section 101(16) of title 38.

''(4) QUALIFYING SERVICE-CONNECTED DISABILITY.—The term 'qualifying service-connected disability' means a service-connected disability or combination of service-connected disabilities that is rated as not less than 60 percent disabling by the Secretary of Veterans Affairs.

''(5) DISABILITY RATED AS TOTAL.—The term 'disability rated as total' means—

''(A) a disability, or combination of disabilities, that is rated as total under the standard schedule of rating disabilities in use by the Department of Veterans Affairs; or

''(B) a disability, or combination of disabilities, for which the scheduled rating is less than total but for which a rating of total is assigned by reason of inability of the disabled person concerned to secure or follow a substantially gainful occupation as a result of service-connected disabilities.

''(6) CURRENT BASELINE OFFSET.—

''(A) IN GENERAL.—The term 'current baseline offset' for any qualified retiree means the amount for any month that is the lesser of—

''(i) the amount of the applicable monthly retired pay of the qualified retiree for that month; and

''(ii) the amount of monthly veterans' disability compensation to which the qualified retiree is entitled for that month.

''(B) APPLICABLE RETIRED PAY.—In subparagraph (A), the term 'applicable retired pay' for a qualified retiree means the amount of monthly retired pay to which the qualified retiree is entitled, determined without regard to this section or sections 5304 and 5305 of title 38), except that in the case of such a retiree who was retired under chapter 61 of this title, such amount is the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member's service in the uniformed services if the member had not been retired under chapter 61 of this title.''.

(b) REPEAL OF SPECIAL COMPENSATION AUTHORITY.—Section 1413 of title 10, United States Code, is repealed.

(c) PAYMENT OF INCREASED RETIRED PAY COSTS DUE TO CONCURRENT RECEIPT.—(1) Section 1465(b) of such title is amended by adding at the end the following new paragraph:

''(3) At the same time that the Secretary of Defense makes the determination required by paragraph (1) for any fiscal year, the Secretary shall determine the amount of the Treasury contribution to be made to the Fund for the next fiscal year under section 1466(b)(2)(D) of this title. That amount shall be determined in the same manner as the determination under paragraph (1) of the total amount of Department of Defense contributions to be made to the Fund during that fiscal year under section 1466(a) of this title, except that for purposes of this paragraph the Secretary, in making the calculations required by subparagraphs (A) and (B) of that paragraph, shall use the single level percentages determined under subsection (c)(4), rather than those determined under subsection (c)(1).''.

(2) Section 1465(c) of such title is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting before the semicolon at the end the following: '', to be determined without regard to section 1414 of this title'';

(ii) in subparagraph (B), by inserting before the period at the end the following: '', to be determined without regard to section 1414 of this title''; and

(iii) in the sentence following subparagraph (B), by striking ''subsection (b)'' and inserting ''subsection (b)(1)'';

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following new paragraph (4):

''(4) Whenever the Secretary carries out an actuarial valuation under paragraph (1), the Secretary shall include as part of such valuation the following:

''(A) A determination of a single level percentage determined in the same manner as applies under subparagraph (A) of paragraph (1), but based only upon the provisions of section 1414 of this title.

''(B) A determination of a single level percentage determined in the same manner as applies under subparagraph (B) of paragraph (1), but based only upon the provisions of section 1414 of this title.

Such single level percentages shall be used for the purposes of subsection (b)(3).''.

(3) Section 1466(b) of such title is amended—

(A) in paragraph (1), by striking ''sections 1465(a) and 1465(c)'' and inserting ''sections 1465(a), 1465(b)(3), 1465(c)(2), and 1465(c)(3)''; and

(B) by adding at the end of paragraph (2) the following new subparagraph:

''(D) The amount for that year determined by the Secretary of Defense under section 1465(b)(3) of this title for the cost to the Fund arising from increased amounts payable from the Fund by reason of section 1414 of this title.''.

(d) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 71 of such title is amended—

(1) by striking the item relating to section 1413; and

(2) by striking the item relating to section 1414 and inserting the following:

''1414. Members eligible for retired pay who have service-connected disabilities rated at 60 percent or higher: concurrent payment of retired pay and veterans' disability compensation.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to retired pay payable for months after September 2002.

SEC. 642. CHANGE IN SERVICE REQUIREMENTS FOR ELIGIBILITY FOR RETIRED PAY FOR NON-REGULAR SERVICE.

(a) REDUCTION IN REQUIREMENT FOR YEARS OF RESERVE COMPONENT SERVICE BEFORE RETIRED PAY ELIGIBILITY.—Section 12731(a)(3) of title 10, United States Code, is amended by striking ''eight years'' and inserting ''six years''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2002.

SEC. 643. ELIMINATION OF POSSIBLE INVERSION IN RETIRED PAY COST-OF-LIVING ADJUSTMENT FOR INITIAL COLA COMPUTATION.

(a) ELIMINATION OF POSSIBLE COLA INVERSION.—Section 1401a of title 10, United States Code, is amended—

(1) in subsections (c)(1), (d), and (e), by inserting ''but subject to subsection (f)(2)'' after ''Notwithstanding subsection (b)'';

(2) in subsection (c)(2), by inserting ''(subject to subsection (f)(2) as applied to other members whose retired pay is computed on the current rates of basic pay in the most recent adjustment under this section)'' after ''shall be increased''; and

(3) in subsection (f)—

(A) by designating the text after the subsection heading as paragraph (1), indenting that text two ems, and inserting ''(1) PREVENTION OF RETIRED PAY INVERSIONS.—'' before ''Notwithstanding''; and

(2) by adding at the end the following new paragraph:

''(2) PREVENTION OF COLA INVERSIONS.—The percentage of the first adjustment under this section in the retired pay of any person, as determined under subsection (c)(1), (c)(2), (d), or (e), may not exceed the percentage increase in retired pay determined under subsection (b)(2) that is effective on the same date as the effective date of such first adjustment.''.

(b) TECHNICAL AMENDMENTS.—Such section is further amended—

(1) in subsection (d), by inserting ''or on or after August 1, 1986, if the member or former member did not elect to receive a bonus under section 322 of title 37'' after ''August 1, 1986,''; and

(2) in subsection (e), by inserting ''and elected to receive a bonus under section 322 of title 37'' after ''August 1, 1986,''.

SEC. 644. TECHNICAL REVISIONS TO SO-CALLED "FORGOTTEN WIDOWS" ANNUITY PROGRAM.

(a) CLARIFICATION OF ELIGIBILITY.—Subsection (a)(1) of section 644 of the National Defense Authorization Act for Fiscal Year 1998

(Public Law 105–85; 10 U.S.C. 1448 note) is amended—

(1) in subparagraph (A), by inserting after ''(A)'' the following: ''became entitled to retired or retainer pay before September 21, 1972,''; and

(2) in subparagraph (B), by striking ''was a member of a reserve component of the Armed Forces'' and inserting ''died''.

(b) CLARIFICATION OF INTERACTION WITH OTHER BENEFITS.—(1) Subsection (a)(2) of such section is amended by striking ''and who'' and all that follows through ''note)''.

(2) Subsection (b)(2) of such section is amended to read as follows:

''(2) The amount of an annuity to which a surviving spouse is entitled under this section for any period shall be reduced (but not below zero) by any amount paid to that surviving spouse for the same period under any of the following provisions of law:

''(A) Section 1311(a) of title 38, United States Code (relating to dependency and indemnity compensation payable by the Secretary of Veterans Affairs).

''(B) Chapter 73 of title 10, United States Code.

''(C) Section 4 of Public Law 92–425 (10 U.S.C. 1448 note).''.

(c) CLARIFICATION OF DEFINITION OF SURVIVING SPOUSE.—Subsection (d)(2) of such section is amended by striking ''the terms'' and all that follows through ''and (8)'' and inserting ''such term in paragraph (9)''.

(d) CLARIFICATION OF EFFECTIVE DATE OF BENEFITS.—Subsection (e) of such section is amended—

(1) in paragraph (1), by striking ''the month in which this Act is enacted'' and inserting ''November 1997'';

(2) in paragraph (2), by striking ''the first month that begins after the month in which this Act is enacted'' and inserting ''December 1997''; and

(3) by adding at the end the following new paragraph:

''(3) In the case of a person entitled to an annuity under this section who applies for the annuity after the date of the enactment of this paragraph, such annuity shall be paid only for months beginning after the date on which such application is submitted.''.

(e) SPECIFICATION IN LAW OF CURRENT BENEFIT AMOUNT.—Subsection (b) of such section is amended—

(1) in paragraph (1), by striking ''$165'' and inserting ''$185.58''; and

(2) in paragraph (3)—

(A) by striking ''the date of the enactment of this Act'' and inserting ''May 1, 2002,''; and

(B) by striking the last sentence.

Subtitle E—Reserve Component Montgomery GI Bill

SEC. 651. EXTENSION OF MONTGOMERY GI BILL-SELECTED RESERVE ELIGIBILITY PERIOD.

Section 16133(a) of title 10, United States Code, is amended by striking ''10-year'' and inserting ''14-year''.

Subtitle F—Other Matters

SEC. 661. ADDITION OF DEFINITION OF CONTINENTAL UNITED STATES IN TITLE 37.

(a) DEFINITION.—Section 101(1) of title 37, United States Code, is amended by adding at the end the following new sentence: ''The term 'continental United States' means the 48 contiguous States and the District of Columbia.''.

(b) CONFORMING AMENDMENTS.—Title 37, United States Code, is amended as follows:

(1) Section 314(a)(3) is amended by striking ''the 48 contiguous States and the District of Columbia'' and inserting ''the continental United States''.

(2) Section 403b(i) is amended by striking paragraph (6).

(3) Section 409 is amended by striking subsection (e).

(4) Section 411b(a) is amended by striking ''the 48 contiguous States and the District of Columbia'' both places it appears and inserting ''the continental United States''.

(5) Section 411d is amended by striking subsection (d).

(6) Section 430 is amended by striking subsection (f) and inserting the following new subsection (f):

''(f) DEFINITIONS.—In this section:

''(1) The term 'formal education' means the following:

''(A) A secondary education.

''(B) An undergraduate college education.

''(C) A graduate education pursued on a full-time basis at an institution of higher education.

''(D) Vocational education pursued on a full-time basis at a postsecondary vocational institution.

''(2) The term 'institution of higher education' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

''(3) The term 'postsecondary vocational institution' has the meaning given that term in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002(c)).''.

TITLE VII—HEALTH CARE MATTERS

Subtitle A—Health Care Program Improvements

SEC. 701. ELIMINATION OF REQUIREMENT FOR TRICARE PREAUTHORIZATION OF INPATIENT MENTAL HEALTH CARE FOR MEDICARE-ELIGIBLE BENEFICIARIES.

(a) ELIMINATION OF REQUIREMENT.—Section 1079(i) of title 10, United States Code, is amended in paragraph (3) by inserting ''or in the case of a person eligible for health care benefits under section 1086(d)(2) of this title for whom payment for such services is made under subsection 1086(d)(3) of this title'' after ''an emergency''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 2004.

SEC. 702. EXPANSION OF TRICARE PRIME REMOTE FOR CERTAIN DEPENDENTS.

(a) EXPANSION OF ELIGIBILITY.—Section 1079(p) of title 10, United States Code, is amended in paragraph (1)—

(1) by inserting ''(A)'' after ''(1)'';

(2) by striking ''referred to in subsection (a) of a member of the uniformed services referred to in 1074(c)(3) of this title who are residing with the member'' and inserting ''described in subparagraph (B)''; and

(3) by adding at the end the following new subparagraph:

''(B) A dependent referred to in subparagraph (A) is—

''(i) a dependent referred to in subsection (a) of a member of the uniformed services referred to in section 1074(c)(3) of this title, who is residing with the member; or

''(ii) a dependent referred to in subsection (a) of a member of the uniformed services with a permanent duty assignment for which the dependent is not authorized to accompany the member and one of the following circumstances exists:

''(I) The dependent continues to reside at the location of the former duty assignment of the member (or residence in the case of a member of a reserve component ordered to active duty for a period of more than 30 days), and that location is more than 50 miles, or approximately one hour of driving time, from the nearest military medical treatment facility that can adequately provide needed health care.

''(II) There is no reasonable expectation the member will return to the location of the former duty assignment, and the dependent moves to a location that is more than 50 miles, or approximately one hour of driving time, from the nearest military medical treatment facility that can adequately provide needed health care.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect October 1, 2002.

SEC. 703. ENABLING DEPENDENTS OF CERTAIN MEMBERS WHO DIED WHILE ON ACTIVE DUTY TO ENROLL IN THE TRICARE DENTAL PROGRAM.

Section 1076a(k)(2) of title 10, United States Code, is amended by inserting ''(or, if not enrolled, if the member discontinued participation under subsection (f))'' after ''subsection (a)''.

SEC. 704. IMPROVEMENTS REGARDING THE DEPARTMENT OF DEFENSE MEDICARE-ELIGIBLE RETIREE HEALTH CARE FUND.

(a) SOURCE OF FUNDS FOR MONTHLY ACCRUAL PAYMENTS INTO THE FUND.—Section 1116(c) of title 10, United States Code, is amended to read as follows:

''(c) Amounts paid into the Fund under subsection (a) shall be paid from funds available for the pay of members of the participating uniformed services under the jurisdiction of the respective administering Secretaries.''.

(b) MANDATORY PARTICIPATION OF OTHER UNIFORMED SERVICES.—Section 1111(c) of such title is amended—

(1) in the first sentence, by striking ''may enter into an agreement with any other administering Secretary'' and inserting ''shall enter into an agreement with each other administering Secretary''; and

(2) in the second sentence, by striking ''Any'' and inserting ''Each''.

SEC. 705. CERTIFICATION OF INSTITUTIONAL AND NON-INSTITUTIONAL PROVIDERS UNDER THE TRICARE PROGRAM.

(a) IN GENERAL.—Section 1079 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(q) For purposes of designating institutional and non-institutional health care providers authorized to provide care under this section, the Secretary of Defense shall prescribe regulations (in consultation with the other administering Secretaries) that will, to the extent practicable and subject to the limitations of subsection (a), so designate any provider authorized to provide care under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 2003.

SEC. 706. TECHNICAL CORRECTION REGARDING TRANSITIONAL HEALTH CARE.

Effective as of December 28, 2001, section 1145(a)(1) of title 10, United States Code, is amended by inserting ''(and the dependents of the member)'' after ''separated from active duty as described in paragraph (2)''. The amendment made by the preceding sentence shall be deemed to have been enacted as part of section 736 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107).

Subtitle B—Reports

SEC. 711. COMPTROLLER GENERAL REPORT ON TRICARE CLAIMS PROCESSING.

Not later than March 31, 2003, the Comptroller General shall submit to Congress an evaluation of the continuing impediments to a cost effective and provider- and beneficiary-friendly system for claims processing under the TRICARE program. The evaluation shall include a discussion of the following:

(1) The extent of progress implementing improvements in claims processing, particularly regarding the application of best industry practices.

(2) The extent of progress in simplifying claims processing procedures, including the elimination of, or reduction in, the complexity of the Health Care Service Record requirements.

(3) The suitability of a medicare-compatible claims processing system with the data requirements necessary to administer the TRICARE program and related information systems.

(4) The extent to which the claims processing system for the TRICARE program impedes provider participation and beneficiary access.

(5) Recommendations for improving the claims processing system that will reduce processing and administration costs, create greater competition, and improve fraud-prevention activities.

SEC. 712. COMPTROLLER GENERAL REPORT ON PROVISION OF CARE UNDER THE TRICARE PROGRAM.

Not later than March 31, 2003, the Comptroller General shall submit to Congress an evaluation of the nature of, reasons for, extent of, and trends regarding network provider instability under the TRICARE program, and the effectiveness of efforts by the Department of Defense and managed care support contractors to measure and mitigate such instability. The evaluation shall include a discussion of the following:

(1) The adequacy of measurement tools of TRICARE network instability and their use by the Department of Defense and managed care support contractors to assess network adequacy and stability.

(2) Recommendations for improvements needed in measurement tools or their application.

(3) The relationship of reimbursement rates and administration requirements (including preauthorization requirements) to TRICARE network instability.

(4) The extent of problems under the TRICARE program and likely future trends with and without intervention using existing authority.

(5) Use of existing authority by the Department of Defense and TRICARE managed care support contractors to apply higher reimbursement rates in specific geographic areas.

(6) Recommendations for specific fiscally prudent measures that could mitigate negative trends or improve provider and network stability.

SEC. 713. REPEAL OF REPORT REQUIREMENT.

Notwithstanding subsection (f)(2) of section 712 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–179), the amendment made by subsection (e) of such section shall not take effect and the paragraph amended by such subsection is repealed.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

SEC. 801. PLAN FOR ACQUISITION MANAGEMENT PROFESSIONAL EXCHANGE PILOT PROGRAM.

(a) PLAN REQUIRED.—(1) The Secretary of Defense shall develop a plan for a pilot program under which—

(A) an individual in the field of acquisition management employed by the Department of Defense may be temporarily assigned to work in a private sector organization; and

(B) an individual in such field employed by a private sector organization may be temporarily assigned to work in the Department of Defense.

(2) In developing the plan under paragraph (1), the Secretary shall address the following:

(A) The benefits of undertaking such a program.

(B) The appropriate length of assignments under the program.

(C) Whether an individual assigned under the program should be compensated by the organization to which the individual is assigned, or the organization from which the individual is assigned.

(D) The ethics guidelines that should be applied to the program and, if necessary, waivers of ethics laws that would be needed in order to make the program effective and attractive to both Government and private sector employees.

(E) An assessment of how compensation of individuals suffering employment-related injuries under the program should be addressed.

(b) SUBMISSION TO CONGRESS.—Not later than February 1, 2003, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives the plan required under subsection (a).

SEC. 802. EVALUATION OF TRAINING, KNOWLEDGE, AND RESOURCES REGARDING NEGOTIATION OF INTELLECTUAL PROPERTY ARRANGEMENTS.

(a) AVAILABILITY OF TRAINING, KNOWLEDGE, AND RESOURCES.—The Secretary of Defense shall evaluate the training, knowledge, and resources needed by the Department of Defense in order to effectively negotiate intellectual property rights using the principles of the Defense Federal Acquisition Regulation Supplement and determine whether the Department of Defense currently has in place the training, knowledge, and resources available to meet those Departmental needs.

(b) REPORT.—Not later than February 1, 2003, the Secretary of Defense shall submit to Congress a report describing—

(1) the results of the evaluation performed under subsection (a);

(2) to the extent the Department does not have adequate training, knowledge, and resources available, actions to be taken to improve training and knowledge and to make resources available to meet the Department's needs; and

(3) the number of Department of Defense legal personnel trained in negotiating intellectual property arrangements.

SEC. 803. LIMITATION PERIOD FOR TASK AND DELIVERY ORDER CONTRACTS.

Chapter 137 of title 10, United States Code, is amended—

(1) in section 2304a—

(A) in subsection (e)—

(i) by inserting ''(1)'' before ''A task''; and

(ii) by adding at the end the following new paragraphs:

''(2) Unless use of procedures other than competitive procedures is authorized by an exception in subsection (c) of section 2304 of this title and approved in accordance with subsection (f) of such section, competitive procedures shall be used for making such a modification.

''(3) Notice regarding the modification shall be provided in accordance with section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) and section 8(e) of the Small Business Act (15 U.S.C. 637(e)).''; and

(B) by striking subsection (f) and inserting the following:

''(f) LIMITATION ON CONTRACT PERIOD.—The base period of a task order contract or delivery order contract entered into under this section may not exceed five years unless a longer period is specifically authorized in a law that is applicable to such contract. The contract may be extended for an additional 5 years (for a total contract period of not more than 10 years) through modifications, options, or otherwise.''; and

(2) in section 2304b—

(A) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—A task order contract (as defined in section 2304d of this title) for procurement of advisory and assistance services shall be subject to the requirements of this section, sections 2304a and 2304c of this title, and other applicable provisions of law.'';

(B) by striking subsections (b), (f), and (g) and redesignating subsections (c), (d), (e), (h), and (i) as subsections (b) through (f);

(C) by amending subsection (c) (as redesignated by subparagraph (B)) to read as follows:

''(c) REQUIRED CONTENT OF CONTRACT.—A task order contract described in subsection (a) shall contain the same information that is required by section 2304a(b) to be included in the solicitation of offers for that contract.''; and

(D) in subsection (d) (as redesignated by subparagraph (B))—

(i) in paragraph (1), by striking ''under this section'' and inserting ''described in subsection (a)''; and

(ii) in paragraph (2), by striking ''under this section''.

SEC. 804. ONE-YEAR EXTENSION OF PROGRAM APPLYING SIMPLIFIED PROCEDURES TO CERTAIN COMMERCIAL ITEMS; REPORT.

(a) EXTENSION OF PILOT PROGRAM.—Section 4202 of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106; 110 Stat. 652; 10 U.S.C. 2304 note) is amended in subsection (e) by striking ''January 1, 2003'' and inserting ''January 1, 2004''.

(b) REPORT REQUIRED.—Not later than January 15, 2003, the Secretary of Defense shall submit to Congress a report on whether the authority to issue solicitations for purchases of commercial items in excess of the simplified acquisition threshold pursuant to the special simplified procedures authorized by section 2304(g)(1) of title 10, United States Code, section 303(g)(1) of the Federal Property and Administrative Services Act of 1949, and section 31(a) of the Office of Federal Procurement Policy Act, should be made permanent.

SEC. 805. AUTHORITY TO MAKE INFLATION ADJUSTMENTS TO SIMPLIFIED ACQUISITION THRESHOLD.

Section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)) is amended by inserting '', except that such amount may be adjusted by the Administrator every five years to the amount equal to $100,000 in constant fiscal year 2002 dollars (rounded to the nearest $10,000)'' before the period at the end.

SEC. 806. IMPROVEMENT OF PERSONNEL MANAGEMENT POLICIES AND PROCEDURES APPLICABLE TO THE CIVILIAN ACQUISITION WORKFORCE.

(a) PLAN REQUIRED.—The Secretary of Defense shall develop a plan for improving the personnel management policies and procedures applicable to the Department of Defense civilian acquisition workforce based on the results of the demonstration project described in section 4308 of the Clinger–Cohen Act of 1996 (division D of Public Law 104–106; 10 U.S.C. 1701 note).

(b) SUBMISSION TO CONGRESS.—Not later than February 15, 2003, the Secretary shall submit to Congress the plan required under subsection (a) and a report including any recommendations for legislative action necessary to implement the plan.

SEC. 807. MODIFICATION OF SCOPE OF BALL AND ROLLER BEARINGS COVERED FOR PURPOSES OF PROCUREMENT LIMITATION.

Section 2534(a)(5) of title 10, United States Code is amended—

(1) by striking ''225.71'' and inserting ''225.70'';

(2) by striking ''October 23, 1992'' and inserting ''April 27, 2002''; and

(3) by adding at the end the following: ''In this section the term 'ball bearings and roller bearings' includes unconventional or hybrid ball and roller bearings and cam follower bearings, ball screws, and other derivatives of ball and roller bearings.''.

SEC. 808. RAPID ACQUISITION AND DEPLOYMENT PROCEDURES.

(a) REQUIREMENT TO ESTABLISH PROCEDURES.—Chapter 141 of title 10, United States Code, is amended by inserting after section 2396 the following new section:

''§2397. Rapid acquisition and deployment procedures

''(a) ESTABLISHMENT.—The Secretary of Defense shall establish tailored rapid acquisition and deployment procedures for items urgently needed to react to an enemy threat or to respond to significant and urgent safety situations.

''(b) PROCEDURES.—The procedures established under subsection (a) shall include the following:

''(1) A process for streamlined communications between the Chairman of the Joint Chiefs of Staff, the acquisition community, and the testing community.

''(2) A process for expedited technical, programmatic, and financial decisions.

''(3) An expedited procurement and contracting process.

''(c) SPECIFIC STEPS TO BE INCLUDED.—The procedures established under subsection (a) shall provide for the following:

''(1) The commander of a unified combatant command may notify the Chairman of the Joint Chiefs of Staff of the need for an item described in subsection (a) that is currently under development.

''(2) The Chairman may request the Secretary of Defense to use rapid acquisition and deployment procedures with respect to the item.

''(3) The Secretary of Defense shall decide whether to use such procedures with respect to the item and shall notify the Secretary of the appropriate military department of the decision.

''(4) If the Secretary of Defense decides to use such procedures with respect to the item, the Secretary of the military department shall prepare a funding strategy for the rapid acquisition of the item and shall conduct a demonstration of the performance of the item.

''(5) The Director of Operational Test and Evaluation shall immediately evaluate the existing capability of the item (but under such evaluation shall not assess the capability of the item as regards to the function the item was originally intended to perform).

''(6) The Chairman of the Joint Chiefs of Staff shall review the evaluation of the Director of Operational Test and Evaluation and report to the Secretary of Defense regarding whether the capabilities of the tested item are able to meet the urgent need for the item.

''(7) The Secretary of Defense shall evaluate the information regarding funding and rapid acquisition prepared pursuant to paragraph (4) and approve or disapprove of the acquisition of the item using the procedures established pursuant to subsection (a).

''(d) LIMITATION.—The quantity of items of a system procured using the procedures established under this section may not exceed the number established for low-rate initial production for the system, and any such items shall be counted for purposes of the number of items of the system that may be procured through low-rate initial production.''.

(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. Rapid acquisition and deployment procedures.''.

SEC. 809. QUICK-REACTION SPECIAL PROJECTS ACQUISITION TEAM.

(a) ESTABLISHMENT.—Chapter 141 of title 10, United States Code, is amended by inserting after section 2402 the following new section:

''§2403. Quick-reaction special projects acquisition team

''The Secretary of Defense shall establish a quick-reaction special projects acquisition team, the purpose of which shall be to advise the Secretary on actions that can be taken to expedite the procurement of urgently needed systems. The team shall address problems with the intention of creating expeditious solutions relating to—

''(1) industrial-base issues such as the limited availability of suppliers;

''(2) compliance with acquisition regulations and lengthy procedures;

''(3) compliance with environmental requirements;

''(4) compliance with requirements regarding small-business concerns; and

''(5) compliance with requirements regarding the purchase of products made in the United States.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2402 the following new item:

''2403. Quick-reaction special projects acquisition team.''.

SEC. 810. REPORT ON DEVELOPMENT OF ANTI-CYBERTERRORISM TECHNOLOGY.

Not later than February 1, 2003, the Secretary of Defense shall submit to Congress a report on—

(1) efforts by the Department of Defense to enter into contracts with private entities to develop anticyberterrorism technology; and

(2) whether such efforts should be increased.

SEC. 811. CONTRACTING WITH FEDERAL PRISON INDUSTRIES.

(a) ASSURING BEST VALUE FOR NATIONAL DEFENSE AND HOMELAND SECURITY.—(1) The Department of Defense or one of the military departments may acquire a product or service from Federal Prison Industries, Inc. only if such acquisition is made through a procurement contract awarded and administered in accordance with chapter 137 of title 10, United States Code, the Federal Acquisition Regulation, and the Department of Defense supplements to such regulation. If a contract is to be awarded to Federal Prison Industries, Inc. by the Department of Defense through other than competitive procedures, authority for such award shall be based upon statutory authority other than chapter 307 of title 18, United States Code.

(2) The Secretary of Defense shall assure that—

(A) no purchase of a product or a service is made by the Department of Defense from Federal Prison Industries, Inc. unless the contracting officer determines that—

(i) the product or service can be timely furnished and will meet the performance needs of the activity that requires the product or service; and

(ii) the price to be paid does not exceed a fair market price determined by competition or a fair and reasonable price determined by price analysis or cost analysis; and

(B) Federal Prison Industries, Inc. performs its contractual obligations to the same extent as any other contractor for the Department of Defense.

(b) PERFORMANCE AS A SUBCONTRACTOR.—(1) The use of Federal Prison Industries, Inc. as a subcontractor or supplier shall be a wholly voluntary business decision by a Department of Defense prime contractor or subcontractor, subject to any prior approval of subcontractors or suppliers by the contracting officer which may be imposed by regulation or by the contract.

(2) A defense contractor (or subcontractor at any tier) using Federal Prison Industries, Inc. as a subcontractor or supplier in furnishing a commercial product pursuant to a contract shall implement appropriate management procedures to prevent introducing an inmate-produced product or inmate-furnished services into the commercial market.

(3) Except as authorized under the Federal Acquisition Regulation, the use of Federal Prison Industries, Inc. as a subcontractor or supplier of products or provider of services shall not be imposed upon prospective or actual defense prime contractors or subcontractors at any tier by means of—

(A) a contract solicitation provision requiring a contractor to offer to make use of Federal Prison Industries, Inc. its products or services;

(B) specifications requiring the contractor to use specific products or services (or classes of products or services) offered by Federal Prison Industries, Inc. in the performance of the contract;

(C) any contract modification directing the use of Federal Prison Industries, Inc. its products or services; or

(D) any other means.

(c) PROTECTION OF CLASSIFIED AND SENSITIVE INFORMATION.—The Secretary of Defense shall assure that Federal Prison Industries, Inc. is not permitted to provide services as a contractor or subcontractor at any tier, if an inmate worker has access to—

(1) data that is classified or will become classified after being merged with other data;

(2) geographic data regarding the location of surface and subsurface infrastructure providing communications, water and electrical power distribution, pipelines for the distribution of natural gas, bulk petroleum products and other commodities, and other utilities; or

(3) personal or financial information about individual private citizens, including information relating to such person's real property, however described, without giving prior notice to such persons or class of persons to the greatest extent practicable.

(d) REGULATORY IMPLEMENTATION.—

(1) PROPOSED REGULATIONS.—Proposed revisions to the Department of Defense Supplement to the Federal Acquisition Regulation to implement this section shall be published not later than 90 days after the date of enactment of this Act and provide not less than 60 days for public comment.

(2) FINAL REGULATIONS.—Final regulations shall be published not later than 180 days after the date of the enactment of this Act and shall be effective on the date that is 30 days after the date of publication.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

SEC. 901. CHANGE IN TITLE OF SECRETARY OF THE NAVY TO SECRETARY OF THE NAVY AND MARINE CORPS.

(a) CHANGE IN TITLE.—The position of the Secretary of the Navy is hereby redesignated as the Secretary of the Navy and Marine Corps.

(b) REFERENCES.—Any reference to the Secretary of the Navy in any law, regulation, document, record, or other paper of the United States shall be considered to be a reference to the Secretary of the Navy and Marine Corps.

SEC. 902. REPORT ON IMPLEMENTATION OF UNITED STATES NORTHERN COMMAND.

Not later than September 1, 2002, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report providing an implementation plan for the United States Northern Command. The report shall address the following:

(1) The required budget for standing-up and maintaining that command.

(2) The location of the headquarters of that command and alternatives considered for that location, together with the criteria used in selection of that location.

(3) The required manning levels for the command, the effect that command will have on current Department of Defense personnel resources, and the other commands from which personnel will be transferred to provide personnel for that command.

(4) The chain of command within that command to the component command level and a review of permanently assigned or tasked organizations and units.

(5) The relationship of that command to the Office of Homeland Security and the Homeland Security Council, to other Federal departments and agencies, and to State and local law enforcement agencies.

(6) The relationship of that command with the National Guard Bureau, individual State National Guard Headquarters, and civil first responders to ensure continuity of operational plans.

(7) The legal implications of military forces in their Federal capacity operating on United States territory.

(8) The status of Department of Defense consultations—

(A) with Canada regarding Canada's role in, and any expansion of mission for, the North American Air Defense Command; and

(B) with Mexico regarding Mexico's role in the United States Northern Command.

(9) The status of Department of Defense consultations with NATO member nations on efforts to transfer the Supreme Allied Command for the Atlantic from dual assignment with the position of commander of the United States Joint Forces Command.

(10) The revised mission, budget, and personnel resources required for the United States Joint Forces Command.

SEC. 903. NATIONAL DEFENSE MISSION OF COAST GUARD TO BE INCLUDED IN FUTURE QUADRENNIAL DEFENSE REVIEWS.

Section 118(d) of title 10, United States Code, is amended—

(1) by redesignating paragraph (14) as paragraph (15); and

(2) by inserting after paragraph (13) the following new paragraph:

''(14) The national defense mission of the Coast Guard.''.

SEC. 904. CHANGE IN YEAR FOR SUBMISSION OF QUADRENNIAL DEFENSE REVIEW.

Section 118(a) of title 10, United States Code, is amended by striking ''during a year'' and inserting ''during the second year''.

SEC. 905. REPORT ON EFFECT OF OPERATIONS OTHER THAN WAR ON COMBAT READINESS OF THE ARMED FORCES.

(a) REPORT REQUIRED.—Not later than February 28, 2004, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the effect on the combat readiness of the Armed Forces of operations other than war in which the Armed Forces are participating as of the date of the enactment of this Act (hereinafter in this section referred to as ''current operations other than war''). Such report shall address any such effect on combat readiness for the Armed Forces as a whole and separately for the active components and the reserve components.

(b) OPERATIONS OTHER THAN WAR.—For purposes of this section, the term ''operations other than war'' includes the followng:

(1) Humanitarian operations.

(2) Counter-drug operations.

(3) Peace operations.

(4) Nation assistance.

(c) MATTERS TO BE ADDRESSED.—The report shall, at a minimum, address the following (shown both for the Armed Forces as a whole and separately for the active components and the reserve components):

(1) With respect to each current operation other than war, the number of members of the Armed Forces who are—

(A) directly participating in the operation;

(B) supporting the operation;

(C) preparing to participate or support an upcoming rotation to the operation; or

(D) recovering and retraining following participation in the operation.

(2) The cost to the Department of Defense in time, funds, resources, personnel, and equipment to prepare for, conduct, and recover and retrain from each such operation.

(3) The effect of participating in such operations on performance, retention, and readiness of individual members of the Armed Forces.

(4) The effect of such operations on the readiness of forces and units participating, preparing to participate, and returning from participation in such operations.

(5) The effect that such operations have on forces and units that do not, have not, and will not participate in them.

(6) The contribution to United States national security and to regional stability of participation by the United States in such operations, to be assessed after receiving the views of the commanders of the regional unified combatant commands.

(d) CLASSIFICATION OF REPORT.—The report may be provided in classified or unclassified form as necessary.

SEC. 906. CONFORMING AMENDMENT TO REFLECT DISESTABLISHMENT OF DEPARTMENT OF DEFENSE CONSEQUENCE MANAGEMENT PROGRAM INTEGRATION OFFICE.

Section 12310(c)(3) of title 10, United States Code, is amended by striking ''only—'' and all that follows through ''(B) while assigned'' and inserting ''only while assigned''.

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 2003 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 $2,000,000,000.

(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. AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2002.

(a) DOD AUTHORIZATIONS.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2002 in the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107) 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 the following:

(1) Chapter 3 of the Emergency Supplemental Act, 2002 (division B of Public Law 107–117; 115 Stat. 2299).

(2) Any Act enacted after May 1, 2002, making supplemental appropriations for fiscal year 2002 for the military functions of the Department of Defense.

(b) NNSA AUTHORIZATIONS.—Amounts authorized to be appropriated to the Department of Energy for fiscal year 2002 in the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107) 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 the following:

(1) Chapter 5 of the Emergency Supplemental Act, 2002 (division B of Public Law 107–117; 115 Stat. 2307).

(2) Any Act enacted after May 1, 2002, making supplemental appropriations for fiscal year 2002 for the atomic energy defense activities of the Department of Energy.

(c) LIMITATION ON TRANSFERS PENDING SUBMISSION OF REPORT.—Any amount provided for the Department of Defense for fiscal year 2002 through a so-called 'transfer account'', including the Defense Emergency Response Fund or any other similar account, may be transferred to another account for obligation only after the Secretary of Defense submits to the congressional defense committees a report stating, for each such transfer, the amount of the transfer, the appropriation account to which the transfer is to be made, and the specific purpose for which the transferred funds will be used.

(d) EMERGENCY DESIGNATION REQUIREMENT.—(1) In the case of a pending contingent emergency supplemental appropriation for the military functions of the Department of Defense or the atomic energy defense activities of the Department of Energy, an adjustment may be made under subsection (a) or (b) in the amount of an authorization of appropriations by reason of that supplemental appropriation only if, and to the extent that, the President transmits to Congress an official budget request for that appropriation that designates the entire amount requested as an emergency requirement.

(2) For purposes of this subsection, the term ''contingent emergency supplemental appropriation'' means a supplemental appropriation that—

(A) is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985; and

(B) by law is available only to the extent that the President transmits to the Congress an official budget request for that appropriation that includes designation of the entire amount of the request as an emergency requirement.

SEC. 1003. UNIFORM STANDARDS THROUGHOUT DEPARTMENT OF DEFENSE FOR EXPOSURE OF PERSONNEL TO PECUNIARY LIABILITY FOR LOSS OF GOVERNMENT PROPERTY.

(a) EXTENSION OF ARMY AND AIR FORCE REPORT-OF-SURVEY PROCEDURES TO NAVY AND MARINE CORPS AND ALL DOD CIVILIAN EMPLOYEES.—(1) Chapter 165 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2787. Reports of survey

''(a) REGULATIONS.—Under such regulations as the Secretary of Defense may prescribe, any officer of the Army, Navy, Air Force, or Marine Corps or any civilian employee of the Department of Defense designated by the Secretary may act upon reports of surveys and vouchers pertaining to the loss, spoilage, unserviceability, unsuitability, or destruction of, or damage to, property of the United States under the control of the Department of Defense.

''(b) FINALITY OF ACTION.—Action taken under subsection (a) is final, except that action holding a person pecuniarily liable for loss, spoilage, destruction, or damage is not final until approved by the Secretary.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2787. Reports of survey.''.

(b) EXTENSION TO MEMBERS OF THE NAVY AND MARINE CORPS OF PAY DEDUCTION AUTHORITY PERTAINING TO DAMAGE OR REPAIR OF ARMS AND EQUIPMENT .—Section 1007(e) of title 37, United States Code, is amended by striking ''Army or the Air Force'' and inserting ''Army, Navy, Air Force, or Marine Corps''.

(c) REPEAL OF SUPERCEDED PROVISIONS.—(1) Sections 4835 and 9835 of title 10, United States Code, are repealed.

(2)(A) The table of sections at the beginning of chapter 453 of such title is amended by striking the item relating to section 4835.

(B) The table of sections at the beginning of chapter 953 of such title is amended by striking the item relating to section 9835.

SEC. 1004. ACCOUNTABLE OFFICIALS IN THE DEPARTMENT OF DEFENSE.

(a) ACCOUNTABLE OFFICIALS WITHIN THE DEPARTMENT OF DEFENSE.—Chapter 165 of title 10, United States Code, is amended by inserting after section 2773 the following new section:

"§ 2773a. Departmental accountable officials

''(a) DESIGNATION.—(1) The Secretary of Defense may designate as a 'departmental accountable official' any civilian employee of the Department of Defense or member of the armed forces under the Secretary's jurisdiction who is described in paragraph (2). Any such designation shall be in writing.

''(2) An employee or member of the armed forces described in this paragraph is an employee or member who is responsible in the performance of the employee's or member's duties for providing to a certifying official of the Department of Defense information, data, or services that are directly relied upon by the certifying official in the certification of vouchers for payment.

''(b) PECUNIARY LIABILITY.—(1) The Secretary of Defense may impose pecuniary liability on a departmental accountable official to the extent that an illegal, improper, or incorrect payment results from the information, data, or services that that official provides to a certifying official and upon which the certifying official directly relies in certifying the voucher supporting that payment.

''(2) The pecuniary liability of a departmental accountable official under this subsection for such an illegal, improper, or incorrect payment is joint and several with that of any other officials who are pecuniarily liable for such payment.

''(c) RELIEF FROM LIABILITY.—The Secretary of Defense shall relieve a departmental accountable official from liability under subsection (b) if the Secretary determines that the illegal, improper, or incorrect payment was not the result of fault or negligence by that official.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2773 the following new item:

''2773a. Departmental accountable officials.''.

SEC. 1005. IMPROVEMENTS IN PURCHASE CARD MANAGEMENT.

(a) IN GENERAL.—Section 2784 of title 10, United States Code, is amended to read as follows:

"§ 2784. Management of purchase cards

''(a) MANAGEMENT OF PURCHASE CARDS.—The Secretary of Defense, acting through the Under Secretary of Defense (Comptroller), shall prescribe regulations governing the use and control of all purchase cards and convenience checks that are issued to Department of Defense personnel for official use. Those regulations shall be consistent with regulations that apply Government-wide regarding use of purchase cards by Government personnel for official purposes.

''(b) REQUIRED SAFEGUARDS AND INTERNAL CONTROLS.—Regulations under subsection (a) shall include safeguards and internal controls to ensure the following:

''(1) That there is a record in the Department of Defense of each holder of a purchase card issued by the Department of Defense for official use, annotated with the limitations on amounts that are applicable to the use of each such card by that purchase card holder.

''(2) That the holder of a purchase card and each official with authority to authorize expenditures charged to the purchase card are responsible for—

''(A) reconciling the charges appearing on each statement of account for that purchase card with receipts and other supporting documentation; and

''(B) forwarding that statement after being so reconciled to the designated disbursing office in a timely manner.

''(3) That any disputed purchase card charge, and any discrepancy between a receipt and other supporting documentation and the purchase card statement of account, is resolved in the manner prescribed in the applicable Government-wide purchase card contract entered into by the Administrator of General Services.

''(4) That payments on purchase card accounts are made promptly within prescribed deadlines to avoid interest penalties.

''(5) That rebates and refunds based on prompt payment on purchase card accounts are properly recorded.

''(6) That records of each purchase card transaction (including records on associated contracts, reports, accounts, and invoices) are retained in accordance with standard Government policies on the disposition of records.

''(7) That an annual review is performed of the use of purchase cards issued by the Department of Defense to determine whether each purchase card holder has a need for the purchase card.

''(8) That the Inspectors General of the Department of Defense and the military services perform periodic audits with respect to the use of purchase cards issued by the Department of Defense to ensure that such use is in compliance with regulations.

''(9) That appropriate annual training is provided to each purchase card holder and each official with responsibility for overseeing the use of purchase cards issued by the Department of Defense.

''(c) PENALTIES FOR VIOLATIONS.—The Secretary shall provide in the regulations prescribed under subsection (a)—

''(1) that procedures are implemented providing for appropriate punishment of employees of the Department of Defense for violations of such regulations and for negligence, misuse, abuse, or fraud with respect to a purchase card, including dismissal in appropriate cases; and

''(2) that a violation of such regulations by a person subject to chapter 47 of this title (the Uniform Code of Military Justice) is punishable as a violation of section 892 of this title (article 92 of the Uniform Code of Military Justice).''.

(b) CLERICAL AMENDMENT.—The item relating to section 2784 in the table of sections at the beginning of chapter 165 of such title is amended to read as follows:

''2784. Management of purchase cards.''.

SEC. 1006. AUTHORITY TO TRANSFER FUNDS WITHIN A MAJOR ACQUISITION PROGRAM FROM PROCUREMENT TO RDT&E.

(a) PROGRAM FLEXIBILITY.—(1) Chapter 131 of title 10, United States Code, is amended by inserting after section 2214 the following new section:

"§ 2214a. Transfer of funds: transfers from procurement accounts to research and development accounts for major acquisition programs

''(a) TRANSFER AUTHORITY WITHIN MAJOR PROGRAMS.—Subject to subsection (b), the Secretary of Defense may transfer amounts provided in an appropriation Act for procurement for a covered acquisition program to amounts provided in the same appropriation Act for research, development, test, and evaluation for that program.

''(b) CONGRESSIONAL NOTICE-AND-WAIT.—A transfer may be made under this section only after—

''(1) the Secretary submits to the congressional defense committees notice in writing of the Secretary's intent to make such transfer, together with the Secretary's justification for the transfer; and

''(2) a period of 30 days has elapsed following the date of such notification.

''(c) LIMITATIONS.—From amounts appropriated for the Department of Defense for any fiscal year for procurement—

''(1) the total amount transferred under this section may not exceed $250,000,000; and

''(2) the total amount so transferred for any acquisition program may not exceed $20,000,000.

''(d) COVERED ACQUISITION PROGRAMS.—In this section, the term 'covered acquisition program' means an acquisition program of the Department of Defense that is—

''(A) a major defense acquisition program for purposes of chapter 144 of this title; or

''(B) any other acquisition program of the Department of Defense—

''(i) that is designated by the Secretary of Defense as a covered acquisition program for purposes of this section; or

''(ii) that is estimated by the Secretary of Defense to require an eventual total expenditure for research, development, test, and evaluation of more than $140,000,000 (based on fiscal year 2000 constant dollars) or an eventual total expenditure for procurement of more than $660,000,000 (based on fiscal year 2000 constant dollars.)

''(e) TRANSFER BACK OF UNUSED TRANSFERRED FUNDS.—If funds transferred under this section are not used for the purposes for which transferred, such funds shall be transferred back to the account from which transferred and shall be available for their original purpose.

''(f) ADDITIONAL AUTHORITY.—The transfer authority provided in this section is in addition to any other transfer authority available to the Secretary of Defense.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2214 the following new item:

''2214a. Transfer of funds: transfers from procurement accounts to research and development accounts for major acquisition programs.''.

(b) EFFECTIVE DATE.—Section 2214a of title 10, United States Code, as added by subsection (a), shall not apply with respect to funds appropriated before the date of the enactment of this Act.

SEC. 1007. DEVELOPMENT AND PROCUREMENT OF FINANCIAL AND NONFINANCIAL MANAGEMENT SYSTEMS.

(a) REPORT.—Not later than March 1, 2003, the Secretary of Defense shall submit to the congressional defense committees a report on the modernization of the Department of Defense's financial management systems and operations. The report shall include the following:

(1) The goals and objectives of the Financial Management Modernization Program.

(2) The acquisition strategy for that Program, including milestones, performance metrics, and financial and nonfinancial resource needs.

(3) A listing of all operational and developmental financial and nonfinancial management systems in use by the Department, the related costs to operate and maintain those systems during fiscal year 2002, and the estimated cost to operate and maintain those systems during fiscal year 2003.

(4) An estimate of the completion date of a transition plan that will identify which of the Department's operational and developmental financial management systems will not be part of the objective financial and nonfinancial management system and that provides the schedule for phase out of those legacy systems.

(b) LIMITATIONS.—(1) A contract described in subsection (c) may be entered into using funds made available to the Department of Defense for fiscal year 2003 only with the approval in advance in writing of the Under Secretary of Defense (Comptroller).

(2) Not more than 75 percent of the funds authorized to be appropriated in section 201(4) for research, development, test, and evaluation for the Department of Defense Financial Modernization Program (Program Element 65016D8Z) may be obligated until the report required by subsection (a) is received by the congressional defense committees.

(c) COVERED CONTRACTS.—Subsection (b)(1) applies to a contract for the procurement of any of the following:

(1) An enterprise architecture system.

(2) A finance or accounting system.

(3) A nonfinancial business and feeder system.

(4) An upgrade to any system specified in paragraphs (1) through (3).

(d) DEFINITIONS.—As used in this section:

(1) FINANCIAL MANAGEMENT SYSTEM AND OPERATIONS.—The term ''financial management system and operations'' means financial, financial related, and non-financial business operations and systems used for acquisition programs, transportation, travel, property, inventory, supply, medical, budget formulation, financial reporting, and accounting. Such term includes the automated and manual processes, procedures, controls, data, hardware, software, and support personnel dedicated to the operations and maintenance of system functions.

(2) FEEDER SYSTEMS.—The term ''feeder systems'' means financial portions of mixed systems.

(3) DEVELOPMENTAL SYSTEMS AND PROJECTS.—The term ''developmental systems and projects'' means any system that has not reached Milestone C, as defined in the Department of Defense 5000–series regulations.

Subtitle B—Reports

SEC. 1011. AFTER-ACTION REPORTS ON THE CONDUCT OF MILITARY OPERATIONS CONDUCTED AS PART OF OPERATION ENDURING FREEDOM.

(a) REPORT REQUIRED.—(1) The Secretary of Defense shall submit to the congressional committees specified in subsection (c) two reports on the conduct of military operations conducted as part of Operation Enduring Freedom. The first report (which shall be an interim report) shall be submitted not later than June 15, 2003. The second report shall be submitted not later than 180 days after the date (as determined by the Secretary of Defense) of the cessation of hostilities undertaken as part of Operation Enduring Freedom.

(2) Each report shall be prepared in consultation with the Chairman of the Joint Chiefs of Staff, the commander-in-chief of the United States Central Command, and the Director of Central Intelligence.

(3) Each report shall be submitted in both a classified form and an unclassified form.

(b) MATTERS TO BE INCLUDED.—Each report shall contain a discussion of accomplishments and shortcomings of the overall military operation. The report shall specifically include the following:

(1) A discussion of the command, control, coordination, and support relationship between United States Special Operations Forces and Central Intelligence Agency elements participating in Operation Enduring Freedom and any lessons learned from the joint conduct of operations by those forces and elements.

(2) Recommendations to improve operational readiness and effectiveness.

(c) CONGRESSIONAL COMMITTEES.—The committees referred to in subsection (a)(1) are the following:

(1) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(2) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1012. REPORT ON BIOLOGICAL WEAPONS DEFENSE AND COUNTER-PROLIFERATION.

(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—

(1) describing programs and initiatives to halt, counter, and defend against the development, production, and proliferation of biological weapons agents, technology, and expertise to terrorist organizations and other States; and

(2) including a detailed list of the limitations and impediments to the biological weapons defense, nonproliferation, and counterproliferation efforts of the Department of Defense, and recommendations to remove such impediments and to make such efforts more effective.

(b) CLASSIFICATION.—The report may be submitted in unclassified or classified form as necessary.

SEC. 1013. REQUIREMENT THAT DEPARTMENT OF DEFENSE REPORTS TO CONGRESS BE ACCOMPANIED BY ELECTRONIC VERSION.

Section 480(a) of title 10, United States Code, is amended by striking ''shall, upon request'' and all that follows through ''(or each'' and inserting ''shall provide to Congress (or''.

SEC. 1014. STRATEGIC FORCE STRUCTURE PLAN FOR NUCLEAR WEAPONS AND DELIVERY SYSTEMS.

(a) PLAN REQUIRED.—The Secretary of Defense and the Secretary of Energy shall jointly prepare a plan for the United States strategic force structure for nuclear weapons and nuclear weapons delivery systems for the period of fiscal years from 2002 through 2012. The plan shall—

(1) delineate a baseline strategic force structure for such weapons and systems over such period consistent with the Nuclear Posture Review dated January 2002;

(2) define sufficient force structure, force modernization and life extension plans, infrastructure, and other elements of the defense program of the United States associated with such weapons and systems that would be required to execute successfully the full range of missions called for in the national defense strategy delineated in the Quadrennial Defense Review dated September 30, 2001, under section 118 of title 10, United States Code; and

(3) identify the budget plan that would be required to provide sufficient resources to execute successfully the full range of missions using such force structure called for in that national defense strategy.

(b) REPORT.—(1) The Secretary of Defense and the Secretary of Energy shall submit a report on the plan to the congressional defense committees. Except as provided in paragraph (2), the report shall be submitted not later than January 1, 2003.

(2) If before January 1, 2003, the President submits to Congress the President's certification that it is in the national security interest of the United States that such report be submitted on a later date (to be specified by the President in the certification), such report shall be submitted not later than such later date.

SEC. 1015. REPORT ON ESTABLISHMENT OF A JOINT NATIONAL TRAINING COMPLEX AND JOINT OPPOSING FORCES.

(a) REPORT REQUIRED.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report that outlines a plan to develop and implement a joint national training complex. Such a complex may include multiple joint training sites and mobile training ranges and appropriate joint opposing forces and shall be capable of supporting field exercises and experimentation at the operational level of war across a broad spectrum of adversary capabilities.

(b) MATTERS TO BE INCLUDED.—The report under subsection (a) shall include the following:

(1) An identification and description of the types of joint training and experimentation that would be conducted at such a joint national training complex, together with a description of how such training and experimentation would enhance accomplishment of the six critical operational goals for the Department of Defense specified at page 30 of the Quadrennial Defense Review Report of the Secretary of Defense issued on September 30, 2001.

(2) A discussion of how establishment of such a complex (including joint opposing forces) would promote innovation and transformation throughout the Department of Defense.

(3) A discussion of how results from training and experiments conducted at such a complex would be taken into consideration in the Department of Defense plans, programs, and budgeting process and by appropriate decision making bodies within the Department of Defense.

(4) A methodology, framework, and options for selecting sites for such a complex, including consideration of current training facilities that would accommodate requirements among all the Armed Forces.

(5) Options for development as part of such a complex of a joint urban warfare training center that could also be used for homeland defense and consequence management training for Federal, State, and local training.

(6) Cost estimates and resource requirements to establish and maintain such a complex, including estimates of costs and resource requirements for the use of contract personnel for the performance of management, operational, and logistics activities for such a complex .

(7) An explanation of the relationship between and among such a complex and the Department of Defense Office of Transformation, the Joint Staff, the United States Joint Forces Command, the United States Northern Command, and each element of the major commands within the separate Armed Forces with responsibility for experimentation and training.

(8) A discussion of how implementation of a joint opposing force would be established, including the feasibility of using qualified contractors for the function of establishing and maintaining joint opposing forces and the role of foreign forces.

(9) Submission of a time line to establish such a center and for such a center to achieve initial operational capability and full operational capability.

SEC. 1016. REPEAL OF VARIOUS REPORTS REQUIRED OF THE DEPARTMENT OF DEFENSE.

(a) PROVISIONS OF TITLE 10.—Title 10, United States Code, is amended as follows:

(1)(A) Section 230 is repealed.

(B) The table of sections at the beginning of chapter 9 is amended by striking the item relating to section 230.

(2) Section 526 is amended by striking subsection (c).

(3) Section 721(d) is amended—

(A) by striking paragraph (2); and

(B) by striking ''(1)'' before ''If an officer''.

(4) Section 986 is amended by striking subsection (e).

(5) Section 1095(g) is amended—

(A) by striking paragraph (2); and

(B) by striking ''(1)'' after ''(g)''.

(6) Section 1798 is amended by striking subsection (d).

(7) Section 1799 is amended by striking subsection (d).

(8) Section 2010 is amended by striking subsection (b).

(9) Section 2327(c)(1) is amended—

(A) in subparagraph (A), by striking ''after the date on which such head of an agency submits to Congress a report on the contract'' and inserting ''if in the best interests of the Government''; and

(B) by striking subparagraph (B).

(10) Section 2350f is amended by striking subsection (c).

(11) Section 2350k is amended by striking subsection (d).

(12) Section 2492 is amended by striking subsection (c).

(13) Section 2493 is amended by striking subsection (g).

(14) Section 2563(c)(2) is amended by striking ''and notifies Congress regarding the reasons for the waiver''.

(15) Section 2611 is amended by striking subsection (e).

(16) Sections 4357, 6975, and 9356 are each amended—

(A) by striking subsection (c); and

(B) in subsection (a), by striking ''Subject to subsection (c), the Secretary'' and inserting ''The Secretary''.

(17) Section 4416 is amended by striking subsection (f).

(18) Section 5721(f) is amended—

(A) by striking paragraph (2); and

(B) by striking ''(1)'' after the subsection heading.

(19) Section 12302 is amended—

(A) in subsection (b), by striking the last sentence; and

(B) by striking subsection (d).

(b) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995.—Section 553(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2772; 10 U.S.C. 4331 note) is amended by striking the last sentence.

SEC. 1017. REPORT ON THE ROLE OF THE DEPARTMENT OF DEFENSE IN SUPPORTING HOMELAND SECURITY.

(a) REPORT REQUIRED.—Not later than December 31, 2002, the Secretary of Defense shall submit to the congressional defense committees a report on Department of Defense responsibilities, mission, and plans for military support of homeland security.

(b) CONTENT OF REPORT.—The report shall include, but not be limited to, a discussion of the following:

(1) Changes in organization regarding the roles, mission, and responsibilities carried out by the Department of Defense to support its homeland security mission and the reasons for those changes based upon the findings of the study and report required by section 1511 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1271).

(2) Changes in the roles, missions, and responsibilities of the Department of the Army, the Department of the Navy, and the Department of the Air Force with respect to homeland security and the reasons for such changes.

(3) Changes in the roles, missions, and responsibilities of unified commands with homeland security missions and the reasons for such changes.

(4) Changes in the roles, missions, and responsibilities of the United States Joint Forces Command and the United States Northern Command in expanded homeland security training and experimentation involving the Department of Defense and other Federal, State, and local entities, and the reasons for such changes.

(5) Changes in the roles, missions, and responsibilities of the Army National Guard and the Air National Guard in the homeland security mission of the Department of Defense, and the reasons for such changes.

(6) The status of the unconventional nuclear warfare defense test bed program established in response to title IX of the Department of Defense Appropriations Act, 2002 (division A of Public Law 107–117; 115 Stat. 2289), including the plan and program for establishing such test beds.

(7) The plans and status of the Department of Defense homeland security biological defense program, including the plans and status of—

(A) the biological counter terrorism research program;

(B) the biological defense homeland security support program;

(C) pilot programs for establishing biological defense test beds on Department of Defense installations and in selected urban areas of the United States;

(D) programs for expanding the capacity of the Department of Defense to meet increased demand for vaccines against biological agents; and

(E) any plans to coordinate Department of Defense work in biological defense programs with other Federal, State, and local programs.

(8) Recommendations for legislative changes that may be required to execute the roles and missions set forth in Department of Defense homeland security plans.

SEC. 1018. REPORT ON EFFECTS OF NUCLEAR EARTH PENETRATOR WEAPONS AND OTHER WEAPONS.

(a) NAS STUDY.—The Secretary of Defense shall request the National Academy of Sciences to conduct a study and prepare a report on the anticipated short-term and long-term effects of the use of a nuclear earth penetrator weapon on the target area, including the effects on civilian populations in proximity to the target area and on United States military personnel performing operations and battle damage assessments in the target area, and the anticipated short-term and long-term effects on the civilian population in proximity to the target area if—

(1) a non-penetrating nuclear weapon is used to destroy hard or deeply-buried targets; or

(2) a conventional high-explosive weapon is used to destroy an adversary's weapons of mass destruction storage or production facilities, and radioactive, nuclear, biological, or chemical weapons materials, agents, or other contaminants are released or spread into populated areas.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress the report under subsection (a), together with any comments the Secretary may consider appropriate on the report. The report shall be submitted in unclassified form to the maximum extent possible, with a classified annex if needed.

SEC. 1019. REPORT ON EFFECTS OF NUCLEAR-TIPPED BALLISTIC MISSILE INTERCEPTORS AND NUCLEAR MISSILES NOT INTERCEPTED.

(a) NAS STUDY.—The Secretary of Defense shall request the National Academy of Sciences to conduct a study and prepare a report on the anticipated short-term and long-term effects of the use of a nuclear-tipped ballistic missile interceptor, including the effects on civilian populations and on United States military personnel in proximity to the target area, and the immediate, short-term, and long-term effects on the civilian population of a major city of the United States, and the Nation as a whole, if a ballistic missile carrying a nuclear weapon is not intercepted and detonates directly above a major city of the United States.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress the report under subsection (a), together with any comments the Secretary may consider appropriate on the report. The report shall be submitted in unclassified form to the maximum extent possible, with a classified annex if needed.

Subtitle C—Other Matters

SEC. 1021. SENSE OF CONGRESS ON MAINTENANCE OF A RELIABLE, FLEXIBLE, AND ROBUST STRATEGIC DETERRENT.

It is the sense of Congress that, consistent with the national defense strategy delineated in the Quadrennial Defense Review dated September 30, 2001 (as submitted under section 118 of title 10, United States Code), the Nuclear Posture Review dated January 2002, and the global strategic environment, the President should, to defend the Nation, deter aggressors and potential adversaries, assure friends and allies, defeat enemies, dissuade competitors, advance the foreign policy goals and vital interests of the United States, and generally ensure the national security of the United States, take the following actions:

(1) Maintain an operationally deployed strategic force of not less than 1,700 nuclear weapons for immediate and unexpected contingencies.

(2) Maintain a responsive force of non-deployed nuclear weapons for potential contingencies at readiness and numerical levels determined to be—

(A) essential to the execution of the Single Integrated Operational Plan; or

(B) necessary to maintain strategic flexibility and capability in accordance with the findings and conclusions of such Nuclear Posture Review.

(3) Develop advanced conventional weapons, and nuclear weapons, capable of destroying—

(A) hard and deeply buried targets; and

(B) enemy weapons of mass destruction and the development and production facilities of such enemy weapons.

(4) Develop a plan to achieve and maintain the capability to resume conducting underground tests of nuclear weapons within one year after a decision is made to resume conducting such tests, so as to have the means to maintain robust and adaptive strategic forces through a ready, responsive, and capable nuclear infrastructure, as prescribed in such Nuclear Posture Review.

(5) Develop a plan to revitalize the Nation's nuclear weapons industry and infrastructure so as to facilitate the development and production of safer, more reliable, and more effective nuclear weapons.

SEC. 1022. TIME FOR TRANSMITTAL OF ANNUAL DEFENSE AUTHORIZATION LEGISLATIVE PROPOSAL.

(a) IN GENERAL.—Chapter 2 of title 10, United States Code, is amended by inserting after section 113 the following new section:

''§ 113a. Transmission of annual defense authorization request

''(a) TIME FOR TRANSMITTAL.—The Secretary of Defense shall transmit to Congress the annual defense authorization request for a fiscal year during the first 30 days after the date on which the President transmits to Congress the budget for that fiscal year pursuant to section 1105 of title 31.

''(b) DEFENSE AUTHORIZATION REQUEST DEFINED.—In this section, the term 'defense authorization request', with respect to a fiscal year, means a legislative proposal submitted to Congress for the enactment of the following:

''(1) Authorizations of appropriations for that fiscal year, as required by section 114 of this title.

''(2) Personnel strengths for that fiscal year, as required by section 115 of this title.

''(3) Any other matter that is proposed by the Secretary of Defense to be enacted as part of the annual defense authorization bill for that fiscal year.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 113 the following new item:

''113a. Transmission of annual defense authorization request.''.

SEC. 1023. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 153 is amended by inserting ''(a) PLANNING; ADVICE; POLICY FORMULATION.—'' at the beginning of the text.

(2) Section 663(e)(2) is amended by striking ''Armed Forces Staff College'' and inserting ''Joint Forces Staff College''.

(3) Section 2399(a)(2) is amended—

(A) in the matter preceding subparagraph (A), by striking ''means—'' and inserting ''means a conventional weapons system that—''; and

(B) in subparagraph (A), by striking ''a conventional weapons system that''.

(4)(A) Section 2410h is transferred to the end of subchapter IV of chapter 87 and is redesignated as section 1747.

(B) The item relating to that section in the table of sections at the beginning of chapter 141 is transferred to the end of the table of sections at the beginning of subchapter IV of chapter 87 and is amended to reflect the redesignation made by subparagraph (A).

(5) Section 2677 is amended by striking subsection (c).

(6) Section 2680(e) is amended by striking ''the'' after ''the Committee on'' the first place it appears.

(7) Section 2815(b) is amended by striking ''for fiscal year 2003 and each fiscal year thereafter'' and inserting ''for any fiscal year''.

(8) Section 2828(b)(2) is amended by inserting ''time'' after ''from time to''.

(b) TITLE 37, UNITED STATES CODE.—Title 37, United States Code, is amended as follows:

(1) Section 302j(a) is amended by striking ''subsection (c)'' and inserting ''subsection (d)''.

(2) Section 324(b) is amended by striking ''(1)'' before ''The Secretary''.

(c) PUBLIC LAW 107–107.—Effective as of December 28, 2001, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107) is amended as follows:

(1) Section 602(a)(2) (115 Stat. 1132) is amended by striking ''an'' in the first quoted matter.

(2) Section 1410(a)(3)(C) (115 Stat. 1266) by inserting ''both places it appears'' before ''and inserting''.

(3) Section 3007(d)(1)(C) (115 Stat. 1352) is amended by striking ''2905(b)(7)(B)(iv)'' and inserting ''2905(b)(7)(C)(iv)''.

(d) PUBLIC LAW 106–398.—Effective as of October 30, 2000, and as if included therein as enacted, the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398) is amended as follows:

(1) Section 577(b)(2) (114 Stat. 1654A–140) is amended by striking ''Federal'' in the quoted matter and inserting ''Department of Defense''.

(2) Section 612(c)(4)(B) (114 Stat. 1654A–150) is amended by striking the comma at the end of the first quoted matter.

(e) PUBLIC LAW 106–65.—The National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65) is amended as follows:

(1) Section 573(b) (10 U.S.C. 513 note) is amended by inserting a period at the end of paragraph (2).

(2) Section 1305(6) (22 U.S.C. 5952 note) is amended by striking the first period after ''facility''.

(f) TITLE 14, UNITED STATES CODE.—Section 516(c) of title 14, United States Code, is amended by striking ''his section'' and inserting ''this section''.

SEC. 1024. WAR RISK INSURANCE FOR VESSELS IN SUPPORT OF NATO-APPROVED OPERATIONS.

Section 1205 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1285) is amended by adding at the end the following:

''(c) INSURANCE OF VESSELS IN SUPPORT OF NATO-APPROVED OPERATIONS.—(1) Upon request made under subsection (b), the Secretary may provide insurance for a vessel, regardless of the country in which the vessel is registered and the citizenship of its owners, that is supporting a military operation approved by the North Atlantic Council, including a vessel that is not operating under contract with a department or agency of the United States.

''(2) If a vessel is insured under paragraph (1) in response to a request made pursuant to an international agreement providing for the sharing among nations of the risks involved in mutual or joint operations, the Secretary of Transportation, with the concurrence of the Secretary of State, may seek from another nation that is a party to such agreement a commitment to indemnify the United States for any amounts paid by the United States for claims against such insurance.

''(3) Amounts received by the United States as indemnity from a nation pursuant to paragraph (2) shall be deposited into the insurance fund created under section 1208.

''(4) Any obligation of a department or agency of the United States to indemnify the Secretary or the insurance fund for any claim against insurance provided under this subsection is extinguished to the extent of any indemnification received from a nation pursuant to paragraph (2) with respect to the claim.''.

SEC. 1025. CONVEYANCE, NAVY DRYDOCK, PORTLAND, OREGON.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may sell Navy Drydock No. YFD-69, located in Portland, Oregon, to Portland Shipyard, LLC, which is the current user of the drydock.

(b) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the purchaser agree to retain the drydock on Swan Island in Portland, Oregon, until at least September 30, 2007.

(c) CONSIDERATION.—As consideration for the conveyance of the drydock under subsection (a), the purchaser shall pay to the Secretary an amount equal to the fair market value of the drydock at the time of the conveyance, as determined by the Secretary.

(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. 1026. ADDITIONAL WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should—

(1) establish 23 additional teams designated as Weapons of Mass Destruction Civil Support Teams (for a total of 55 such teams); and

(2) ensure that of such 55 teams there is at least one team established for each State and territory.

(b) STATE AND TERRITORY DEFINED.—In this section, the term ''State and territory'' means the several States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

TITLE XI—CIVILIAN PERSONNEL MATTERS

SEC. 1101. ELIGIBILITY OF DEPARTMENT OF DEFENSE NONAPPROPRIATED FUND EMPLOYEES FOR LONG-TERM CARE INSURANCE.

(a) IN GENERAL.—Section 9001(1) of title 5, United States Code, is amended—

(1) in subparagraph (B), by striking ''and'';

(2) in subparagraph (C), by striking the comma at the end and inserting ''; and''; and

(3) by inserting after subparagraph (C) the following new subparagraph:

''(D) an employee of a nonappropriated fund instrumentality of the Department of Defense described in section 2105(c),''.

(b) DISCRETIONARY AUTHORITY.—Section 9002 of such title is amended—

(1) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) DISCRETIONARY AUTHORITY REGARDING NONAPPROPRIATED FUND INSTRUMENTALITIES.—The Secretary of Defense may determine that a nonappropriated fund instrumentality of the Department of Defense is covered under this chapter or is covered under an alternative long-term care insurance program.''.

SEC. 1102. EXTENSION OF DEPARTMENT OF DEFENSE AUTHORITY TO MAKE LUMP-SUM SEVERANCE PAYMENTS.

(a) IN GENERAL.—Section 5595(i)(4) of title 5, United States Code, is amended by striking ''2003'' and inserting ''2006''.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the President shall submit to Congress a report including recommendations whether the authority under section 5595(i) of title 5, United States Code, should be made permanent or expanded to be made Governmentwide.

SEC. 1103. COMMON OCCUPATIONAL AND HEALTH STANDARDS FOR DIFFERENTIAL PAYMENTS AS A CONSEQUENCE OF EXPOSURE TO ASBESTOS.

(a) PREVAILING RATE SYSTEMS.—Section 5343(c)(4) of title 5, United States Code, is amended by inserting before the semicolon at the end the following: '', and for any hardship or hazard related to asbestos, such differentials shall be determined by applying occupational safety and health standards consistent with the permissible exposure limit promulgated by the Secretary of Labor under the Occupational Safety and Health Act of 1970''.

(b) GENERAL SCHEDULE PAY RATES.—Section 5545(d) of such title is amended by inserting before the period at the end of the first sentence the following: '', and for any hardship or hazard related to asbestos, such differentials shall be determined by applying occupational safety and health standards consistent with the permissible exposure limit promulgated by the Secretary of Labor under the Occupational Safety and Health Act of 1970''.

(c) APPLICABILITY.—Subject to any vested constitutional property rights, any administrative or judicial determination after the date of enactment of this Act concerning backpay for a differential established under sections 5343(c)(4) or 5545(d) of such title shall be based on occupational safety and health standards described in the amendments made by subsections (a) and (b).

SEC. 1104. CONTINUATION OF FEDERAL EMPLOYEE HEALTH BENEFITS PROGRAM ELIGIBILITY.

Paragraph (4)(B) of section 8905a(d) of title 5, United States Code, is amended—

(1) in clause (i), by striking ''2003'' and inserting ''2006''; and

(2) in clause (ii)—

(A) by striking ''2004'' and inserting ''2007''; and

(B) by striking ''2003'' and inserting ''2006''.

SEC. 1105. TRIENNIAL FULL-SCALE FEDERAL WAGE SYSTEM WAGE SURVEYS.

Section 5343(b) of title 5, United States Code, is amended—

(1) in the first sentence, by striking ''2 years'' and inserting ''3 years''; and

(2) in the second sentence, by striking the period at the end and inserting '', based on criteria developed by the Office.''.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

SEC. 1201. SUPPORT OF UNITED NATIONS-SPONSORED EFFORTS TO INSPECT AND MONITOR IRAQI WEAPONS ACTIVITIES.

(a) LIMITATION ON AMOUNT OF ASSISTANCE IN FISCAL YEAR 2003.—The total amount of the assistance for fiscal year 2003 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) as activities of the Department of Defense in support of activities under that Act may 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 ''2002'' and inserting ''2003''.

SEC. 1202. STRENGTHENING THE DEFENSE OF TAIWAN.

(a) IMPLEMENTATION OF TRAINING PLAN.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall implement a comprehensive plan to conduct joint operational training for, and exchanges of senior officers between, the Armed Forces of the United States and the military forces of Taiwan. Such plan shall include implementation of a wide range of programs, activities, exercises, and arrangements focused on threat analysis, military doctrine, force planning, logistical support, intelligence collection and analysis, operational tactics, techniques, and procedures, civil-military relations, and other subjects designed to improve the defensive capabilities of Taiwan and to enhance interoperability between the military forces of Taiwan and the Armed Forces of the United States.

(b) SUBMISSION TO CONGRESS.—At least 30 days before commencing implementation of the plan described in subsection (a), the Secretary of Defense shall submit the plan to Congress, in classified and unclassified form as necessary.

SEC. 1203. ADMINISTRATIVE SERVICES AND SUPPORT FOR FOREIGN LIAISON OFFICERS.

(a) AUTHORITY.—Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2350m. Administrative services and support for foreign liaison officers

''(a) AUTHORITY TO PROVIDE SERVICES AND SUPPORT.—The Secretary of Defense may provide administrative services and support for foreign liaison officers performing duties while such officers temporarily are assigned to components or commands of the armed forces. Such administrative services and support may include base or installation operation support services, office space, utilities, copying services, fire and police protection, and computer support. The Secretary may provide such administrative services and support with or without reimbursement, as the Secretary considers appropriate.

''(b) EXPIRATION OF AUTHORITY.—The authority under this section shall expire on September 30, 2005.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''2350m. Administrative services and support for foreign liaison officers.''.

(c) REPORT.—Not later than March 1, 2005, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a report describing, as of the date of submission of the report—

(1) the number of foreign liaison officers for which support has been provided under section 2350m of title 10, United States Code (as added by subsection (a));

(2) the countries from which such foreign liaison officers are or were assigned;

(3) the type of support provided, the duration for which the support was provided, and the reasons the support was provided; and

(4) the costs to the Department of Defense and the United States of providing such support.

SEC. 1204. ADDITIONAL COUNTRIES COVERED BY LOAN GUARANTEE PROGRAM.

Section 2540 of title 10, United States Code, is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

''(5) A country that, as determined by the Secretary of Defense in consultation with the Secretary of State, assists in combatting drug trafficking organizations or foreign terrorist organizations.''; and

(2) by adding at the end the following new subsection:

''(d) REPORT.—The Secretary of Defense and the Secretary of State, whenever the Secretaries consider such action to be warranted, shall jointly 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 enumerating those countries to be added or removed under subsection (b).''.

SEC. 1205. LIMITATION ON FUNDING FOR JOINT DATA EXCHANGE CENTER IN MOSCOW.

(a) LIMITATION.—Not more than 50 percent of the funds made available to the Department of Defense for fiscal year 2003 for activities associated with the Joint Data Exchange Center in Moscow, Russia, may be obligated or expended for any such activity until—

(1) the United States and the Russian Federation enter into a cost-sharing agreement as described in subsection (d) of section 1231 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–329);

(2) the United States and the Russian Federation enter into an agreement or agreements exempting the United States and any United States person from Russian taxes, and from liability under Russian laws, with respect to activities associated with the Joint Data Exchange Center;

(3) the Secretary of Defense submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a copy of each agreement referred to in paragraphs (1) and (2); and

(4) a period of 30 days has expired after the date of the final submission under paragraph (3).

(b) JOINT DATA EXCHANGE CENTER.—For purposes of this section, the term ''Joint Data Exchange Center'' means the United States-Russian Federation joint center for the exchange of data to provide early warning of launches of ballistic missiles and for notification of such launches that is provided for in a joint United States-Russian Federation memorandum of agreement signed in Moscow in June 2000.

SEC. 1206. LIMITATION ON NUMBER OF MILITARY PERSONNEL IN COLOMBIA.

(a) LIMITATION.—None of the funds available to the Department of Defense may be used to support or maintain more than 500 members of the Armed Forces on duty in the Republic of Colombia at any time.

(b) EXCEPTIONS.—There shall be excluded from counting for the purposes of the limitation in subsection (a) the following:

(1) A member of the Armed Forces in the Republic of Colombia for the purpose of rescuing or retrieving United States military or civilian Government personnel, except that the period for which such a member may be so excluded may not exceed 30 days unless expressly authorized by law.

(2) A member of the Armed Forces assigned to the United States Embassy in Colombia as an attaché, as a member of the security assistance office, or as a member of the Marine Corps security contingent.

(3) A member of the Armed Forces in Colombia to participate in relief efforts in responding to a natural disaster.

(4) Nonoperational transient military personnel.

(5) A member of the Armed Forces making a port call from a military vessel in Colombia.

(c) WAIVER.—The Secretary of Defense may waive the limitation in subsection (a) if he determines that such waiver is in the national security interest.

(d) NOTIFICATION.—The Secretary shall notify the congressional defense committees not later 15 days after the date of the exercise of the waiver authority under subsection (c).

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 2003 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term ''fiscal year 2003 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 $416,700,000 authorized to be appropriated to the Department of Defense for fiscal year 2003 in section 301(23) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $70,500,000.

(2) For strategic nuclear arms elimination in Ukraine, $6,500,000.

(3) For nuclear weapons transportation security in Russia, $19,700,000.

(4) For nuclear weapons storage security in Russia, $39,900,000.

(5) For activities designated as Other Assessments/Administrative Support, $14,700,000.

(6) For defense and military contacts, $18,900,000.

(7) For weapons of mass destruction infrastructure elimination activities in Kazakhstan, $9,000,000.

(8) For weapons of mass destruction infrastructure elimination activities in Ukraine, $8,800,000.

(9) For chemical weapons destruction in Russia, $50,000,000.

(10) For biological weapons facility dismantlement in the States of the former Soviet Union $11,500,000.

(11) For biological weapons facility security and safety in the States of the former Soviet Union, $34,800,000.–

(12) For biological weapons collaborative research in the States of the former Soviet Union, $8,700,000.

(13) For personnel reliability programs in Russia, $100,000.

(14) For weapons of mass destruction proliferation prevention in the States of the former Soviet Union, $40,000,000.

(b) ADDITIONAL FUNDS AUTHORIZED FOR CERTAIN PURPOSES.—Of the funds authorized to be appropriated to the Department of Defense for fiscal year 2003 in section 301(23) for Cooperative Threat Reduction programs, $83,600,000 may be obligated for any of the purposes specified in paragraphs (1) through (4) and (9) of subsection (a) in addition to the amounts specifically authorized in such paragraphs.

(c) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2003 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (14) 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 2003 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.

(d) 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 2003 for a purpose listed in any of the paragraphs in subsection (a) in excess of the amount specifically authorized for such purpose (including amounts authorized under subsection (b)).

(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 the purposes stated any of paragraphs (5) through (13) of subsection (a) in excess of 115 percent of the amount specifically authorized for such purposes.

SEC. 1303. PROHIBITION AGAINST USE OF FUNDS UNTIL SUBMISSION OF REPORTS.

No fiscal year 2003 Cooperative Threat Reduction funds may be obligated or expended until 30 days after the date of the submission of—

(1) the report required to be submitted in fiscal year 2002 under section 1308(a) 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–341); and

(2) the update for the multiyear plan required to be submitted for fiscal year 2001 under section 1205 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 22 U.S.C. 5952 note).

SEC. 1304. REPORT ON USE OF REVENUE GENERATED BY ACTIVITIES CARRIED OUT UNDER COOPERATIVE THREAT REDUCTION PROGRAMS.

Section 1308(c) 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–341) is amended by inserting at the end the following new paragraph:

''(6) To the maximum extent practicable, a description of how revenue generated by activities carried out under Cooperative Threat Reduction programs in recipient States is being utilized, monitored, and accounted for.''.

SEC. 1305. PROHIBITION AGAINST USE OF FUNDS FOR SECOND WING OF FISSILE MATERIAL STORAGE FACILITY.

No funds authorized to be appropriated for Cooperative Threat Reduction programs for any fiscal year may be used for the design, planning, or construction of a second wing for a storage facility for Russian fissile material.

SEC. 1306. SENSE OF CONGRESS AND REPORT REQUIREMENT REGARDING RUSSIAN PROLIFERATION TO IRAN.

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

(1) Russian proliferation to Iran constitutes a clear threat to the national security and vital interests of the United States and undermines the purpose and goals of Cooperative Threat Reduction programs;

(2) such proliferation consists primarily of nuclear and missile technology, goods, and know-how, and dual-use items that could contribute to the development of weapons of mass destruction and ballistic missiles;

(3) because of ongoing Russian assistance, the intelligence community estimates that Iran could attempt to launch an intercontinental ballistic missile by 2005, and could possess a nuclear weapon by 2010;

(4) Russian proliferation is providing Iran with the capability to strike United States military forces, interests, allies, and friends in the region with weapons-of-mass-destruction-tipped ballistic missiles;

(5) the issue of Russian proliferation to Iran has been raised by United States officials at the highest levels of the Russian Government;

(6) Iran has long been identified as a State sponsor of terrorism by the United States because of its support of foreign terrorist organizations, and the combination of terrorist organizations and weapons of mass destruction constitutes a grave threat to the national security of the United States;

(7) Russian proliferation to Iran raises serious questions regarding the intentions of the Russian Government, and its commitment to nonproliferation and improved relations with the United States;

(8) Russian proliferation to Iran could undermine Congressional support for Cooperative Threat Reduction programs; and

(9) the President must safeguard United States national security and demonstrate United States resolve and commitment to stopping the proliferation of weapons of mass destruction and ballistic missiles through clear, firm, and coherent policies and strategies that employ the full range of diplomatic and economic tools at his disposal, both positive and negative, to halt the serious and continuing problem of Russian proliferation.

(b) REPORT.—Not later than March 15 of 2003 through 2009, the President shall submit to Congress a report (in unclassified and classified form as necessary) describing in detail Russian proliferation of weapons of mass destruction and ballistic missile goods, technology, and know-how, and of dual-use items that may contribute to the development of weapons of mass destruction and ballistic missiles, to Iran and to other countries during the year preceding the year in which the report is submitted. The report shall include—

(1) a net assessment prepared by the Office of Net Assessment of the Department of Defense; and

(2) a detailed description of the following:

(A) The number, type, and quality of direct and dual-use weapons of mass destruction and ballistic missile goods, items, and technology being transferred.

(B) The form, location, and manner in which such transfers take place.

(C) The contribution that such transfers could make to the recipient States' weapons of mass destruction and ballistic missile programs, and how soon such States will test, possess, and deploy weapons of mass destruction and ballistic missiles.

(D) The impact that such transfers have, or could have, on United States national security, on regional friends, allies, and interests, and on United States military forces deployed in the region to which such transfers are being made.

(E) The actions being taken by the United States to counter and defend against capabilities developed by the recipient States as a result of such transfers.

(F) The strategy, plan, or policy incorporating the full range of policy tools available that the President intends to employ to halt Russian proliferation, the rationale for employing such tools, and the timeline by which the President expects to see material progress in ending Russian proliferation of direct and dual-use weapons of mass destruction and missile goods, technologies, and know-how.

SEC. 1307. PROHIBITION AGAINST USE OF COOPERATIVE THREAT REDUCTION FUNDS OUTSIDE THE STATES OF THE FORMER SOVIET UNION.

No Cooperative Threat Reduction funds authorized or appropriated for any fiscal year may be used for threat reduction projects, programs, or activities in countries other than the States of the former Soviet Union.

SEC. 1308. LIMITED WAIVER OF RESTRICTION ON USE OF FUNDS.

(a) WAIVER AUTHORITY.—(1) The restriction described in subsection (d)(5) of section 1203 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1779; 22 U.S.C. 5952) shall not apply with respect to United States assistance to Russia if the President submits to Congress a written certification that waiving the restriction is important to the national security interests of the United States.

(2) The authority under paragraph (1) shall expire on December 31, 2005.

(b) REPORT.—Not later than 30 days after the date that the President applies the waiver authority under subsection (a), the President shall submit to Congress a report (in classified and unclassified form as necessary) describing—

(1) the arms control agreements with which Russia is not committed to complying, the form or forms of noncommittal, and detailed evidence of such noncommittal;

(2) why use of the waiver of authority was important to protect national security interests; and

(3) a strategy, plan, or policy incorporating the full range of policy tools available to the President for promoting Russian commitment to, and compliance with, all relevant arms control agreements.

SEC. 1309. LIMITATION ON USE OF FUNDS UNTIL SUBMISSION OF REPORT ON DEFENSE AND MILITARY CONTACTS ACTIVITIES.

Not more than 50 percent of fiscal year 2003 Cooperative Threat Reduction Funds may be obligated or expended for defense and military contacts activities until the Secretary of Defense submits to Congress a report describing in detail the operation and success of such activities carried out under Cooperative Threat Reduction programs during fiscal years 2001 and 2002. Such report shall include a description of—

(1) the amounts obligated or expended for such activities;

(2) the purposes, goals, and objectives for which such amounts were obligated and expended;

(3) a description of the activities carried out, including the forms of assistance provided, and the justification for each form of assistance provided;

(4) the success of each activity, including the goals and objectives achieved for each;

(5) a description of participation by private sector entities in the United States in carrying out such activities, and the participation of any other Federal department or agency in such activities; and

(6) any other information that the Secretary considers relevant to provide a complete description of the operation and success of activities carried out under Cooperative Threat Reduction programs.

TITLE XIV—UTAH TEST AND TRAINING RANGE

SEC. 1401. DEFINITION OF UTAH TEST AND TRAINING RANGE.

In this title, the term ''Utah Test and Training Range'' means those portions of the military operating area of the Utah Test and Training Area located solely in the State of Utah. The term includes the Dugway Proving Ground.

SEC. 1402. MILITARY OPERATIONS AND OVERFLIGHTS AT UTAH TEST AND TRAINING RANGE.

(a) FINDINGS.—The Congress finds the following:

(1) The testing and development of military weapons systems and the training of military forces are critical to ensuring the national security of the United States.

(2) The Utah Test and Training Range is a unique and irreplaceable national asset at the core of the test and training mission of the Department of Defense.

(3) Areas designated as wilderness study areas are located near lands withdrawn for military use and are beneath special use airspace critical to the support of military test and training missions at the Utah Test and Training Range.

(4) Continued unrestricted access to the special use airspace and lands that comprise the Utah Test and Training Range is a national security priority and is not incompatible with the protection and proper management of the natural, environmental, cultural, and other resources of such lands.

(b) OVERFLIGHTS.—(1) Nothing in this title, the Wilderness Act (16 U.S.C. 1131 et seq.), or other land management laws generally applicable to federally designated wilderness areas or wilderness study areas in the Utah Test and Training Range shall restrict or preclude low-level overflights, low-level military overflights and operations of military aircraft, helicopters, unmanned aerial vehicles, military overflights or military overflights and operations that can be seen or heard within those areas.

(2) Paragraph (1) precludes any restriction regarding altitude or airspeed, noise level, supersonic flight, route of flight, time of flight, seasonal usage, or numbers of flights of any military aircraft, helicopters, unmanned aerial vehicles, missiles, aerospace vehicles, and other military weapons systems over federally designated wilderness areas or wilderness study areas in the Utah Test and Training Range.

(3) In this subsection, the term ''low-level'' includes any flight down to and including 10 feet above ground level.

(c) SPECIAL USE AIRSPACE AND TRAINING ROUTES.—Nothing in this title, the Wilderness

Act, or other land management laws generally applicable to federally designated wilderness areas or wilderness study areas in the Utah Test and Training Range shall restrict or preclude the designation of new units of special use airspace, the expansion of existing units of special use airspace, or the use or establishment of military training routes over federally designated wilderness areas or wilderness study areas in the Utah Test and Training Range.

(d) COMMUNICATIONS AND TRACKING SYSTEMS.—Nothing in this title, the Wilderness Act, or other land management laws generally applicable to federally designated wilderness areas or wilderness study areas in the Utah Test and Training Range shall be construed to require the removal of existing communications, instrumentation, or electronic tracking systems from these areas, to prevent any required maintenance of such systems, or to prevent the installation of new communication, instrumentation, or other equipment necessary for effective testing and training to meet military requirements so long as the installation and maintenance of such systems do not require construction of any permanent roads in any federally designated wilderness area or wilderness study area.

(e) EMERGENCY ACCESS AND RESPONSE.—(1) Nothing in this title, the Wilderness Act, or other land management laws generally applicable to federally designated wilderness areas or wilderness study areas in the Utah Test and Training Range shall restrict or preclude timely access to any area necessary to respond to emergency situations. Immediate access, including access for emergency and rescue vehicles and equipment, shall not be restricted if human life or health may be in jeopardy.

(2) Not later than 120 days after the date of the enactment of this Act, the Secretary of the Air Force and the Secretary of Interior shall enter into a memorandum of understanding providing formal procedures for access to the federally designated wilderness areas or wilderness study areas that are located beneath airspace of the Utah Test and Training Range, which may be necessary to respond to emergency situations, to rescue downed aircrew members, to investigate accident locations, to recover military aircraft or other weapons systems, and to restore accident locations. Military operations in the Utah Test and Training Range shall not be limited or restricted in any way pending completion of the memorandum of understanding.

(f) CONTROL OR RESTRICTION OF PUBLIC ACCESS.—(1) When required by national security or public safety, public access to federally designated wilderness areas or wilderness study areas in the Utah Test and Training Range that are located beneath airspace designated as special use airspace may be controlled, restricted, or prohibited entirely. Such controls, restrictions, or prohibitions shall remain in force for the minimum duration necessary. The Secretary of the Air Force shall provide advance notice of such controls, restrictions, or prohibitions to the Secretary of the Interior.

(2) Not later than 120 days after the date of the enactment of this Act, the Secretary of the Air Force and the Secretary of Interior shall enter into a memorandum of understanding prescribing procedures for implementing access controls, restrictions, or prohibitions. Military operations in the Utah Test and Training Range shall not be limited or restricted in any way pending completion of the memorandum of understanding.

SEC. 1403. DESIGNATION AND MANAGEMENT OF LANDS IN UTAH TEST AND TRAINING RANGE.

(a) DESIGNATION.—The following Federal lands that are in the Utah Test and Training Range are hereby designated as wilderness:

(1) Those lands that were managed pursuant to the nonimpairment standard set forth in section 603(c) of Public Law 94–579 (43 U.S.C. 1782(c)) on or before January 1, 1991.

(2) Those lands that were acquired by the United States through donation, exchange, or other method of acquisition and—

(A) are located entirely within the areas identified in paragraph (1); or

(B) are located within a logical extension of the boundaries of the areas identified in paragraph (1).

(b) PLANNING PROCESS FOR FEDERAL LANDS IN UTAH TEST AND TRAINING RANGE.—(1) The Secretary of the Interior shall not continue the plan amendment process initiated pursuant to section 202 of Public Law 94–579 (43 U.S.C. 1712) and published in the Federal Register on March 18, 1999 (64 Fed. Reg. 13439), for Federal lands located in the Utah Test and Training Range.

(2) The Secretary of the Interior shall not develop, maintain, or revise land use plans pursuant to section 202 of Public Law 94–579 (43 U.S.C. 1712) for Federal lands located in the Utah Test and Training Range without the prior concurrence of the Secretary of the Air Force and the Commander-in-Chief of the military forces of the State of Utah.

(c) WITHDRAWAL.—Subject to valid existing rights, the Federal lands in the areas designated as wilderness by this title are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the United States mining laws, and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments to such laws.

(d) WATER.—Nothing in this title or any action taken pursuant to this title shall constitute an express or implied reservation of surface or groundwater by any person, including the United States. Nothing in this title affects any valid existing water rights in existence before the date of the enactment of this Act, including any water rights held by the United States. If the United States determines that additional water resources are needed for the purposes of this title, the United States shall acquire such rights in accordance with the water laws of the State of Utah.

(e) MAP AND DESCRIPTION.—(1) As soon as practicable after the date of the enactment of this title, the Secretary of Interior shall transmit a map and legal description of the areas designated as wilderness by this title to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) The map and legal description shall have the same force and effect as if included in this title, except that the Secretary of Interior may correct clerical and typographical errors in the map and legal description.

(3) The map and legal description shall be on file and available for public inspection in the office of the Director of the Bureau of Land Management and the office of the State Director of the Bureau of Land Management in the State of Utah.

(f) ADMINISTRATION.—(1) Subject to valid existing rights and this title, the areas designated as wilderness in this title shall be administered by the Secretary of Interior in accordance with the provisions of the Wilderness Act, except that any reference in such provisions to the effective date of the Wilderness Act (or any similar reference) shall be deemed to be a reference to the date of the enactment of this Act.

(2) Any lands or interest in lands within the boundaries of an area designated as wilderness by this title that is acquired by the United States after the date of the enactment of this Act shall be added to and administered as part of the wilderness area within which the acquired lands or interest in lands are located.

(3) The Secretary of the Interior may offer to acquire lands and interest in lands located within the areas designated as wilderness by this title. Such lands may be acquired at fair market value under this subsection by purchase from willing sellers, by exchange for lands of approximately equal value, or by donation.

(4) In furtherance of the purposes and principles of the Wilderness Act, management activities to maintain or restore fish and wildlife populations and the habitats to support such populations may be carried out within the areas designated as wilderness by this title where consistent with relevant wilderness management plans, in accordance with appropriate policies and guidelines such as those set forth in appendix B of the Report of the Committee on Interior and Insular Affairs to accompany H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(5) Within the areas designated as wilderness by this title, the grazing of livestock, where established before the date of the enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary of the Interior considers necessary, as long as such regulations, policies, and practices fully conform with and implement the intent of Congress regarding grazing in such areas, as such intent is expressed in the Wilderness Act, section 101(f) of Public Law 101–628, and House Report 101–405, Appendix A.

(6) Congress does not intend for the designation of the wilderness in this title to lead to the creation of protective perimeters or buffer zones around any area designated as wilderness by this title. The fact that nonwilderness activities or uses can be seen or heard within the areas designated as wilderness by this title shall not, of itself, preclude such activities or uses up to the boundary of that wilderness.

(7) Until completion of a full revision of the Pony Express Area Resource Management Plan, dated January 12, 1990, by the Salt Lake Field Office of the Bureau of Land Management, the Secretary of Interior shall not grant or issue any authorizations pursuant to section 501(a)(6) of Public Law 94–579 (43 U.S.C. 1761(a)(6)) upon Federal lands identified as inventory units UTU-020-088, UTU-020-095, UTU-020-096, and UTU-020-100, as generally depicted on the map entitled ''Wilderness Inventory, State of Utah'', dated August 1979.

SEC. 1404. DESIGNATION OF PILOT RANGE WILDERNESS.

Certain Federal lands in Box Elder County, Utah, as generally depicted on the map entitled ''Pilot Range Wilderness'', and dated October 1, 2001, are hereby designated as wilderness, and shall be known as the Pilot Range Wilderness Area.

SEC. 1405. DESIGNATION OF CEDAR MOUNTAIN WILDERNESS.

Certain Federal lands in Tooele County, Utah, as generally depicted on the map entitled ''Cedar Mountain Wilderness'', and dated May 1, 2002, are hereby designated as wilderness, and shall be known as the Cedar Mountain Wilderness Area.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2003''.

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	Anniston Army Depot	$1,900,000
	Fort Rucker	$3,050,000
	Redstone Arsenal	$1,950,000
Alaska	Fort Wainwright	$111,010,000
Arizona	Fort Huachuca	$10,400,000
	Yuma Proving Ground	$4,500,000
Arkansas	Pine Bluff Arsenal	$18,937,000
California	Monterey Defense Language Institute	$1,500,000
Colorado	Fort Carson	$5,350,000
District of Columbia	Walter Reed Army Medical Center	$9,950,000
Georgia	Fort Benning	$74,250,000
	Fort Stewart/Hunter Army Air Field	$26,000,000
Hawaii	Schofield Barracks	$191,000,000
Kansas	Fort Leavenworth	$3,150,000
	Fort Riley	$51,950,000
Kentucky	Blue Grass Army Depot	$5,500,000
	Fort Campbell	$106,300,000
Louisiana	Fort Polk	$31,000,000
Maryland	Fort Detrick	$22,500,000
Massachusetts	Natick Research Development and Engineering Center	$4,100,000
Missouri	Fort Leonard Wood	$15,500,000
New Jersey	Picatinny Arsenal	$7,500,000
New York	Fort Drum	$18,300,000
North Carolina	Fort Bragg	$94,900,000
Pennsylvania	Letterkenny Army Depot	$1,550,000
Texas	Fort Bliss	$10,200,000
	Fort Hood	$85,000,000
Virginia	Fort Lee	$5,200,000
Washington	Fort Lewis	$53,800,000
	Total	$976,247,000

(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
Belgium	Supreme Headquarters, Allied Powers Europe	$13,600,000
Germany	Area Support Group, Bamberg	$17,200,000
	Campbell Barracks	$8,300,000
	Coleman Barracks	$1,350,000
	Darmstadt	$3,500,000
	Grafenwoehr	$69,866,000
	Landstuhl	$2,400,000
	Mannheim	$42,000,000
	Schweinfurt	$2,000,000
Italy	Vicenza	$34,700,000
Korea	Camp Carroll	$20,000,000
	Camp Castle	$6,800,000
	Camp Hovey	$25,000,000
	Camp Humphreys	$36,000,000
	Camp Henry	$10,000,000
	K16 Airfield	$40,000,000
	Yongsan	$12,600,000
	Total	$345,316,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(3), the Secretary of the Army 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:

Army: Unspecified Worldwide

Location	Installation	Amount
Unspecified Worldwide	Unspecified Worldwide	$4,000,000

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 or Country	Installation or location	Purpose	Amount
Alaska	Fort Wainwright	38 Units	$17,752,000
Arizona	Yuma Proving Ground	33 Units	$6,100,000
Germany	Stuttgart	1 Unit	$990,000
Korea	Yongsan	10 Units	$3,100,000

Army: Family Housing—Continued

State or Country	Installation or location	Purpose	Amount
	Total:		$27,942,000

(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 $15,653,000.

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 $234,831,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2002, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,935,609,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $803,247,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $345,316,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2101(c), $4,000,000.

(4) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $21,550,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $158,796,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design and improvement of military family housing and facilities, $278,426,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,122,274,000.

(7) For the construction of phase 3 of a barracks complex, Butner Road, at Fort Bragg, North Carolina, 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), $50,000,000.

(8) For the construction of phase 2 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), $21,000,000.

(9) For the construction of phase 2 of a barracks complex, Nelson Boulevard, at Fort Carson, Colorado, 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 2105 of this Act, $42,000,000.

(10) For the construction of phase 2 of a basic combat trainee complex at Fort Jackson, South Carolina, 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 2105 of this Act, $39,000,000.

(11) For the construction of phase 2 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), $50,000,000.

(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—

(1) the total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a);

(2) $18,000,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks complex, Main Post, at Fort Benning, Georgia);

(3) $100,000,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks complex, Capron Avenue, at Schofield Barracks, Hawaii);

(4) $50,000,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks complex, Range Road, at Fort Campbell, Kentucky); and

(5) $5,000,000 (the balance of the amount authorized under section 2101(a) for a military construction project at Fort Bliss, Texas).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (11) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $13,676,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction, military family housing construction, and military family housing support outside the United States and savings resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes.

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2002 PROJECTS.

(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) is amended—

(1) in the item relating to Fort Carson, Colorado, by striking ''$66,000,000'' in the amount column and inserting ''$67,000,000''; and

(2) in the item relating to Fort Jackson, South Carolina, by striking ''$65,650,000'' in the amount column and inserting ''$68,650,000''.

(b) CONFORMING AMENDMENTS.—Section 2104(b) of that Act (115 Stat. 1284) is amended—

(1) in paragraph (3), by striking ''$41,000,000'' and inserting ''$42,000,000''; and

(2) in paragraph (4), by striking ''$36,000,000'' and inserting ''$39,000,000''.

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	$3,000,000
California	Auxiliary Landing Field, San Diego (San Clemente Island)	$6,150,000
	Marine Corps Air-Ground Combat Center, Twentynine Palms	$40,870,000
	Marine Corps Air Station, Camp Pendleton	$31,930,000
	Marine Corps Air Station, Miramar	$12,210,000
	Marine Corps Base, Camp Pendleton	$64,040,000
	Marine Corps Logistics Base, Barstow	$4,450,000
	Naval Air Station, Lemoore	$35,855,000
	Naval Air Warfare Center, Point Mugu, San Nicholas Island	$6,760,000
	Naval Air Weapons Station, China Lake	$10,100,000
	Naval Post Graduate School, Monterey	$9,020,000
	Naval Station, San Diego	$12,210,000
Connecticut	Naval Submarine Base, New London	$7,880,000
District of Columbia	Marine Corps Barracks	$3,700,000
	Naval District, Washington	$2,690,000
Florida	Naval Air Base, Jacksonville	$13,342,000
	Naval Air Station, Pensacola	$990,000
	Naval School Explosive Ordinance Detachment, Eglin	$6,350,000
	Naval Station, Mayport	$1,900,000

Navy: Inside the United States—Continued

State	Installation or location	Amount
	Whiting Field	$1,780,000
Georgia	Naval Submarine Base, Kings Bay	$1,580,000
Hawaii	Naval Shipyard, Pearl Harbor	$18,500,000
	Naval Station, Pearl Harbor	$14,690,000
Illinois	Naval Training Center, Great Lakes	$93,190,000
Indiana	Crane Naval Surface Weapons Station	$11,610,000
Maine	Naval Shipyard, Kittery-Portsmouth	$15,200,000
Maryland	Naval Air Facility, Andrews Air Force Base	$9,680,000
	United States Naval Academy	$1,800,000
Mississippi	Naval Air Station, Meridian	$2,850,000
	Naval Construction Battalion Center, Gulfport	$5,460,000
	Naval Station, Pascagoula	$16,160,000
Nevada	Naval Air Station, Fallon	$4,010,000
New Jersey	Naval Weapons Center, Lakehurst	$5,200,000
	Naval Weapons Station Earle, Colts Neck	$5,600,000
North Carolina	Marine Corps Air Station, Cherry Point	$10,470,000
	Marine Corps Air Station, New River	$6,920,000
	Marine Corps Base, Camp Lejeune	$9,570,000
Rhode Island	Naval Station, Newport	$6,870,000
South Carolina	Marine Corps Air Station, Beaufort	$13,700,000
	Marine Corps Recruit Depot, Parris Island	$10,490,000
	Naval Weapons Station, Charlestown	$5,740,000
Texas	Naval Air Station, Corpus Christi	$7,150,000
	Naval Air Station Joint Reserve Base, Fort Worth	$8,850,000
	Naval Air Station, Kingsville	$6,210,000
Virginia	Dam Neck Fleet Combat Training Center, Atlantic	$3,900,000
	Little Creek Naval Amphibious Base	$9,770,000
	Marine Corps Combat Development Command, Quantico	$24,864,000
	Naval Air Station Oceana	$16,490,000
	Naval Shipyard, Norfolk, Portsmouth	$19,660,000
	Naval Station, Norfolk	$171,505,000
	Naval Surface Warfare Center, Dahlgren	$15,830,000
	Naval Weapons Station, Yorktown	$15,020,000
Washington	Naval Air Station, Whidbey Island	$17,580,000
	Keyport Naval Undersea Warfare Command	$10,500,000
	Naval Magazine, Indian Island	$4,030,000
	Naval Station, Bremerton	$45,870,000
	Naval Submarine Base, Bangor	$22,310,000
	Puget Sound Naval Shipyard, Bremerton	$57,132,000
	Strategic Weapons Facility, Bangor	$7,340,000
Various Locations	Host Nation Infrastructure	$1,000,000
	Total	$1,009,528,000

(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	$25,970,000
Diego Garcia	Diego Garcia, Naval Support Facility	$11,090,000
Greece	Naval Support Activity, Joint Headquarters Command, Larissa	$14,800,000
Guam	Commander, United States Naval Forces, Guam	$13,400,000
Iceland	Naval Air Station, Keflavik	$14,920,000
Italy	Naval Air Station, Sigonella	$55,660,000
	Total	$135,840,000

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	178 Units	$40,981,000
	Marine Corps Air-Ground Combat Center, Twentynine Palms	76 Units	$19,425,000
Connecticut	Naval Submarine Base, New London	100 Units	$24,415,000
Florida	Naval Station, Mayport	1 Unit	$329,000
Hawaii	Marine Corps Base, Kaneohe Bay	65 Units	$24,797,000
Maine	Naval Air Station, Brunswick	26 Units	$5,800,000
Mississippi	Naval Air Station, Meridian	56 Units	$9,755,000
North Carolina	Marine Corps Base, Camp LeJeune	317 Units	$43,650,000
Virginia	Marine Corps Base, Quantico	290 Units	$41,843,000
United Kingdom	Joint Maritime Facility, St. Mawgan	62 Units	$18,524,000
		Total	$229,519,000

(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 $11,281,000.

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 $136,816,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2002, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,308,007,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $776,806,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $133,270,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $23,262,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $95,745,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $377,616,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $867,788,000.

(6) For replacement of a pier at Naval Station, Norfolk, Virginia, authorized in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1287), as amended by section 2205 of this Act, $33,520,000.

(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—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) $48,120,000 (the balance of the amount authorized under section 2201(a) for a bachelors enlisted quarters shipboard ashore, Naval Station, Norfolk, Virginia); and

(3) $2,570,000 (the balance of the amount authorized under section 2201(b) for a quality of life support facility, Naval Air Station Sigonella, Italy).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (6) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $1,340,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction, military family housing construction, and military family housing support outside the United States and savings resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes.

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2002 PROJECT.

(a) MODIFICATION.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1286) is amended—

(1) in the item relating to Naval Station, Norfolk, Virginia, by striking ''$139,270,000'' in the amount column and inserting ''$139,550,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$1,059,030,000''.

(b) CONFORMING AMENDMENT.—Section 2204(b)(2) of that Act (115 Stat. 1289) is amended by striking ''$33,240,000'' and inserting ''$33,520,000''.

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	$8,000,000
Alaska	Clear Air Station	$14,400,000
	Eielson Air Force Base	$21,600,000
Arizona	Davis-Monthan Air Force Base	$19,270,000
	Luke Air Force Base	$13,000,000
Arkansas	Little Rock Air Force Base	$25,600,000
California	Beale Air Force Base	$11,740,000
	Travis Air Force Base	$9,600,000
	Vandenberg Air Force Base	$10,500,000
Colorado	Buckley Air National Guard Base	$17,700,000
	Peterson Air Force Base	$2,000,000
	Schriever Air Force Base	$5,700,000
	United States Air Force Academy	$9,400,000
District of Columbia	Bolling Air Force Base	$1,500,000
Florida	Elgin Air Force Base	$4,250,000
	Hurlburt Field	$15,000,000
	McDill Air Force Base	$21,000,000
	Tyndall Air Force Base	$8,100,000
Georgia	Robins Air Force Base	$5,400,000
Hawaii	Hickam Air Force Base	$1,350,000
Kansas	McConnell Air Force Base	$7,500,000
Louisiana	Barksdale Air Force Base	$10,900,000
Maryland	Andrews Air Force Base	$9,600,000
Massachusetts	Hanscom Air Force Base	$7,700,000
Mississippi	Keesler Air Force Base	$22,000,000
Nevada	Nellis Air Force Base	$37,350,000
New Jersey	McGuire Air Force Base	$24,631,000
New Mexico	Cannon Air Force Base	$4,650,000
	Holloman Air Force Base	$4,650,000
	Kirtland Air Force Base	$21,900,000
North Carolina	Pope Air Force Base	$9,700,000
Ohio	Wright-Patterson Air Force Base	$25,000,000
Oklahoma	Tinker Air Force Base	$7,500,000
South Carolina	Shaw Air Force Base	$6,800,000
Texas	Lackland Air Force Base	$37,300,000
	Laughlin Air Force Base	$8,000,000
	Sheppard Air Force Base	$24,000,000
Utah	Hill Air Force Base	$14,500,000
Virginia	Langley Air Force Base	$71,940,000
	Total	$580,731,000

(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
Diego Garcia	Diego Garcia	$17,100,000
Germany	Ramstein Air Force Base	$71,783,000
Guam	Andersen Air Force Base	$31,000,000
Italy	Aviano Air Force Base	$6,600,000
Japan	Kadena Air Force Base	$6,000,000
Korea	Osan Air Base	$15,100,000
Spain	Naval Station, Rota	$31,818,000
Turkey	Incirlik Air Force Base	$1,550,000
United Kingdom	Royal Air Force, Fairford	$19,000,000
	Royal Air Force, Lakenheath	$13,400,000
Wake Island	Wake Island	$24,900,000
	Total	$238,251,000

(c) UNSPECIFIED WORLDWIDE.—Using the 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	Amount
Unspecified Worldwide	Classified Location	$32,562,000
	Total	$32,562,000

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	Luke Air Force Base	140 Units	$18,954,000
California	Travis Air Force Base	110 Units	$24,320,000
Colorado	Peterson Air Force Base	2 Units	$959,000
	United States Air Force Academy	71 Units	$12,424,000
Delaware	Dover Air Force Base	112 Units	$19,615,000
Florida	Eglin Air Force Base	Housing Office	$597,000
	Eglin Air Force Base	134 Units	$15,906,000
	MacDill Air Force Base	96 Units	$18,086,000
Hawaii	Hickam Air Force Base	96 Units	$29,050,000
Idaho	Mountain Home Air Force Base	95 Units	$24,392,000
Kansas	McConnell Air Force Base	Housing Maintenance Facility	$1,514,000
Maryland	Andrews Air Force Base	53 Units	$9,838,000
	Andrews Air Force Base	52 Units	$8,807,000
Mississippi	Columbus Air Force Base	Housing Office	$412,000
	Keesler Air Force Base	117 Units	$16,505,000
Missouri	Whiteman Air Force Base	97 Units	$17,107,000
Montana	Malmstrom Air Force Base	18 Units	$4,717,000
New Mexico	Holloman Air Force Base	101 Units	$20,161,000
North Carolina	Pope Air Force Base	Housing Maintenance Facility	$991,000
	Seymour Johnson Air Force Base	126 Units	$18,615,000
North Dakota	Grand Forks Air Force Base	150 Units	$30,140,000
	Minot Air Force Base	112 Units	$21,428,000
	Minot Air Force Base	102 Units	$20,315,000
Oklahoma	Vance Air Force Base	59 Units	$11,423,000
South Dakota	Ellsworth Air Force Base	Housing Maintenance Facility	$447,000
	Ellsworth Air Force Base	22 Units	$4,794,000
Texas	Dyess Air Force Base	85 Units	$14,824,000
	Randolph Air Force Base	Housing Maintenance Facility	$447,000
	Randolph Air Force Base	112 Units	$14,311,000
Virginia	Langley Air Force Base	Housing Office	$1,193,000
Germany	Ramstein Air Force Base	19 Units	$8,534,000
Korea	Osan Air Base	113 Units	$35,705,000
	Osan Air Base	Housing Supply Warehouse	$834,000
United Kingdom	Royal Air Force, Lakenheath	Housing Office and Maintenance Facility	$2,203,000
	Total		$429,568,000

(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 $34,188,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, Unites 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 $217,286,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2002, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,495,094,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $580,731,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $238,251,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2301(c), $32,562,000.

(4) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $11,500,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $76,958,000.

(6) For military housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $681,042,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $874,050,000.

(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).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (6) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $10,281,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction, military family housing construction, and military family housing support outside the United States and savings resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes.

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 2404(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
Missile Defense Agency	Kauai, Hawaii	$23,400,000
Defense Intelligence Agency	Bolling Air Force Base, District of Columbia	$121,958,000
Defense Logistics Agency	Columbus, Ohio	$5,021,000
	Defense Supply Center, Richmond, Virginia	$5,500,000
	Naval Air Station, New Orleans, Louisiana	$9,500,000
	Travis Air Force Base, California	$16,000,000
Defense Threat Reduction Agency	Fort Belvoir, Virginia	$76,388,000
Department of Defense Dependents Schools	Fort Bragg, North Carolina	$2,036,000
	Fort Jackson, South Carolina	$2,506,000
	Marine Corps Base, Camp Lejeune, North Carolina	$12,138,000
	Marine Corps Base, Quantico, Virginia	$1,418,000
	United States Military Academy, West Point, New York	$4,347,000
	Fort Meade, Maryland	$4,484,000
Joint Chiefs of Staff	Peterson Air Force Base, Colorado	$18,400,000
National Security Agency	Fort Bragg, North Carolina	$30,800,000
Special Operations Command	Hurlburt Field, Florida	$11,100,000
	Naval Amphibious Base, Little Creek, Virginia	$14,300,000
TRICARE Management Activity	Elmendorf Air Force Base, Alaska	$10,400,000
	Hickam Air Force Base, Hawaii	$2,700,000
	Total	$372,396,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(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 Logistics Agency	Andersen Air Force Base, Guam	$17,586,000
	Naval Forces Marianas Islands, Guam	$6,000,000
	Naval Station, Rota, Spain	$23,400,000
	Royal Air Force, Fairford, United Kingdom	$17,000,000
	Yokota Air Base, Japan	$23,000,000
Department of Defense Dependents Schools	Kaiserslautern, Germany	$957,000
	Lajes Field, Azores, Portugal	$1,192,000
	Seoul, Korea	$31,683,000
	Supreme Headquarters, Allied Powers Europe, Belgium	$1,573,000
	Spangdahlem Air Base, Germany	$997,000
	Vicenza, Italy	$2,117,000
TRICARE Management Activity	Naval Support Activity, Naples, Italy	$41,449,000
	Spangdahlem Air Base, Germany	$39,629,000
	Total	$206,583,000

SEC. 2402. 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 2404(a)(8)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed $5,530,000.

SEC. 2403. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(4), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code, in the amount of $49,531,000.

SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2002, 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 $1,417,779,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $335,796,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $206,583,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $16,293,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $45,432,000.

(6) For energy conservation projects authorized by section 2403 of this Act, $49,531,000.

(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), $545,138,000.

(8) For military family housing functions:

(A) For improvement of military family housing and facilities, $5,480,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $42,432,000.

(C) For credit to the Department of Defense Housing Improvement Fund established by section 2883(a) of title 10, United States Code, as amended by section 2801 of this Act, $2,000,000.

(9) For payment of a claim against the Hospital Replacement project at Elmendorf Air Force Base, Alaska, $10,400,000.

(10) For the construction of phase 4 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 this Act, $38,000,000.

(11) For the construction of phase 5 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 this Act, $61,494,000.

(12) For the construction of phase 5 of an ammunition demilitarization facility at Aberdeen Proving Ground, Maryland, 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), $30,600,000.

(13) For the construction of phase 3 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 this Act, $10,300,000.

(14) For the construction of phase 3 of an ammunition demilitarization support 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), $8,300,000.

(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—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $26,200,000 (the balance of the amount authorized under section 2401(a) for the construction of the Defense Threat Reduction Center, Fort Belvoir, Virginia).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (14) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $42,833,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction, military family housing construction, and military family housing support outside the United States and savings resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes.

SEC. 2405. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2000 PROJECT.

(a) MODIFICATION.—The table in 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), is further amended—

(1) under the agency heading relating to Chemical Demilitarization, in the item relating to Blue Grass Army Depot, Kentucky, by striking ''$254,030,000'' in the amount column and inserting ''$290,325,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$748,245,000''.

(b) CONFORMING AMENDMENT.—Section 2405(b)(3) of that Act (113 Stat. 839), as so amended, is further amended by striking ''$231,230,000'' and inserting ''$267,525,000''.

SEC. 2406. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1999 PROJECT.

(a) MODIFICATION.—The table in 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), is amended—

(1) under the agency heading relating to Chemical Demilitarization, in the item relating to Newport Army Depot, Indiana, by striking ''$191,550,000'' in the amount column and inserting ''$293,853,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$829,919,000''.

(b) CONFORMING AMENDMENT.—Section 2404(b)(2) of that Act (112 Stat. 2196) is amended by striking ''$162,050,000'' and inserting ''$264,353,000''.

SEC. 2407. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1997 PROJECT.

(a) MODIFICATION.—The table in 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), is further amended—

(1) under the agency heading relating to Chemical Demilitarization Program, in the item relating to Pueblo Chemical Activity, Colorado, by striking ''$203,500,000'' in the amount column and inserting ''$261,000,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$607,454,000''.

(b) CONFORMING AMENDMENT.—Section 2406(b)(2) of that Act (110 Stat. 2779), as so amended, is further amended by striking ''$203,500,000'' and inserting ''$261,000,000''.

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, 2002, 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 $168,200,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) IN GENERAL.—There are authorized to be appropriated for fiscal years beginning after September 30, 2002, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions there for, 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, $170,793,000; and

(B) for the Army Reserve, $86,789,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $66,971,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $119,266,000; and

(B) for the Air Force Reserve, $68,576,000.

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, 2005; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2006.

(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, 2005; or

(2) the date of the enactment of an Act authorized funds for fiscal year 2005 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 2000 PROJECTS.

(a) EXTENSION OF CERTAIN PROJECTS.—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, shall remain in effect until October 1, 2003, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2004, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are 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 Complex–Heavy	$13,500,000

(c) EXTENSION OF ADDITIONAL PROJECT.—Notwithstanding any other provision of law, the authorization set forth in the table in subsection (d), as provided in section 8160 of the Department of Defense Appropriations Act, 2000 (Public Law 106–79; 113 Stat. 1274), shall remain in effect until October 1, 2003, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2004, whichever is later.

(d) TABLE FOR EXTENSION OF ADDITIONAL PROJECT.—The table referred to in subsection (c) is as follows:

Army National Guard: Extension of 2000 Project Authorization

State	Installation or location	Project	Amount
Pennsylvania	Connellsville	Readiness Center	$1,700,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1999 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2199), authorizations set forth in the table in subsection (b), as provided in section 2302 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1301), shall remain in effect until October 1, 2003, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2004, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 1999 Project Authorizations

State	Installation or location	Project	Amount
Delaware	Dover Air Force Base	Replace Family Housing (55 Units)	$8,988,000
Florida	Patrick Air Force Base	Replace Family Housing (46 Units)	$9,692,000
New Mexico	Kirtland Air Force Base	Replace Family Housing (37 Units)	$6,400,000
Ohio	Wright-Patterson Air Force Base	Replace Family Housing (40 Units)	$5,600,000

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, 2002; 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. CHANGES TO ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

(a) AUTHORIZED UTILITIES AND SERVICES.—Section 2872a(b) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(11) Firefighting and fire protection services.

''(12) Police protection services.''.

(b) LEASING OF HOUSING.—Subsection (a) of section 2874 of such title is amended to read as follows:

''(a) LEASE AUTHORIZED.—(1) The Secretary concerned may enter into contracts for the lease

of housing units that the Secretary determines are suitable for use as military family housing or military unaccompanied housing.

''(2) The Secretary concerned shall utilize housing units leased under paragraph (1) as military family housing or military unaccompanied housing, as appropriate.''.

(c) REPEAL OF INTERIM LEASE AUTHORITY.—Section 2879 of such title is repealed.

(d) SPACE LIMITATIONS BY PAY GRADE.—Section 2880(b)(2) of such title is amended by striking ''unless the unit is located on a military installation''.

(e) DEPARTMENT OF DEFENSE HOUSING FUND.—(1) Section 2883 of such title is amended by striking subsections (a), (b), and (c) inserting the following new subsections (a) and (b):

''(a) ESTABLISHMENT.—There is hereby established on the books of the Treasury an account to be known as the Department of Defense Housing Improvement Fund (in this section referred to as the 'Fund').

''(b) CREDITS TO FUND.—There shall be credited to the Fund the following:

''(1) Amounts authorized for and appropriated to the Fund.

''(2) Subject to subsection (e), any amounts that the Secretary of Defense transfers, in such amounts as are provided for in appropriation Acts, to the Fund from amounts authorized and appropriated to the Department of Defense for the acquisition or construction of military family housing or military unaccompanied housing.

''(3) Proceeds from the conveyance or lease of property or facilities under section 2878 of this title for the purpose of carrying out activities under this subchapter with respect to military family housing or military unaccompanied housing.

''(4) Income derived from any activities under this subchapter with respect to military family housing or military unaccompanied housing, income and gains realized from investments under section 2875 of this title, and any return of capital invested as part of such investments.

''(5) Any amounts that the Secretary of the Navy transfers to the Fund pursuant to section 2814(i)(3) of this title, subject to the restrictions on the use of the transferred amounts specified in that section.''.

(2) Such section is further amended—

(A) by redesignating subsections (d) through (g) as (c) through (f), respectively;

(B) in subsection (c), as so redesignated—

(i) in the subsection heading, by striking ''FUNDS'' and inserting ''FUND'';

(ii) in paragraph (1)—

(I) by striking ''subsection (e)'' and inserting ''subsection (d)''; and

(II) by striking ''Department of Defense Family Housing Improvement Fund'' and inserting ''Fund'';

(iii) by striking paragraph (2); and

(iv) by redesignating paragraph (3) as paragraph (2);

(C) in subsection (d), as so redesignated, by striking ''required to be used to satisfy the obligation'';

(D) in subsection (e), as so redesignated, by striking ''a Fund under paragraph (1)(B) or (2)(B) of subsection (c)'' and inserting ''the Fund under subsection (b)(2)''; and

(E) in subsection (f), as so redesignated—

(i) in paragraph (1), by striking ''$850,000,000'' and inserting ''$1,700,000,000''; and

(ii) in paragraph (2), by striking ''$150,000,000'' and inserting ''$300,000,000''.

(f) TRANSFER OF UNOBLIGATED AMOUNTS.—(1) The Secretary of Defense shall transfer to the Department of Defense Housing Improvement Fund established under section 2883(a) of title 10, United States Code (as amended by subsection (e)), any amounts in the Department of Defense Family Housing Improvement Fund and the Department of Defense Military Unaccompanied Housing Improvement that remain available for obligation as of the date of the enactment of this Act.

(2) Amounts transferred to the Department of Defense Housing Improvement Fund under paragraph (1) shall be merged with amounts in that Fund, and shall be available for the same purposes, and subject to the same conditions and limitations, as other amounts in that Fund.

(g) CONFORMING AMENDMENTS.—(1) Paragraph (3) of section 2814(i) of such title is amended—

(A) by striking subparagraph (A) and inserting the following new subparagraph (A):

''(A) The Secretary may transfer funds from the Ford Island Improvement Account to the Department of Defense Housing Improvement Fund established by section 2883(a) of this title.''; and

(B) in subparagraph (B), by striking ''a fund'' and inserting ''the Fund''.

(2) Section 2871(6) of such title is amended by striking ''Department of Defense Family Housing Improvement Fund or the Department of Defense Military Unaccompanied Housing Improvement Fund'' and inserting ''Department of Defense Housing Improvement Fund''.

(3) Section 2875(e) of such title is amended by striking ''Department of Defense Family Housing Improvement Fund or the Department of Defense Military Unaccompanied Housing Improvement Fund'' and inserting ''Department of Defense Housing Improvement Fund''.

(h) CLERICAL AMENDMENTS.—(1) The section heading for section 2874 of such title is amended to read as follows:

''§ 2874. Leasing of housing''.

(2) The section heading for section 2883 of such title is amended to read as follows:

''§ 2883. Department of Defense Housing Improvement Fund''.

(3) The table of sections at the beginning subchapter IV of chapter 169 of such title is amended—

(A) by striking the item relating to section 2874 and inserting the following new item:

''2874. Leasing of housing.'';

(B) by striking the item relating to section 2879; and

(C) by striking the item relating to section 2883 and inserting the following new item:

''2883. Department of Defense Housing Improvement Fund.''.

SEC. 2802. MODIFICATION OF AUTHORITY TO CARRY OUT CONSTRUCTION PROJECTS AS PART OF ENVIRONMENTAL RESPONSE ACTION.

(a) AUTHORITY TO CARRY OUT UNAUTHORIZED PROJECTS.—Subsection (a) of section 2810 of title 10, United States Code, is amended to read as follows:

''(a) AUTHORITY TO CARRY OUT UNAUTHORIZED CONSTRUCTION PROJECTS.—The Secretary concerned may carry out a military construction project not otherwise authorized by law if the Secretary determines that the project is necessary to carry out a response under chapter 160 of this title or the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).''.

(b) CONGRESSIONAL NOTIFICATION.—Subsection (b) of such section is amended by striking ''(1)'' and the first sentence and inserting ''CONGRESSIONAL NOTIFICATION.—(1) When a decision is made to carry out a military construction project under this section that exceeds the amount specified in section 2805(b)(1) of this title, the Secretary concerned shall submit a report in writing to the appropriate committees of Congress on that decision.''.

(c) DEFINITION.—Subsection (c) of such section is amended—

(1) by inserting ''RESPONSE DEFINED.—'' after ''(c)''; and

(2) by striking ''action''.

SEC. 2803. LEASING OF MILITARY FAMILY HOUSING IN KOREA.

Paragraph (3) of section 2828(e) of title 10, United States Code, is amended to read as follows:

''(3) In addition to the 450 units of family housing referred to in paragraph (1) for which the maximum lease amount is $25,000 per unit per year, the Secretary of the Army may lease in Korea—

''(A) not more than 1,175 units of family housing subject to that maximum lease amount; and

''(B) not more than 2,400 units of family housing subject to a maximum lease amount of $35,000 per unit per year.''.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. AGREEMENTS WITH PRIVATE ENTITIES TO LIMIT ENCROACHMENTS AND OTHER CONSTRAINTS ON MILITARY TRAINING, TESTING, AND OPERATIONS.

(a) IN GENERAL.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2684 the following new section:

''§ 2684a. Agreements to limit encroachments and other constraints on military training, testing, and operations

''(a) AGREEMENTS AUTHORIZED.—The Secretary of a military department may enter into an agreement with a private entity described in subsection (b) to address the use or development of real property in the vicinity of a military installation for purposes of—

''(1) limiting any development or use of the property that would otherwise be incompatible with the mission of the installation; or

''(2) preserving habitat on the property in a manner that is compatible with both—

''(A) current or anticipated environmental restrictions that would or might otherwise restrict, impede, or otherwise interfere, whether directly or indirectly, with current or anticipated military training, testing, or operations on the installation; and

''(B) current or anticipated military training, testing, or operations on the installation.

''(b) COVERED PRIVATE ENTITIES.—A private entity referred to in subsection (a) is any private entity that has as its stated principal organizational purpose or goal the conservation, restoration, or preservation of land and natural resources, or a similar purpose or goal, as determined by the Secretary concerned.

''(c) INAPPLICABILITY OF CERTAIN CONTRACT REQUIREMENTS.—Chapter 63 of title 31 shall not apply to any agreement entered into under this section.

''(d) ACQUISITION AND ACCEPTANCE OF PROPERTY AND INTERESTS.—(1) An agreement with a private entity under this section—

''(A) may provide for the private entity to acquire all right, title, and interest in and to any real property, or any lesser interest in the property, as may be appropriate for purposes of this section; and

''(B) shall provide for the private entity to transfer to the United States, upon the request of the United States, any property or interest so acquired.

''(2) Property or interests may not be acquired pursuant to an agreement under this section unless the owner of the property or interests, as the case may be, consents to the acquisition.

''(3) An agreement under this section providing for the acquisition of property or interests under paragraph (1)(A) shall provide for the sharing by the United States and the private entity concerned of the costs of the acquisition of the property or interests.

''(4) The Secretary concerned shall identify any property or interests to be acquired pursuant to an agreement under this section. The property or interests shall be limited to the minimum property or interests necessary to ensure that the property concerned is developed and used in a manner appropriate for purposes of this section.

''(5) Notwithstanding any other provision of law, the Secretary concerned may accept on behalf of the United States any property or interest to be transferred to the United States under paragraph (1)(B).

''(6) The Secretary concerned may, for purposes of the acceptance of property or interests under this subsection, accept an appraisal or title documents prepared or adopted by a non-Federal entity as satisfying the applicable requirements of section 301 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4651) or section 355 of the Revised Statutes (40 U.S.C. 255) if the Secretary finds that the appraisal or title documents substantially comply with the requirements.

''(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary concerned may require such additional terms and conditions in an agreement under this section as the Secretary considers appropriate to protect the interests of the United States.

''(f) FUNDING.—(1) Except as provided in paragraph (2), funds authorized to be appropriated for operation and maintenance of the Army, Navy, Marine Corps, Air Force, or Defense-wide activities, including funds authorized to be appropriated for the Legacy Resources Management Program, may be used to enter into agreements under this section.

''(2) In the case of a military installation operated primarily with funds authorized to be appropriated for research, development, test, and evaluation, funds authorized to be appropriated for the Army, Navy, Marine Corps, Air Force, or Defense-wide activities for research, development, test, and evaluation may be used to enter into agreements under this section with respect to the installation.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2684 the following new item:

''2684a. Agreements to limit encroachments and other constraints on military training, testing, and operations.''.

SEC. 2812. CONVEYANCE OF SURPLUS REAL PROPERTY FOR NATURAL RESOURCE CONSERVATION PURPOSES.

(a) CONVEYANCE AUTHORITY.—(1) Chapter 159 of title 10, United States Code, is amended by inserting after section 2694 the following new section:

''§ 2694a. Conveyance of surplus real property for natural resource conservation

''(a) AUTHORITY TO CONVEY.—The Secretary of a military department may convey to an eligible recipient described in subsection (b) any surplus real property that—

''(1) is under the administrative control of the Secretary;

''(2) is suitable and desirable for conservation purposes;

''(3) has been made available for public benefit transfer for a sufficient period of time to potential claimants; and

''(4) is not subject to a pending request for transfer to another Federal agency or for conveyance to any other qualified recipient for public benefit transfer under the real property disposal processes and authorities established pursuant to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471, et seq.).

''(b) ELIGIBLE RECIPIENTS.—The conveyance of surplus real property under subsection (a) may be made to any of the following:

''(A) A State or political subdivision of a State.

''(B) A nonprofit organization that exists for the primary purpose of conservation of natural resources on real property.

''(c) REVISIONARY INTEREST AND OTHER DEED REQUIREMENTS.—(1) The deed of conveyance of any surplus real property conveyed under subsection (a) disposed of under this subsection shall require the property to be used and maintained for the conservation of natural resources in perpetuity. If the Secretary of the military department that made the conveyance determines at any time that the property is not being used or maintained for such purpose, then, at the option of the Secretary, all or any portion of the property shall revert to the United States.

''(2) The deed of conveyance may permit the recipient of the property—

''(A) to convey the property to another eligible entity described in subsection (b), subject to the approval of the Secretary of the military department that made the conveyance and subject to the same covenants and terms and conditions as provided in the deed from the United States; and

''(B) to conduct incidental revenue-producing activities on the property that are compatible with the use of the property for conservation purposes.

''(3) The deed of conveyance may contain such additional terms, reservations, restrictions, and conditions as the Secretary of the military department considers appropriate to protect the interests of the United States.

''(d) RELEASE OF COVENANTS.—The Secretary of the military department that conveys real property under subsection (a), with the concurrence of the Secretary of Interior, may grant a release from a covenant included in the deed of conveyance of the property under subsection (c) on the condition that the recipient of the property pay the fair market value, as determined by the Secretary of the military department, of the property at the time of the release of the covenant. The Secretary of the military department may reduce the amount required to be paid under this subsection to account for the value of the natural resource conservation benefit that has accrued to the United States during the period the covenant was in effect, if the benefit was not taken into account in determining the original consideration for the conveyance.

''(e) LIMITATIONS.—A conveyance under subsection (a) shall not be used in settlement of any litigation, dispute, or claim against the United States, or as a condition of allowing any defense activity under any Federal, State, or local permitting or review process. The Secretary of a military department may make a conveyance under subsection (a), with the restrictions specified in subsection (c), to establish a mitigation bank, but only if the establishment of the mitigation bank does not occur in order to satisfy any condition for permitting military activity under a Federal, State, or local permitting or review process.

''(f) CONSIDERATION.—In fixing the consideration for the conveyance of real property under subsection (a) or in determining the amount of any reduction of the amount to be paid for the release of a covenant under subsection (d), the Secretary of the military department concerned shall take into consideration any benefit that has accrued or may accrue to the United States from the use of such property for the conservation of natural resources.

''(g) RELATION TO OTHER CONVEYANCE AUTHORITIES.—(1) The Secretary of a military department may not make a conveyance under this section of any real property to be disposed of under a base closure law in a manner that is inconsistent with the requirements and conditions of the base closure law.

''(2) In the case of real property on Guam, the Secretary of a military department may not make a conveyance under this section unless the Government of Guam has been first afforded the opportunity to acquire the real property as authorized by section 1 of Public Law 106–504 (114 Stat. 2309).

''(h) DEFINITIONS.—In this section:

''(1) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas, and the territories and possessions of the United States.

''(2) The term 'base closure law' means the following:

''(A) Section 2687 of this title.

''(B) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act of 1988 (10 U.S.C. 2687 note).

''(C) 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).

''(D) Any other similar authority for the closure or realignment of military installations that is enacted after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2003.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2694 the following new item:

''2694a. Conveyance of surplus real property for natural resource conservation.''.

(b) ACCEPTANCE OF FUNDS TO COVER ADMINISTRATIVE EXPENSES.—Section 2695(b) of such title is amended by adding at the end the following new paragraph:

''(5) The conveyance of real property under section 2694a of this title.''.

(c) AGREEMENTS WITH NONPROFIT NATURAL RESOURCE CONSERVATION ORGANIZATIONS.—Section 2701(d) of such title is amended—

(1) in paragraph (1), by striking ''with any State or local government agency, or with any Indian tribe,'' and inserting ''any State or local government agency, any Indian tribe, or any nonprofit conservation organization''; and

(2) by striking paragraph (3) and inserting the following new paragraph:

''(3) DEFINITIONS.—In this subsection:

''(A) The term 'Indian tribe' has the meaning given such term in section 101(36) of Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(36)).

''(B) The term 'nonprofit conservation organization' means any non-governmental nonprofit organization whose primary purpose is conservation of open space or natural resources.''.

SEC. 2813. NATIONAL EMERGENCY EXEMPTION FROM SCREENING AND OTHER REQUIREMENTS OF MCKINNEY-VENTO HOMELESS ASSISTANCE ACT FOR PROPERTY USED IN SUPPORT OF RESPONSE ACTIVITIES.

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 CERTAIN PROPERTY DURING EMERGENCIES.—The screening requirements and other provisions of this section shall not apply to any property that is excess property or surplus property or that is described as unutilized or underutilized property if the property is subject to a request for conveyance or use for the purpose of directly supporting activities in response to—

''(1) a war or national emergency declared in accordance with the National Emergencies Act (50 U.S.C. 1601 et seq.); or

''(2) an emergency or major disaster declared in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).''.

SEC. 2814. DEMONSTRATION PROGRAM ON REDUCTION IN LONG-TERM FACILITY MAINTENANCE COSTS.

(a) PROGRAM AUTHORIZED.—The Secretary of Defense may conduct a demonstration program to assess the feasibility and desirability of including facility maintenance requirements in construction contracts for military construction projects for the purpose of determining whether such requirements facilitate reductions in the long-term facility maintenance costs of the military departments.

(b) CONTRACTS.—Not more than 12 contracts may contain requirements referred to in subsection (a) for the purpose of the demonstration program under this section. The demonstration program may only cover contracts entered into on or after the date of the enactment of this Act.

(c) EFFECTIVE PERIOD OF REQUIREMENTS.—The effective period of a requirement referred to in subsection (a) that is included in a contract

for the purpose of the demonstration program under this program may not exceed five years.

(d) REPORTING REQUIREMENTS.—Not later than January 31, 2005, the Secretary of Defense shall submit to Congress a report on the demonstration program authorized by this section and the related Department of the Army demonstration program authorized by section 2814 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1310; 10 U.S.C. 2809 note), including the following:

(1) A description of all contracts entered into under the demonstration programs.

(2) An evaluation of the demonstration programs and a description of the experience of the Secretary of Defense and the Secretary of the Army respect to such contracts.

(3) Any recommendations, including recommendations for the termination, continuation, or expansion of the demonstration programs, that the Secretary of Defense or the Secretary of the Army considers appropriate.

(e) EXPIRATION.—The authority under subsection (a) to include requirements referred to in that subsection in contracts under the demonstration program under this section shall expire on September 30, 2006.

(f) FUNDING.—Amounts authorized to be appropriated for a fiscal year for military construction shall be available for the demonstration program under this section in such fiscal year.

(g) CONFORMING AMENDMENT.—Section 2814 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1310; 10 U.S.C. 2809 note) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

SEC. 2815. EXPANDED AUTHORITY TO TRANSFER PROPERTY AT MILITARY INSTALLATIONS TO BE CLOSED TO PERSONS WHO CONSTRUCT OR PROVIDE MILITARY FAMILY HOUSING.

(a) 1988 LAW.—Section 204(e)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended by striking the last sentence.

(b) 1990 LAW.—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 by striking the last sentence.

Subtitle C—Land Conveyances

PART I—ARMY CONVEYANCES

SEC. 2821. LAND CONVEYANCES, LANDS IN ALASKA NO LONGER REQUIRED FOR NATIONAL GUARD PURPOSES.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to an eligible entity described subsection (b) all right, title, and interest of the United States in and to any parcel of real property, including any improvements thereon, in the State of Alaska described in subsection (c) if the Secretary determines the conveyance would be in the public interest.

(b) ELIGIBLE RECIPIENTS.—The following entities shall be eligible to receive real property under subsection (a):

(1) The State of Alaska.

(2) A governmental entity in the State of Alaska.

(3) A Native Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).

(4) The Metlakatla Indian Community.

(c) COVERED PROPERTY.—Subsection (a) applies to real property located in the State of Alaska that—

(1) is under the jurisdiction of the Department of the Army and, before December 2, 1980, was under such jurisdiction for the use of the Alaska National Guard;

(2) is located in a unit of the National Wildlife Refuge System designated in the Alaska National Interest Lands Conservation Act (Public Law 96–487; 16 U.S.C. 668dd note);

(3) is excess to the needs of the Alaska National Guard and the Department of Defense; and

(4) the Secretary determines that—

(A) the anticipated cost to the United States of retaining the property exceeds the value of such property; or

(B) the condition of the property makes it unsuitable for retention by the United States.

(d) CONSIDERATION.—The conveyance of real property under this section shall, at the election of the Secretary, be for no consideration or for consideration in an amount determined by the Secretary to be appropriate under the circumstances.

(e) USE OF CONSIDERATION.—If consideration is received for the conveyance of real property under subsection (a), the Secretary may use the amounts received, in such amounts as are provided in appropriations Acts, to pay for—

(1) the cost of a survey described in subsection (f) with respect to the property;

(2) the cost of carrying out any environmental assessment, study, or analysis, and any remediation, that may be required under Federal law, or is considered appropriate by the Secretary, in connection with the property or the conveyance of the property; and

(3) any other costs incurred by the Secretary in conveying the property.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of any real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with a conveyance of real property under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2822. LAND CONVEYANCE, FORT CAMPBELL, KENTUCKY.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the City of Hopkinsville, Kentucky, all right, title, and interest of the United States in and to a parcel of real property at Fort Campbell, Kentucky, consisting of approximately 50 acres and containing an abandoned railroad spur for the purpose of permitting the City to use the property for storm water management, recreation, transportation, and other public purposes.

(b) DESCRIPTION OF PROPERTY.—The acreage of the real property to be conveyed under subsection (a) has been determined by the Secretary through a legal description outlining such acreage. No further survey of the property before transfer is necessary.

(c) 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, ARMY RESERVE TRAINING CENTER, BUFFALO, MINNESOTA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Buffalo Independent School District 877 of Buffalo, Minnesota (in this section referred to as the ''School District''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, that is located at 800 8th Street, N.E., in Buffalo, Minnesota, and contains a former Army Reserve Training Center, which is being used by the School District as the site of the Phoenix Learning Center.

(b) 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 School District.

(c) 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, FORT BLISS, TEXAS

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the County of El Paso, Texas (in this section referred to as the ''County''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 44 acres at Fort Bliss, Texas, for the purpose of facilitating the construction by the State of Texas of a nursing home for veterans of the Armed Forces.

(b) REVERSIONARY INTEREST.—If, at the end of the five-year period beginning on the date the Secretary makes the conveyance under subsection (a), the Secretary determines that a nursing home for veterans is not in operation on the conveyed real property, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(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 County.

(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. 2825. LAND CONVEYANCE, FORT HOOD, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Veterans Land Board of the State of Texas (in this section referred to as the ''Board''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 174 acres at Fort Hood, Texas, for the purpose of permitting the Board to establish a State-run cemetery for veterans.

(b) 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 Board.

(c) 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.

PART II—NAVY CONVEYANCES

SEC. 2831. LAND CONVEYANCE, MARINE CORPS AIR STATION, MIRAMAR, SAN DIEGO, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the ENPEX Corporation, Incorporated (in this section referred to as the ''Corporation''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, at Marine Corps Air Station Miramar, San Diego, California, consisting of approximately 60 acres and appurtenant easements and any other necessary interests in real property for the purpose of permitting the Corporation to use the property for the production of electric power and related ancillary activities.

(b) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a), the Corporation shall—

(A) convey to the United States all right, title, and interest of the Corporation in and to a parcel of real property in the San Diego area that is suitable for military family housing, as determined by the Secretary; and

(B) if the parcel conveyed under subparagraph (A) does not contain housing units suitable for use as military family housing, design and construct such military family housing units and supporting facilities as the Secretary considers appropriate.

(2) The total combined value of the real property and military family housing conveyed by the Corporation under this subsection shall be at least equal to the fair market value of the real property conveyed to the Secretary under subsection (a), including any severance costs arising from any diminution of the value or utility of other property at Marine Corps Air Station Miramar attributable to the prospective future use of the property conveyed under subsection (a).

(3) The Secretary shall determine the fair market value of the real property to be conveyed under subsection (a) and the fair market value of the consideration to be provided under this subsection. Such determinations shall be final.

(c) REVERSIONARY INTEREST.—(1) Subject to paragraph (2), if the Secretary determines at any time that the property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(2) If Marine Corps Air Station Miramar is no longer used as a Federal aviation facility, paragraph (1) shall no longer apply, and the Secretary shall release, without consideration, the reversionary interest retained by the United States under such paragraph.

(d) ADMINISTRATIVE EXPENSES.—(1) The Corporation shall make funds available to the Secretary to cover costs to be incurred by the Secretary, or reimburse the Secretary for costs incurred, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. This paragraph does not apply to costs associated with the removal of explosive ordnance from the parcel and environmental remediation of the parcel.

(2) Section 2695(c) of title 10 United States Code, shall apply to any amount received under paragraph (1). If the amounts received in advance under such paragraph exceed the costs actually incurred by the Secretary, the Secretary shall refund the excess amount to the Corporation.

(e) DESCRIPTIONS OF PROPERTY.—The exact acreage and legal descriptions of the real property to be conveyed by the Secretary under subsection (a) and the property to be conveyed by the Corporation under subsection (b) shall be determined by a survey satisfactory to the Secretary.

(f) EXEMPTIONS.—Section 2696 of title 10, United States Code, does not apply to the conveyance authorized by subsection (a), and the authority to make the conveyance shall not be considered to render the property excess or underutilized.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2832. BOUNDARY ADJUSTMENTS, MARINE CORPS BASE, QUANTICO, AND PRINCE WILLIAM FOREST PARK, VIRGINIA.

(a) BOUNDARY ADJUSTMENTS AND RELATED TRANSFERS.—(1) The Secretary of the Navy and the Secretary of the Interior shall adjust the boundaries of Marine Corps Base, Quantico, Virginia, and Prince William Forest Park, Virginia, to conform to the boundaries depicted on the map entitled ''Map Depicting Boundary Adjustments Proposed With March 10, 1998, MOU Between Prince William Forest Park and Marine Corps Base Quantico''.

(2) As part of the boundary adjustment, the Secretary of the Navy shall transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Interior approximately 352 acres of land, as depicted on the map, and the Secretary of the Interior shall retain administrative jurisdiction over approximately 1,034 acres of land, which is a portion of the Department of Interior land commonly known as the Quantico Special Use Permit Land.

(3) As part of the boundary adjustment, the Secretary of the Interior shall transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Navy approximately 3398 acres of land, as depicted on the map.

(b) EFFECT OF SUBSEQUENT DETERMINATION PROPERTY IS EXCESS.—(1) If land transferred or retained under paragraph (2) or (3) of subsection (a) is subsequently determined to be excess to the needs of the Federal agency that received or retained the land, the head of that Federal agency shall offer to return administrative jurisdiction over the land, without reimbursement, to the Federal agency from which the land was received or retained.

(2) If the offer under paragraph (1) is not accepted within 90 days or is otherwise rejected, the head of the Federal agency holding the land may proceed to dispose of the land under then current law and regulations governing the disposal of excess property.

PART III—AIR FORCE CONVEYANCES

SEC. 2841. LAND CONVEYANCES, WENDOVER AIR FORCE BASE AUXILIARY FIELD, NEVADA.

(a) CONVEYANCES AUTHORIZED TO WEST WENDOVER, NEVADA.—(1) The Secretary of the Interior may convey, without consideration, to the City of West Wendover, Nevada, all right, title, and interest of the United States in and to the following:

(A) The lands at Wendover Air Force Base Auxiliary Field, Nevada, identified in Easement No. AFMC–HL–2–00–334 that are determined by the Secretary of the Air Force to be no longer required for Air Force purposes.

(B) The lands at Wendover Air Force Base Auxiliary Field identified for disposition on the map entitled ''West Wendover, Nevada–Excess'', dated January 5, 2001, that are determined by the Secretary of the Air Force to be no longer required for Air Force purposes.

(2) The purposes of the conveyances under this subsection are—

(A) to permit the establishment and maintenance of runway protection zones; and

(B) to provide for the development of an industrial park and related infrastructure.

(3) The map referred to in paragraph (1)(B) shall be on file and available for public inspection in the offices of the Director of the Bureau of Land Management and the Elko District Office of the Bureau of Land Management.

(b) CONVEYANCE AUTHORIZED TO TOOELE COUNTY, UTAH.—(1) The Secretary of the Interior may convey, without consideration, to Tooele County, Utah, all right, title, and interest of the United States in and to the lands at Wendover Air Force Base Auxiliary Field identified in Easement No. AFMC–HL–2–00–318 that are determined by the Secretary of the Air Force to be no longer required for Air Force purposes.

(2) The purpose of the conveyance under this subsection is to permit the establishment and maintenance of runway protection zones and an aircraft accident potential protection zone as necessitated by continued military aircraft operations at the Utah Test and Training Range.

(c) PHASED CONVEYANCES.—The land conveyances authorized by subsections (a) and (b) may be conducted in phases. To the extent practicable, the first phase of the conveyances should involve at least 3,000 acres.

(d) MANAGEMENT OF CONVEYED LANDS.—The lands conveyed under subsections (a) and (b) shall be managed by the City of West Wendover, Nevada, City of Wendover, Utah, Tooele County, Utah, and Elko County, Nevada—

(1) in accordance with the provisions of an Interlocal Memorandum of Agreement entered into between the Cities of West Wendover, Nevada, and Wendover, Utah, Tooele County, Utah, and Elko County, Nevada, providing for the coordinated management and development of the lands for the economic benefit of both communities; and

(2) in a manner that is consistent with such provisions of the easements referred to subsections (a) and (b) that, as jointly determined by the Secretary of the Air Force and Secretary of the Interior, remain applicable and relevant to the operation and management of the lands following conveyance and are consistent with the provisions of this section.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Air Force and the Secretary of the Interior may jointly require such additional terms and conditions in connection with the conveyances required by subsections (a) and (b) as the Secretaries consider appropriate to protect the interests of the United States.

Subtitle D—Other Matters

SEC. 2861. EASEMENT FOR CONSTRUCTION OF ROADS OR HIGHWAYS, MARINE CORPS BASE, CAMP PENDLETON, CALIFORNIA.

Section 2851(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2219), as amended by section 2867 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1334) is amended in the first sentence by striking ''easement to construct'' and all that follows through the period at the end and inserting ''easement to construct, operate, and maintain a restricted access highway, notwithstanding any provision of State law that would otherwise prevent the Secretary from granting the easement or the Agency from constructing, operating, or maintaining the restricted access highway.''.

SEC. 2862. SALE OF EXCESS TREATED WATER AND WASTEWATER TREATMENT CAPACITY, MARINE CORPS BASE, CAMP LEJEUNE, NORTH CAROLINA.

(a) SALE AUTHORIZED.—The Secretary of the Navy may provide to Onslow County, North Carolina, or any authority or political subdivision organized under the laws of North Carolina to provide public water or sewage services in Onslow County (in this section referred to as the ''County''), treated water and wastewater treatment services from facilities at Marine Corps Base, Camp Lejeune, North Carolina, if the Secretary determines that the provision of these utility services is in the public interest and will not interfere with current or future operations at Camp Lejeune.

(b) INAPPLICABILITY OF CERTAIN REQUIREMENTS.—Section 2686 of title 10, United States Code, shall not apply to the provision of public water or sewage services authorized by subsection (a).

(c) CONSIDERATION.—As consideration for the receipt of public water or sewage services under subsection (a), the County shall pay to the Secretary an amount (in cash or in kind) equal to the fair market value of the services. Amounts received in cash shall be credited to the base operation and maintenance accounts of Camp Lejeune.

(d) EXPANSION.—The Secretary may make minor expansions and extensions and permit

connections to the public water or sewage systems of the County in order to furnish the services authorized under subsection (a). The Secretary shall restrict the provision of services to the County to those areas in the County where residential development would be compatible with current and future operations at Camp Lejeune.

(e) ADMINISTRATIVE EXPENSES.—The Secretary may require the County to reimburse the Secretary for the costs incurred by the Secretary to provide public water or sewage services to the County under subsection (a).

(2) Section 2695(c) of title 10 United States Code, shall apply to any amount received under this subsection.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the provision of public water or sewage services under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2863. RATIFICATION OF AGREEMENT REGARDING ADAK NAVAL COMPLEX, ALASKA, AND RELATED LAND CONVEYANCES.

(a) RATIFICATION OF AGREEMENT.—The document entitled the ''Agreement Concerning the Conveyance of Property at the Adak Naval Complex'', and dated September 20, 2000, executed by the Aleut Corporation, the Department of the Interior, and the Department of the Navy, together with any technical amendments or modifications to the boundaries that may be agreed to by the parties, is hereby ratified, confirmed, and approved and the terms, conditions, procedures, covenants, reservations, indemnities and other provisions set forth in the Agreement are declared to be obligations and commitments of the United States as a matter of Federal law. Modifications to the maps and legal descriptions of lands to be removed from the National Wildlife Refuge System within the military withdrawal on Adak Island set forth in Public Land Order 1949 may be made only upon agreement of all Parties to the Agreement and notification given to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. The acreage conveyed to the United States by the Aleut Corporation under the Agreement, as modified, shall be at least 36,000 acres.

(b) REMOVAL OF LANDS FROM REFUGE.—Effective on the date of conveyance to the Aleut Corporation of the Adak Exchange Lands as described in the Agreement, all such lands shall be removed from the National Wildlife Refuge System and shall neither be considered as part of the Alaska Maritime National Wildlife Refuge nor subject to any laws pertaining to lands within the boundaries of the Alaska Maritime National Wildlife Refuge. The conveyance restrictions imposed by section 22(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1621(g)) for land in the National Wildlife Refuge System shall not apply. The Secretary shall adjust the boundaries of the Refuge so as to exclude all interests in lands and land rights, surface and subsurface, received by the Aleut Corporation in accordance with this section and the Agreement.

(c) RELATION TO ALASKA NATIVE CLAIMS SETTLEMENT ACT.—Lands and interests therein exchanged and conveyed by the United States pursuant to this section shall be considered and treated as conveyances of lands or interests therein under the Alaska Native Claims Settlement Act, except that receipt of such lands and interests therein shall not constitute a sale or disposition of land or interests received pursuant to such Act. The public easements for access to public lands and waters reserved pursuant to the Agreement are deemed to satisfy the requirements and purposes of section 17(b) of the Alaska Native Claims Settlement Act.

(d) REACQUISITION AUTHORITY.—The Secretary of the Interior is authorized to acquire by purchase or exchange, on a willing seller basis only, any land conveyed to the Aleut Corporation under the Agreement and this section. In the event any of the lands are subsequently acquired by the United States, they shall be automatically included in the National Wildlife Refuge System. The laws and regulations applicable to refuge lands shall then apply to these lands and the Secretary shall then adjust the boundaries accordingly.

(e) CONVEYANCE OF NAVY PERSONAL PROPERTY.—Notwithstanding any other provision of law, and for the purposes of the transfer of property authorized by this section, Department of Navy personal property that remains on Adak Island is deemed related to the real property and shall be conveyed by the Department of the Navy to the Aleut Corporation, at no additional cost, when the related real property is conveyed by the Department of the Interior.

(f) ADDITIONAL CONVEYANCE.—The Secretary of the Interior shall convey to the Aleut Corporation those lands identified in the Agreement as the former landfill sites without charge to the Aleut Corporation's entitlement under the Alaska Native Claims Settlement Act.

(g) VALUATION.—For purposes of section 21(c) of the Alaska Native Claims Settlement Act, the receipt of all property by the Aleut Corporation shall be entitled to a tax basis equal to fair value on date of transfer. Fair value shall be determined by replacement cost appraisal.

(h) CERTAIN PROPERTY TREATED AS NOT DEVELOPED.—Any property, including, but not limited to, appurtenances and improvements, received pursuant to this section shall, for purposes of section 21(d) of the Alaska Native Claims Settlement Act and section 907(d) of the Alaska National Interest Lands Conservation Act be treated as not developed until such property is actually occupied, leased (other than leases for nominal consideration to public entities) or sold by the Aleut Corporation, or, in the case of a lease or other transfer by the Aleut Corporation to a wholly owned development subsidiary, actually occupied, leased, or sold by the subsidiary.

(i) CERTAIN LANDS UNAVAILABLE FOR SELECTION.—Upon conveyance to the Aleut Corporation of the lands described in Appendix A of the Agreement, the lands described in Appendix C of the Agreement will become unavailable for selection under the Alaska Native Claims Settlement Act.

(j) MAPS.—The maps included as part of Appendix A to the Agreement depict the lands to be conveyed to the Aleut Corporation. The maps are on file at the Region 7 Office of the United States Fish and Wildlife Service and the offices of the Alaska Maritime National Wildlife Refuge in Homer, Alaska. The written legal descriptions of the lands to be conveyed to the Aleut Corporation are also part of Appendix A. In case of discrepancies, the maps shall control.

(k) DEFINITIONS.—In this section:

(1) The term ''Agreement'' means the agreement ratified, confirmed, and approved under subsection (a).

(2) The term ''Aleut Corporation'' means the Alaskan Native Regional Corporation known as the Aleut Corporation incorporated in the State of Alaska pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

SEC. 2864. SPECIAL REQUIREMENTS FOR ADDING MILITARY INSTALLATION TO CLOSURE LIST.

Section 2914(d) 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), as added by section 3003 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 155 Stat, 1346), is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following new paragraph (4):

''(4) LIMITATION ON AUTHORITY TO RECOMMEND ADDITIONAL INSTALLATION FOR CLOSURE.—Notwithstanding paragraph (3), the decision of the Commission to add a military installation to the Secretary's list of installations recommended for closure must be unanimous, and at least two members of the Commission must have visited the installation during the period of the Commission's review of the list.''.

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 2003 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $8,034,349,000, to be allocated as follows:

(1) For weapons activities, $5,937,000,000.

(2) For defense nuclear nonproliferation activities, $1,074,630,000.

(3) For naval reactors, $706,790,000.

(4) For the Office of the Administrator for Nuclear Security, $315,929,000.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary may carry out new plant projects as follows:

(1) For weapons activities, the following new plant projects:

Project 03–D–101, Sandia underground reactor facility (SURF), Sandia National Laboratories, Albuquerque, New Mexico, $2,000,000.

Project 03–D–103, project engineering and design, various locations, $15,539,000.

Project 03–D–121, gas transfer capacity expansion, Kansas City Plant, Kansas City, Missouri, $4,000,000.

Project 03–D–122, prototype purification facility, Y–12 plant, Oak Ridge, Tennessee, $20,800,000.

Project 03–D–123, special nuclear materials requalification, Pantex plant, Amarillo, Texas, $3,000,000.

(2) For naval reactors, the following new plant project:

Project 03–D–201, cleanroom technology facility, Bettis Atomic Power Laboratory, West Mifflin, Pennsylvania, $7,200,000.

SEC. 3102. ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2003 for environmental restoration and waste management activities and other defense activities in carrying out programs necessary for national security in the amount of $7,366,510,000, to be allocated as follows:

(1) For defense environmental restoration and waste management, $4,544,133,000.

(2) For defense environmental management cleanup reform in carrying out environmental restoration and waste management activities necessary for national security programs, $800,000,000.

(3) For defense facilities closure projects, $1,091,314,000.

(4) For defense environmental management privatization, $158,399,000.

(5) For other defense activities in carrying out programs necessary for national security, $457,664,000.

(6) 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)), $315,000,000.

(b) AUTHORIZATION OF NEW PLANT PROJECT.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary may carry out, for environmental restoration and waste management activities, the following new plant project:

Project 03–D–403, immobilized high-level waste interim storage facility, Richland, Washington, $6,363,000.

Subtitle B—Department of Energy National Security Authorizations General Provisions

SEC. 3120. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This subtitle may be cited as the ''Department of Energy National Security Authorizations General Provisions Act''.

(b) DEFINITIONS.—In this subtitle:

(1) The term ''DOE national security authorization'' means an authorization of appropriations for activities of the Department of Energy in carrying out programs necessary for national security.

(2) The term ''congressional defense committees'' means—

(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

(3) The term ''minor construction threshold'' means $5,000,000.

SEC. 3121. REPROGRAMMING.

(a) IN GENERAL.—Except as provided in sections 3129 and 3130, the Secretary of Energy may not use amounts appropriated pursuant to a DOE national security authorization for a program—

(1) in amounts that exceed, in a fiscal year, the amount authorized for that program by that authorization for that fiscal year; or

(2) which has not been presented to, or requested of, Congress,

until the Secretary submits to the congressional defense committees a report referred to in subsection (b) with respect to that program and a period of 30 days has elapsed after the date on which such committees receive the report.

(b) REPORT.—The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the proposed action.

(c) COMPUTATION OF DAYS.—In the computation of the 30-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than three days to a day certain.

(d) LIMITATIONS.—

(1) TOTAL AMOUNT OBLIGATED.—In no event may the total amount of funds obligated pursuant to a DOE national security authorization for a fiscal year exceed the total amount authorized to be appropriated by that authorization for that fiscal year.

(2) PROHIBITED ITEMS.—Funds appropriated pursuant to a DOE national security authorization may not be used for an item for which Congress has specifically denied funds.

SEC. 3122. MINOR CONSTRUCTION PROJECTS.

(a) AUTHORITY.—Using operation and maintenance funds or facilities and infrastructure funds authorized by a DOE national security authorization, the Secretary of Energy may carry out minor construction projects.

(b) ANNUAL REPORT.—The Secretary shall submit to the congressional defense committees on an annual basis a report on each exercise of the authority in subsection (a) during the preceding fiscal year. Each report shall provide a brief description of each minor construction project covered by the report.

(c) COST VARIATION REPORTS TO CONGRESSIONAL COMMITTEES.—If, at any time during the construction of any minor construction project authorized by a DOE national security authorization, the estimated cost of the project is revised and the revised cost of the project exceeds the minor construction threshold, the Secretary shall immediately submit to the congressional defense committees a report explaining the reasons for the cost variation.

(d) MINOR CONSTRUCTION PROJECT DEFINED.—In this section, the term ''minor construction project'' means any plant project not specifically authorized by law for which the approved total estimated cost does not exceed the minor construction threshold.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—

(1) CONSTRUCTION COST CEILING.—Except as provided in paragraph (2), construction on a construction project which is in support of national security programs of the Department of Energy and was authorized by a DOE national security authorization may not be started, and additional obligations in connection with the project above the total estimated cost may not be incurred, whenever the current estimated cost of the construction project exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) EXCEPTION WHERE NOTICE-AND-WAIT GIVEN.—An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) COMPUTATION OF DAYS.—In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than three days to a day certain.

(b) EXCEPTION FOR MINOR PROJECTS.—Subsection (a) does not apply to a construction project with a current estimated cost of less than the minor construction threshold.

SEC. 3124. FUND TRANSFER AUTHORITY.

(a) TRANSFER TO OTHER FEDERAL AGENCIES.—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to a DOE national security authorization to other Federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be merged with and be available for the same purposes and for the same time period as the authorizations of the Federal agency to which the amounts are transferred.

(b) TRANSFER WITHIN DEPARTMENT OF ENERGY.—

(1) TRANSFERS PERMITTED.—Subject to paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to a DOE national security authorization between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same period as the authorization to which the amounts are transferred.

(2) MAXIMUM AMOUNTS.—Not more than 5 percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than 5 percent by a transfer under such paragraph.

(c) LIMITATIONS.—The authority provided by this subsection to transfer authorizations—

(1) may be used only to provide funds for items relating to activities necessary for national security programs that have a higher priority than the items from which the funds are transferred; and

(2) may not be used to provide funds for an item for which Congress has specifically denied funds.

(d) NOTICE TO CONGRESS.—The Secretary of Energy shall promptly notify the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives of any transfer of funds to or from any DOE national security authorization.

SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

(a) REQUIREMENT OF CONCEPTUAL DESIGN.—

(1) IN GENERAL.—Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design for that project.

(2) REQUESTS FOR CONCEPTUAL DESIGN FUNDS.—If the estimated cost of completing a conceptual design for a construction project exceeds $3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) EXCEPTIONS.—The requirement in paragraph (1) does not apply to a request for funds—

(A) for a construction project the total estimated cost of which is less than the minor construction threshold; or

(B) for emergency planning, design, and construction activities under section 3126.

(b) AUTHORITY FOR CONSTRUCTION DESIGN.—

(1) IN GENERAL.—Within the amounts authorized by a DOE national security authorization, the Secretary of Energy may carry out construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such design does not exceed $600,000.

(2) SPECIFIC AUTHORITY REQUIRED.—If the total estimated cost for construction design in connection with any construction project exceeds $600,000, funds for that design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy pursuant to a DOE national security authorization, including funds authorized to be appropriated for advance planning, engineering, and construction design, and for plant projects, to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, to meet the needs of national defense, or to protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) in the case of a construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making those activities necessary.

(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b)(2) does not apply to emergency planning, design, and construction activities conducted under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriation Acts and section 3121, amounts appropriated pursuant to a DOE national security authorization for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

(a) IN GENERAL.—Except as provided in subsection (b), amounts appropriated for operation and maintenance or for plant projects may, when so specified in an appropriations Act, remain available until expended.

(b) EXCEPTION FOR NNSA FUNDS.—Amounts appropriated for the National Nuclear Security Administration pursuant to a DOE national security authorization for a fiscal year shall remain available to be expended—

(1) only until the end of that fiscal year, in the case of amounts appropriated for the Office of the Administrator for Nuclear Security; and

(2) only in that fiscal year and the two succeeding fiscal years, in all other cases.

SEC. 3129. TRANSFER OF DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.

(a) TRANSFER AUTHORITY FOR DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.—The Secretary of Energy shall provide the manager of each field office of the Department of Energy with the authority to transfer defense environmental management funds from a program or project under the jurisdiction of that office to another such program or project.

(b) LIMITATIONS.—

(1) NUMBER OF TRANSFERS.—Not more than one transfer may be made to or from any program or project under subsection (a) in a fiscal year.

(2) AMOUNTS TRANSFERRED.—The amount transferred to or from a program or project in any one transfer under subsection (a) may not exceed $5,000,000.

(3) DETERMINATION REQUIRED.—A transfer may not be carried out by a manager of a field office under subsection (a) unless the manager determines that the transfer is necessary—

(A) to address a risk to health, safety, or the environment; or

(B) to assure the most efficient use of defense environmental management funds at the field office.

(4) IMPERMISSIBLE USES.—Funds transferred pursuant to subsection (a) may not be used for an item for which Congress has specifically denied funds or for a new program or project that has not been authorized by Congress.

(c) EXEMPTION FROM REPROGRAMMING REQUIREMENTS.—The requirements of section 3121 shall not apply to transfers of funds pursuant to subsection (a).

(d) NOTIFICATION.—The Secretary, acting through the Assistant Secretary of Energy for Environmental Management, shall notify Congress of any transfer of funds pursuant to subsection (a) not later than 30 days after such transfer occurs.

(e) DEFINITIONS.—In this section—

(1) the term ''program or project'' means, with respect to a field office of the Department of Energy, a program or project that is for environmental restoration or waste management activities necessary for national security programs of the Department, that is being carried out by that office, and for which defense environmental management funds have been authorized and appropriated; and

(2) the term ''defense environmental management funds'' means funds appropriated to the Department of Energy pursuant to an authorization for carrying out environmental restoration and waste management activities necessary for national security programs.

SEC. 3130. TRANSFER OF WEAPONS ACTIVITIES FUNDS.

(a) TRANSFER AUTHORITY FOR WEAPONS ACTIVITIES FUNDS.—The Secretary of Energy shall provide the manager of each field office of the Department of Energy with the authority to transfer weapons activities funds from a program or project under the jurisdiction of that office to another such program or project.

(b) LIMITATIONS.—

(1) NUMBER OF TRANSFERS.—Not more than one transfer may be made to or from any program or project under subsection (a) in a fiscal year.

(2) AMOUNTS TRANSFERRED.—The amount transferred to or from a program or project in any one transfer under subsection (a) may not exceed $5,000,000.

(3) DETERMINATION REQUIRED.—A transfer may not be carried out by a manager of a field office under subsection (a) unless the manager determines that the transfer—

(A) is necessary to address a risk to health, safety, or the environment; or

(B) will result in cost savings and efficiencies.

(4) LIMITATION.—A transfer may not be carried out by a manager of a field office under subsection (a) to cover a cost overrun or scheduling delay for any program or project.

(5) IMPERMISSIBLE USES.—Funds transferred pursuant to subsection (a) may not be used for an item for which Congress has specifically denied funds or for a new program or project that has not been authorized by Congress.

(c) EXEMPTION FROM REPROGRAMMING REQUIREMENTS.—The requirements of section 3121 shall not apply to transfers of funds pursuant to subsection (a).

(d) NOTIFICATION.—The Secretary, acting through the Administrator for Nuclear Security, shall notify Congress of any transfer of funds pursuant to subsection (a) not later than 30 days after such transfer occurs.

(e) DEFINITIONS.—In this section—

(1) the term ''program or project'' means, with respect to a field office of the Department of Energy, a program or project that is for weapons activities necessary for national security programs of the Department, that is being carried out by that office, and for which weapons activities funds have been authorized and appropriated; and

(2) the term ''weapons activities funds'' means funds appropriated to the Department of Energy pursuant to an authorization for carrying out weapons activities necessary for national security programs.

SEC. 3131. SCOPE OF AUTHORITY TO CARRY OUT PLANT PROJECTS.

In carrying out programs necessary for national security, the authority of the Secretary of Energy to carry out plant projects includes authority for maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto.

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3141. ONE-YEAR EXTENSION OF PANEL TO ASSESS THE RELIABILITY, SAFETY, AND SECURITY OF THE UNITED STATES NUCLEAR STOCKPILE.

Section 3159 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (42 U.S.C. 2121 note) is amended—

(1) in subsection (d), by striking ''February 1, 2002,'' and inserting ''February 1 of 2002 and 2003,''; and

(2) in subsection (g), by striking ''three years'' and all that follows through the period at the end and inserting ''April 1, 2003.''.

SEC. 3142. TRANSFER TO NATIONAL NUCLEAR SECURITY ADMINISTRATION OF DEPARTMENT OF DEFENSE'S COOPERATIVE THREAT REDUCTION PROGRAM RELATING TO ELIMINATION OF WEAPONS GRADE PLUTONIUM IN RUSSIA.

(a) TRANSFER OF PROGRAM.—There are hereby transferred to the Administrator for Nuclear Security the following:

(1) The program, within the Cooperative Threat Reduction program of the Department of Defense, relating to the elimination of weapons grade plutonium in Russia.

(2) All functions, powers, duties, and activities of that program performed before the date of the enactment of this Act by the Department of Defense.

(b) TRANSFER OF ASSETS.—(1) So much of the property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the program transferred by subsection (a) are transferred to the Administrator for use in connection with the program transferred.

(2) Funds so transferred—

(A) shall be credited to the appropriation account of the Department of Energy for the activities of the National Nuclear Security Administration in carrying out defense nuclear nonproliferation activities; and

(B) remain subject to such limitations as applied to such funds before such transfer.

(c) REFERENCES.—Any reference in any other Federal law to the Secretary of Defense (or an officer of the Department of Defense) or the Department of Defense shall, to the extent such reference pertains to a function transferred by this section, be deemed to refer to the Administrator for Nuclear Security or the National Nuclear Security Administration, as applicable.

SEC. 3143. REPEAL OF REQUIREMENT FOR REPORTS ON OBLIGATION OF FUNDS FOR PROGRAMS ON FISSILE MATERIALS IN RUSSIA.

Section 3131 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 617; 22 U.S.C. 5952 note) is amended—

(1) in subsection (a), by striking ''(a) AUTHORITY.—''; and

(2) by striking subsection (b).

SEC. 3144. ANNUAL CERTIFICATION TO THE PRESIDENT AND CONGRESS ON THE CONDITION OF THE UNITED STATES NUCLEAR WEAPONS STOCKPILE.

(a) CERTIFICATION REQUIRED.—(1) Not later than January 15 of each year, each official specified in subsection (b)(1) shall submit to the Secretary concerned a certification regarding the safety, reliability, and performance of each nuclear weapon type in the active stockpile of the United States for which such official is responsible.

(2) Not later than February 1 of each year, the Secretary of Defense and the Secretary of Energy shall each submit to the President and the Congress—

(A) each certification, without change, submitted under paragraph (1) to that Secretary;

(B) each report, without change, submitted under subsection (d) to that Secretary;

(C) the comments of that Secretary with respect to each such certification and each such report; and

(D) any other information that the Secretary considers appropriate.

(b) COVERED OFFICIALS AND SECRETARIES.—(1) The officials referred to in subsection (a) are the following:

(A) The head of each national security laboratory, as defined in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471).

(B) The commander of the United States Strategic Command.

(2) In this section, the term ''Secretary concerned'' means—

(A) the Secretary of Energy, with respect to matters concerning the Department of Energy; and

(B) the Secretary of Defense, with respect to matters concerning the Department of Defense.

(c) USE OF ''RED TEAMS'' FOR LABORATORY CERTIFICATIONS.—The head of each national security laboratory shall, to assist in the certification process required by subsection (a), establish one or more teams of experts known as ''red teams''. Each such team shall—

(1) subject to challenge the matters covered by that laboratory's certification, and submit the results of such challenge, together with findings and recommendations, to the head of that laboratory; and

(2) carry out peer review of the certifications carried out by the other laboratories, and submit the results of such peer review to the head of the laboratory concerned.

(d) REPORT ACCOMPANYING CERTIFICATION.—Each official specified in subsection (b)(1) shall submit with each such certification a report on the stockpile stewardship and management program of the Department of Energy. The report shall include the following:

(1) An assessment of the adequacy of the science-based tools and methods being used to determine the matters covered by the certification.

(2) An assessment of the capability of the manufacturing infrastructure required by section 3137 of the National Defense Authorization

Act for Fiscal Year 1996 (42 U.S.C. 2121 note) to identify and fix any inadequacy with respect to the matters covered by the certification.

(3) An assessment of the need of the United States to resume testing of nuclear weapons and the readiness of the United States to resume such testing, together with an identification of the specific tests the conduct of which might have value and the anticipated value of conducting such tests.

(4) An identification and discussion of any other matter that adversely affects the ability to accurately determine the matters covered by the certification.

(5) In the case of a report submitted by the head of a national security laboratory, the findings and recommendations submitted by the ''red teams'' under subsection (c) that relate to such certification, and a discussion of those findings and recommendations.

(6) In the case of a report submitted by the head of a national security laboratory, a discussion of the relative merits of other weapon types that could accomplish the mission of the weapon type covered by such certification.

(e) CLASSIFIED FORM.—Each submission required by this section shall be made only in classified form.

SEC. 3145. PLAN FOR ACHIEVING ONE-YEAR READINESS POSTURE FOR RESUMPTION BY THE UNITED STATES OF UNDERGROUND NUCLEAR WEAPONS TESTS.

(a) PLAN REQUIRED.—The Secretary of Energy, in consultation with the Administrator for Nuclear Security, shall prepare a plan for achieving, not later than one year after the date on which the plan is submitted under subsection (c), a one-year readiness posture for resumption by the United States of underground nuclear weapons tests.

(b) DEFINITION.—For purposes of this section, a one-year readiness posture 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 one year after the date on which the President so directs.

(c) REPORT.—The Secretary shall include with the budget justification materials submitted to Congress in support of the Department of Energy budget for fiscal year 2004 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a report on the plan required by subsection (a). The report shall include the plan and a budget for implementing the plan.

Subtitle D—Matters Relating to Defense Environmental Management

SEC. 3151. DEFENSE ENVIRONMENTAL MANAGEMENT CLEANUP REFORM PROGRAM.

(a) PROGRAM REQUIRED.—From funds made available pursuant to section 3102(a)(2) for defense environmental management cleanup reform, the Secretary of Energy shall carry out a program to reform DOE environmental management activities. In carrying out the program, the Secretary shall allocate, to each site for which the Secretary has submitted to the congressional defense committees a site performance management plan, the amount of those funds that such plan requires.

(b) TRANSFER AND MERGER OF FUNDS.—Funds so allocated shall, notwithstanding section 3124, be transferred to the account for DOE environmental management activities and, subject to subsection (c), shall be merged with and be available for the same purposes and for the same period as the funds available in such account. The authority provided by section 3129 shall apply to funds so transferred.

(c) LIMITATION ON USE OF ALL MERGED FUNDS.—Upon a transfer and merger of funds under subsection (b), all funds in the merged account that are available with respect to the site may be used only to carry out the site performance management plan for such site.

(d) SITE PERFORMANCE MANAGEMENT PLAN DEFINED.—For purposes of this section, a site performance management plan for a site is a plan, agreed to by the applicable Federal and State agencies with regulatory jurisdiction with respect to the site, for the performance of activities to accelerate the reduction of environmental risk in connection with, and to accelerate the environmental cleanup of, the site.

(e) DOE ENVIRONMENTAL MANAGEMENT ACTIVITIES DEFINED.—For purposes of this section, the term ''DOE environmental management activities'' means environmental restoration and waste management activities of the Department of Energy in carrying out programs necessary for national security.

SEC. 3152. REPORT ON STATUS OF ENVIRONMENTAL MANAGEMENT INITIATIVES TO ACCELERATE THE REDUCTION OF ENVIRONMENTAL RISKS AND CHALLENGES POSED BY THE LEGACY OF THE COLD WAR.

(a) REPORT REQUIRED.—The Secretary of Energy shall prepare a report on the status of those environmental management initiatives specified in subsection (b) that are being undertaken to accelerate the reduction of the environmental risks and challenges that, as a result of the legacy of the Cold War, are faced by the Department of Energy, contractors of the Department, and applicable Federal and State agencies with regulatory jurisdiction.

(b) CONTENTS.—The report shall include the following matters:

(1) A discussion of the progress made in reducing such risks and challenges in each of the following areas:

(A) Acquisition strategy and contract management.

(B) Regulatory agreements.

(C) Interim storage and final disposal of high-level waste, spent nuclear fuel, transuranic waste, and low-level waste.

(D) Closure and transfer of environmental remediation sites.

(E) Achievements in innovation by contractors of the Department with respect to accelerated risk reduction and cleanup.

(F) Consolidation of special nuclear materials and improvements in safeguards and security.

(2) An assessment of the progress made in streamlining risk reduction processes of the environmental management program of the Department.

(3) An assessment of the progress made in improving the responsiveness and effectiveness of the environmental management program of the Department.

(4) Any proposals for legislation that the Secretary considers necessary to carry out such initiatives, including the justification for each such proposal.

(c) INITIATIVES COVERED.—The environmental management initiatives referred to in subsection (a) are the initiatives arising out of the report titled ''Top-to-Bottom Review of the Environmental Management Program'' and dated February 4, 2002, with respect to the environmental restoration and waste management activities of the Department of Energy in carrying out programs necessary for national security.

(d) SUBMISSION OF REPORT.—On the date on which the budget justification materials in support of the Department of Energy budget for fiscal year 2004 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) are submitted to Congress, the Secretary shall submit to the congressional defense committees the report required by subsection (a).

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2003, $19,000,000 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.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2003, the National Defense Stockpile Manager may obligate up to $76,400,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy $21,069,000 for fiscal year 2003 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXV—MARITIME ADMINISTRATION

SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2003.

Funds are hereby authorized to be appropriated for fiscal year 2003, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, $93,132,000.

(2) For expenses under the loan guarantee program authorized by title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.), $54,126,000, of which—

(A) $50,000,000 is for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program; and

(B) $4,126,000 is for administrative expenses related to loan guarantee commitments under the program.

(3) For expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, including provision of assistance under section 7 of Public Law 92–402 (as amended by this title), $20,000,000.

SEC. 3502. AUTHORITY TO CONVEY VESSEL USS SPHINX (ARL–24).

(a) IN GENERAL.—Notwithstanding any other law, the Secretary of Transportation may convey the right, title, and interest of the United States Government in and to the vessel USS SPHINX (ARL–24), to the Dunkirk Historical Lighthouse and Veterans Park Museum (a not-for-profit corporation, in this section referred to as the ''recipient'') for use as a military museum, if—

(1) the recipient agrees to use the vessel as a nonprofit military museum;

(2) the vessel is not used for commercial transportation purposes;

(3) the recipient agrees to make the vessel available to the Government when the Secretary requires use of the vessel by the Government;

(4) the recipient agrees that when the recipient no longer requires the vessel for use as a military museum—

(A) the recipient will, at the discretion of the Secretary, reconvey the vessel to the Government in good condition except for ordinary wear and tear; or

(B) if the Board of Trustees of the recipient has decided to dissolve the recipient according to the laws of the State of New York, then—

(i) the recipient shall distribute the vessel, as an asset of the recipient, to a person that has been determined exempt from taxation under the provisions of section 501(c)(3) of the Internal Revenue Code, or to the Federal Government or a State or local government for a public purpose; and

(ii) the vessel shall be disposed of by a court of competent jurisdiction of the county in which the principal office of the recipient is located, for such purposes as the court shall determine, or to such organizations as the court shall determine are organized exclusively for public purposes;

(5) the recipient agrees to hold the Government harmless for any claims arising from exposure to asbestos after conveyance of the vessel, except for claims arising from use by the Government under paragraph (3) or (4); and

(6) the recipient has available, for use to restore the vessel, in the form of cash, liquid assets, or a written loan commitment, financial resources of at least $100,000.

(b) DELIVERY OF VESSEL.—If a conveyance is made under this Act, the Secretary shall deliver the vessel at the place where the vessel is located on the date of enactment of this Act, in its present condition, without cost to the Government.

(c) OTHER UNNEEDED EQUIPMENT.—The Secretary may also convey any unneeded equipment from other vessels in the National Defense Reserve Fleet in order to restore the USS SPHINX (ARL–24) to museum quality.

(d) RETENTION OF VESSEL IN NDRF.—The Secretary shall retain in the National Defense Reserve Fleet the vessel authorized to be conveyed under subsection (a), until the earlier of—

(1) 2 years after the date of the enactment of this Act; or

(2) the date of conveyance of the vessel under subsection (a).

SEC. 3503. FINANCIAL ASSISTANCE TO STATES FOR PREPARATION OF TRANSFERRED OBSOLETE SHIPS FOR USE AS ARTIFICIAL REEFS.

(a) IN GENERAL.—Public Law 92–402 (16 U.S.C. 1220 et seq.) is amended by redesignating section 7 as section 8, and by inserting after section 6 the following:

"SEC. 7. FINANCIAL ASSISTANCE TO STATE TO PREPARE TRANSFERRED SHIP.

''(a) ASSISTANCE AUTHORIZED.—The Secretary, subject to the availability of appropriations, may provide, to any State to which an obsolete ship is transferred under this Act, financial assistance to prepare the ship for use as an artificial reef, including for—

''(1) environmental remediation;

''(2) towing; and

''(3) sinking.

''(b) AMOUNT OF ASSISTANCE.—The Secretary shall determine the amount of assistance under this section with respect to an obsolete ship based on—

''(1) the total amount available for providing assistance under this section;

''(2) the benefit achieved by providing assistance for that ship; and

''(3) the cost effectiveness of disposing of the ship by transfer under this Act and provision of assistance under this section, compared to other disposal options for the vessel.

''(c) TERMS AND CONDITIONS.—The Secretary—

''(1) shall require a State seeking assistance under this section to provide cost data and other information determined by the Secretary to be necessary to justify and document the assistance; and

''(2) may require a State receiving such assistance to comply with terms and conditions necessary to protect the environment and the interests of the United States.''.

(b) CONFORMING AMENDMENT.—Section 4(4) of such Act (16 U.S.C. 1220a(4)) is amended by inserting ''(except for any financial assistance provided under section 7)'' after ''at no cost to the Government''.

SEC. 3504. INDEPENDENT ANALYSIS OF TITLE XI INSURANCE GUARANTEE APPLICATIONS.

Section 1104A of the Merchant Marine Act, 1936 (46 App. U.S.C. 1274) is amended—

(1) by adding at the end of subsection (d) the following:

''(4) The Secretary may obtain independent analysis of an application for a guarantee or commitment to guarantee under this title.''; and

(2) in subsection (f) by inserting ''(including for obtaining independent analysis under subsection (d)(4))'' after ''applications for a guarantee''.

The CHAIRMAN. No amendment to the committee amendment in the nature of a substitute is in order except those printed in House Report 107–450 and amendments en bloc described in section 3 of House Resolution 415.

Except as specified in section 4 of the resolution, each amendment printed in the report shall be considered only in the order printed, may be offered only by a Member designated in the report, shall be considered read, and shall not be subject to a demand for a division of the question.

Unless otherwise specified in the report, each amendment printed in the report shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment, except as specified in the report and except that the chairman and ranking minority member of the Committee on Armed Services each may offer one pro forma amendment for the purpose of further debate on any pending amendment.

It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in part B of the report not earlier disposed of or germane modifications of any such amendment.

Amendments en bloc shall be considered read, except that modifications shall be reported, shall be debatable for 40 minutes, equally divided and controlled by the chairman and ranking minority member or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

The original proponent of an amendment included in the amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

The Chairman of the Committee of the Whole may recognize for consideration of any amendment out of the order printed, but not sooner than 1 hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

AMENDMENTS EN BLOC OFFERED BY MR. STUMP

Mr. STUMP. Mr. Chairman, I offer amendments en bloc consisting of the following amendments printed in part B of House Report 107–450: amendment No. 11, amendment No. 12, amendment No. 13, amendment No. 14, amendment No. 16, amendment No. 17, amendment No. 18, amendment No. 19, amendment No. 20, amendment No. 22 offered by the gentleman from Arkansas (Mr. SNYDER), amendment No. 23, amendment No. 24, and amendment No. 22 offered by the gentleman from Kansas (Mr. TIAHRT).

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendment No. 11 offered by Mr. CULBERSON:

At the end of title X (page 218, after line 15), insert the following new section:

SEC. ___. USE FOR LAW ENFORCEMENT PURPOSES OF DNA SAMPLES MAINTAINED BY DEPARTMENT OF DEFENSE FOR IDENTIFICATION OF HUMAN REMAINS.

(a) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1566. DNA samples maintained for identification of human remains: use for law enforcement purposes

''(a) COMPLIANCE WITH COURT ORDER.—(1) Subject to paragraph (2), if a valid order of a Federal court (or military judge) so requires, an element of the Department of Defense that maintains a repository of DNA samples for the purpose of identification of human remains shall make available, for the purpose specified in subsection (b), such DNA samples on such terms and conditions as such court (or military judge) directs.

''(2) A DNA sample with respect to an individual shall be provided under paragraph (1) in a manner that does not compromise the ability of the Department of Defense to maintain a sample with respect to that individual for the purpose of identification of human remains.

''(b) COVERED PURPOSE.—The purpose referred to in subsection (a) is the purpose of an investigation or prosecution of a felony, or any sexual offense, for which no other source of DNA information is available.

''(c) DEFINITION.—In this section, the term 'DNA sample' has the meaning given such term in section 1565(c) of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"§ 1566. DNA samples maintained for identification of human remains: use for law enforcement purposes.".

Amendment No. 12 offered by Mrs. JO ANN DAVIS of Virginia:

At the end of title X (page 218, after line 15), insert the following new section:

SEC. ___. SENSE OF CONGRESS CONCERNING AIRCRAFT CARRIER FORCE STRUCTURE.

(a) FINDINGS.—Congress makes the following findings:

(1) The aircraft carrier has been an integral component in Operation Enduring Freedom and in the homeland defense mission beginning on September 11, 2001. The aircraft carriers that have participated in Operation Enduring Freedom, as of May 1, 2002, are the USS Enterprise (CVN–65), the USS Carl Vinson (CVN–70), the USS Kitty Hawk (CV–63),

the USS Theodore Roosevelt (CVN–71), the USS John C. Stennis (CVN–74), and the USS John F. Kennedy (CV–67). The aircraft carriers that have participated in the homeland defense mission are the USS George Washington (CVN–73), the USS John F. Kennedy (CV–67), and the USS John C. Stennis (CVN–74).

(2) Since 1945, the United States has built 172 bases overseas, of which only 24 are currently in use.

(3) The aircraft carrier provides an independent base of operations should no land base be available for aircraft.

(4) The aircraft carrier is an essential component of the Navy.

(5) Both the F/A–18E/F aircraft program and the Joint Strike Fighter aircraft program are proceeding on schedule for deployment on aircraft carriers.

(6) As established by the Navy, the United States requires the service of 15 aircraft carriers to completely fulfill all the naval commitments assigned to it without gapping carrier presence.

(7) The Navy requires, at a minimum, at least 12 carriers to accomplish its current missions.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the number of aircraft carriers of the Navy in active service should not be less than 12.

(c) COMMENDATION OF CREWS.—Congress hereby commends the crews of the aircraft carriers that have participated in Operation Enduring Freedom and the homeland defense mission.

Amendment No. 13 offered by Mr. FARR of California:

At the end of title X (page 218, after line 15), insert the following new section:

SEC. ____. ENHANCED AUTHORITY TO OBTAIN FOREIGN LANGUAGE SERVICES DURING PERIODS OF EMERGENCY.

(a) NATIONAL FOREIGN LANGUAGE SKILLS REGISTRY.—(1) The Secretary of Defense may establish and maintain a secure data registry to be known as the ''National Foreign Language Skills Registry''. The data registry shall consist of the names of, and other pertinent information on, linguistically qualified United States citizens and permanent resident aliens who state that they are willing to provide linguistic services in times of emergency designated by the Secretary of Defense to assist the Department of Defense and other Departments and agencies of the United States with translation and interpretation in languages designated by the Secretary of Defense as critical languages.

(2) The name of a person may be included in the Registry only if the person expressly agrees for the person's name to be included in the Registry. Any such agreement shall be made in such form and manner as may be specified by the Secretary.

(b) AUTHORITY TO ACCEPT VOLUNTARY TRANSLATION AND INTERPRETATION SERVICES.—Section 1588(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(6) Language translation and interpretation services.''.

Amendment No. 14 offered by Mr. HEFLEY:

Strike section 351 (page 68, beginning line 2), and insert the following new section:

SEC. 351. AUTHORIZED DURATION OF BASE CONTRACT FOR NAVY-MARINE CORPS INTRANET.

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–215) and amended by section 362 of Public Law 107–107 (115 Stat. 1065), is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following new subsection (i):

''(i) DURATION OF BASE NAVY-MARINE CORPS INTRANET CONTRACT.—Notwithstanding section 2306c of title 10, United States Code, the base contract of the Navy-Marine Corps Intranet contract may have a term in excess of five years, but not more than seven years.''.

Amendment No. 16 offered by Mr. MANZULLO:

At the end of title VIII (page 174, after line 5), add the following new section:

SEC. ____. RENEWAL OF CERTAIN PROCUREMENT TECHNICAL ASSISTANCE COOPERATIVE AGREEMENTS AT FUNDING LEVELS AT LEAST SUFFICIENT TO SUPPORT EXISTING PROGRAMS.

Section 2413 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) With respect to any eligible entity that has successfully performed under a cooperative agreement entered into under subsection (a), the Secretary shall strive, to the greatest extent practicable and subject to appropriations, to renew such agreement with such entity at a level of funding which is at least equal to the level of funding under the cooperative agreement being renewed.''.

Amendment No. 17 offered by Mr. ORTIZ:

At the end of subtitle B of title I (page 21, after line 20), insert the following new section:

SEC. ____. PROHIBITION ON ACQUISITION OF CHAMPION-CLASS, T-5 FUEL TANKERS.

(a) PROHIBITION.—Except as provided in subsection (b), a Champion-class fuel tanker, known as a T-5, which features a double hull and reinforcement against ice damage, may not be acquired for the Military Sealift Command or for other Navy purposes.

(b) TERMINATION.—The prohibition in subsection (a) shall not apply if the acquisition of a T-5 tanker is specifically authorized in a defense authorization Act that—

(1) is enacted after the date of the enactment of this Act;

(2) specifically refers to subsection (a); and

(3) specifically states that the prohibition in such subsection does not apply.

Amendment No. 18 offered by Mr. PALLONE:

Page 312, after line 15, insert the following new section:

SEC. 2826. LAND CONVEYANCE, FORT MONMOUTH, NEW JERSEY.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey by sale all right, title, and interest of the United States in and to a parcel of land, consisting of approximately 63.95 acres of military family housing known as Howard Commons, that comprises a portion of Fort Monmouth, New Jersey.

(b) COMPETITIVE BID REQUIREMENT.—The Secretary shall use competitive procedures for the sale authorized by subsection (a).

(c) CONSIDERATION.—As consideration for the conveyance authorized under subsection (a), the recipient of the land shall pay an amount that is no less than fair market value, as determined by the Secretary. Such recipient may, as in-kind consideration, build replacement military family housing or rehabilitate existing military family housing at Fort Monmouth, New Jersey, as agreed upon by the Secretary. Any proceeds received by the Secretary not used to construct or rehabilitate such military family housing shall be deposited in the special account in the Treasury established pursuant to section 204(h) of the Federal property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(d) DESCRIPTION OF PARCEL.—The exact acreage and legal description of the parcel to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary. The cost of the survey shall be borne by the recipient of the parcel.

(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.

Amendment No. 19 offered by Mr. SAXTON:

At the end of title X (page 218, after line 15), insert the following new section:

SEC. ____. SURFACE COMBATANT INDUSTRIAL BASE.

(a) REVIEW.—The Secretary of Defense shall conduct a review of the effect of the contract award announced on April 29, 2002, for the lead design agent for the DD(X) ship program on the industrial base for ship combat system development, including the industrial base for each of the following: ship systems integration, radar, electronic warfare, launch systems, and other components.

(b) REPORT REQUIRED.—Not later than March 31, 2003, the Secretary shall submit to the congressional defense committees a report based on the review under subsection (a). The report shall provide the Secretary's assessment of the effect of that contract award on the ship combat system technology and industrial base and shall describe any actions that the Secretary proposes to ensure future competition across the array of technologies that encompass the combat systems of future surface ships, including the next generation cruiser (CG(X)), the littoral combat ship (LCS), and the joint command ship (JCC(X)).

Amendment No. 20 offered by Mr. SCHROCK:

At the end of subtitle A of title XXVIII (page 292, after line 7), insert the following new section:

SEC. ____. PILOT HOUSING PRIVATIZATION AUTHORITY FOR ACQUISITION OR CONSTRUCTION OF MILITARY UNACCOMPANIED HOUSING.

(a) IN GENERAL.—(1) Subchapter IV of chapter 169 of title 10, United States Code, is amended by inserting after section 2881 the following new section:

''§ 2881a. Pilot projects for acquisition or construction of military unaccompanied housing

''(a) PILOT PROJECTS AUTHORIZED.—The Secretary of the Navy may carry out not more than 3 pilot projects under the authority of this section or another provision of this subchapter to use the private sector for the acquisition or construction of military unaccompanied housing in the United States, including any territory or possession of the United States.

''(b) ASSIGNMENT OF MEMBERS AND BASIC ALLOWANCE FOR HOUSING.—(1) The Secretary of the Navy may assign members of the armed forces to housing units acquired or constructed under the pilot projects, and such housing units shall be considered as quarters of the United States or a housing facility under the jurisdiction of a uniformed service for purposes of section 403 of title 37.

''(2) Notwithstanding section 403(n)(2) of title 37, the Secretary of Defense may set specific higher rates of partial basic allowance for housing for a member of the armed forces who is assigned to a housing unit acquired or constructed under the pilot projects. Any increase in the rate of partial basic allowance for housing to accommodate the pilot programs shall be in addition to any partial basic allowance for housing that the member may otherwise be eligible to receive under section 403(n) of title 37. A member may not sustain a reduction in partial basic allowance for housing as a result of assignment to a housing unit acquired or constructed under the pilot projects.

''(c) FUNDING.—(1) The Department of Defense Housing Improvement Fund shall be used to carry out activities under the pilot projects.

''(2) Subject to 90 days prior notification to the appropriate committees of Congress, such additional amounts as the Secretary of Defense considers necessary may be transferred to the Department of Defense Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing projects in military construction accounts. The amounts so transferred shall be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund.

''(d) REPORTS.—(1) The Secretary of the Navy shall transmit to the appropriate committees of Congress a report describing—

''(A) each contract for the acquisition of military unaccompanied housing that the Secretary proposes to solicit under the pilot projects;

''(B) each conveyance or lease proposed under section 2878 of this title in furtherance of the pilot projects; and

''(C) the proposed partial basic allowance for housing rates for each contract as they vary by grade of the member and how they compare to basic allowance for housing rates for other contracts written under the authority of the pilot programs.

''(2) The report shall describe the proposed contract, conveyance, or lease and the intended method of participation of the United States in the contract, conveyance, or lease and provide a justification of such method of participation. The report shall be submitted not later than 90 days before the date on which the Secretary issues the contract solicitation or offers the conveyance or lease.

''(e) EXPIRATION.—Notwithstanding section 2885 of this title, the authority of the Secretary of the Navy to enter into a contract under the pilot programs shall expire September 30, 2007.''.

(2) The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2881 the following new item:

''2881a. Pilot projects for acquisition or construction of military unaccompanied housing.''.

(b) CONFORMING AMENDMENT.—Section 2871(7) of title 10, United States Code, is amended by inserting before the period at the end the following: ''and transient housing intended to be occupied by members of the armed forces on temporary duty''.

Amendment No. 22 offered by Mr. SNYDER:

At the end of title IX (page 179, after line 21), insert the following new section:

SEC. 9___. AUTHORITY TO ACCEPT GIFTS FOR NATIONAL DEFENSE UNIVERSITY.

(a) IN GENERAL.—Section 2605 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting ''(1)'' after ''administration of''; and

(B) by inserting before the period at the end of the first sentence '', or (2) the National Defense University'';

(2) in subsection (b)—

(A) by inserting ''(1)'' after ''(b)'';

(B) by striking ''subsection (a)'' and inserting ''subsection (a)(1)'';

(C) by designating the last sentence as paragraph (3) and in that sentence by inserting ''or for the benefit or use of the National Defense University, as the case may be,'' after ''schools,''; and

(D) by inserting before paragraph (3), as designated by subparagraph (C), the following:

''(2) There is established in the Treasury a fund to be known as the 'National Defense University Gift Fund'. Gifts of money, and the proceeds of the sale of property, received under subsection (a)(2) shall be deposited in the Fund.'';

(3) in subsection (d)(1)(A), by inserting ''and the National Defense University Gift Fund'' before the semicolon; and

(4) by adding at the end the following new subsection:

''(h) In this section, the term 'National Defense University' includes any school or other component of the National Defense University.''.

(b) CLERICAL AMENDMENT.—(1) The heading of such section is amended to read as follows:

''§ 2605. Acceptance of gifts for defense dependents' schools and National Defense University''.

(2) The item relating to such section in the table of sections at the beginning of chapter 151 of such title is amended to read as follows:

''2605. Acceptance of gifts for defense dependents' schools and National Defense University.''.

Amendment No. 23 offered by Mr. SPRATT:

At the end of title XI (page 222, after line 3), insert the following new section:

SEC. ___. CERTIFICATION FOR DEPARTMENT OF DEFENSE PROFESSIONAL ACCOUNTING POSITIONS.

(a) IN GENERAL.—(1) Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1599d. Professional accounting positions: authority to prescribe certification and credential standards

''(a) AUTHORITY TO PRESCRIBE PROFESSIONAL CERTIFICATION STANDARDS.—The Secretary of Defense may prescribe professional certification and credential standards for professional accounting positions within the Department of Defense. Any such standard shall be prescribed as a Department of Defense regulation.

''(b) WAIVER AUTHORITY.—The Secretary may waive any standard prescribed under subsection (a) whenever the Secretary determines such a waiver to be appropriate.

''(c) APPLICABILITY.—A standard prescribed under subsection (a) shall not apply to any person employed by the Department of Defense before the standard is prescribed.

''(d) REPORT.—The Secretary of Defense shall submit to Congress a report on the Secretary's plans to provide training to appropriate Department of Defense personnel to meet any new professional and credential standards prescribed under subsection (a). Such report shall be prepared in conjunction with the Director of the Office of Personnel Management. Such a report shall be submitted not later than one year after the effective date of any regulations, or any revision to regulations, prescribed pursuant to subsection (a).

''(e) DEFINITION.—In this section, the term 'professional accounting position' means a position or group of positions in the GS–510, GS–511, and GS–505 series that involves professional accounting work.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1599d. Professional accounting positions: authority to establish certification and credential standards.''.

(b) EFFECTIVE DATE.—Standards established pursuant to section 1599d of title 10, United States Code, as added by subsection (a), may take effect no sooner than 120 days after the date of the enactment of this Act.

Amendment No. 24 offered by Mr. STUMP:

At the end of subtitle C of title I (page 23, after line 5), insert the following new section:

SEC. ___. REALLOCATION OF CERTAIN FUNDS FOR AIR FORCE RESERVE COMMAND F–16 AIRCRAFT PROCUREMENT.

Of the funds authorized to be appropriated by section 103(1) that are available for procurement of F–16 aircraft for the Air Force Reserve Command, $14,400,000 shall be available for 36 Litening II modernization upgrade kits for the F–16 block 25 and block 30 aircraft (rather than for Litening AT pods for such aircraft).

Page 65, line 11, strike ''$30,00,000'' and insert ''$35,000,000''.

In section 2811, page 295, after line 11, insert the following new subsection (and redesignate subsequent subsections accordingly):

''(e) ACQUISITION OF WATER RIGHTS.—The authority of the Secretary of a military department to enter into an agreement under subsection (a) for the acquisition of real property (or an interest therein) includes the authority to support the purchase of water rights from any available source when necessary to support or protect the mission of a military installation.

Amendment No. 22 offered by Mr. TIAHRT:

At the end of subtitle B of title X (page 209, after line 25), insert the following new section:

SEC. ___. LIMITATION ON DURATION OF FUTURE DEPARTMENT OF DEFENSE REPORTING REQUIREMENTS.

(a) IN GENERAL.—Chapter 23 of title 10, United States Code, is amended by inserting after section 480 the following new section:

''§ 480a. Recurring reporting requirements: five-year limitation

''(a) FIVE-YEAR SUNSET.—Any recurring congressional defense reporting requirement that is established by a provision of law enacted on or after the date of the enactment of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (including a provision of law enacted as part of that Act) shall cease to be effective, with respect to that requirement, at the end of the five-year period beginning on the date on which such provision is enacted, except as otherwise provided by law.

''(b) RULE OF CONSTRUCTION.—A provision of law enacted after the date of the enactment of this section may not be considered to supersede the provisions of subsection (a) unless that provision specifically refers to subsection (a) and specifically states that it supersedes subsection (a).

''(c) RECURRING CONGRESSIONAL DEFENSE REPORTING REQUIREMENTS.—In this section, the term 'recurring defense congressional reporting requirement' means a requirement by law for the submission of an annual, semiannual, or other regular periodic report to Congress, or one or more committees of Congress, that applies only to the Department of Defense or to one or more officers of the Department of Defense.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 480 the following new item:

''480a. Recurring reporting requirements: five-year limitation.''.

The CHAIRMAN. Pursuant to House Resolution 415, the gentleman from Arizona (Mr. STUMP) and the gentleman from Missouri (Mr. SKELTON) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

Mr. STUMP. Mr. Chairman, I yield myself such time as I may consume.

This en bloc amendment has been crafted in full consultation with the committee's ranking Democrat, the gentleman from Missouri (Mr. SKELTON), and includes the part B amendments as reported by the Committee on Rules offered by the following Members: the gentleman from Texas (Mr. CULBERSON), the gentlewoman from

Virginia (Mrs. JO ANN DAVIS), the gentleman from California (Mr. FARR), the gentleman from Colorado (Mr. HEFLEY), the gentleman from Illinois (Mr. MANZULLO), the gentleman from Texas (Mr. ORTIZ), the gentleman from New Jersey (Mr. PALLONE), the gentleman from New Jersey (Mr. SAXTON), the gentleman from Virginia (Mr. SCHROCK), the gentleman from Arkansas (Mr. SNYDER), the gentleman from South Carolina (Mr. SPRATT), the gentleman from Kansas (Mr. TIAHRT) and myself.

I would like to thank all those Members for their work in putting this en bloc amendment together and for their cooperation in allowing us to consider them in this fashion.

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

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume. Let me take this opportunity to thank the chairman for his work on the en bloc amendments. I might say, Mr. Chairman, that we have reviewed each of the proposed en bloc amendments, that we agree to the submission thereof and the passage thereof, and that they should all be supported by the Members of this body.

Let me take just a moment in addition thereto, Mr. Chairman. Part of our duties as members of the Committee on Armed Services besides having hearings and having the briefings and doing the study here in Washington is to meet with the various members of the military personnel wherever they may be. Not long ago, I was aboard the USS Harry S Truman in Norfolk and met with the officers and men and women of that ship.

Not long thereafter, I was in San Diego and I went aboard the USS Peleliu and visited extensively with the sailors thereon. By the way, they had just returned from their duties in the Indian Ocean. And then I have been to Little Rock Air Force Base and saw the extensive training there; to Fort Campbell, Kentucky; to Whiteman Air Force base, which is in the State of Missouri.

I must tell my colleagues that the young people in American uniform are working hard, that they are dedicated and that they are professionals and the purpose of our being here today is to give them support. However, it is interesting to note two things. The first is that they are being stretched and strained in their efforts because there are too few in number in many instances. This is pointed out by the fact that General Buck Kernan of forces command down in Norfolk testified not long ago to the effect that the troops are tired and that they are stretched. Then a week later, the commander of our forces in Europe, General Joe Ralston, testified that there were needs for additional forces and resources in his jurisdiction. Admiral Dennis Blair, Commander in Chief of the Pacific, testified similarly.

The young men and young women are stretched. Their families are paying a price of them being gone so much, but that is only half the story. The other half of the story, Mr. Chairman, is the fact that the morale is sky high, that they know why they are there, that they are supporting the men and women of the United States of America; and I think all of us should add a special note of pride and appreciation to them.

So I take this means while we are discussing these en bloc amendments, which we, of course, have no objection to, to say that added word in honor and in recognition of our young folks who represent the United States of America in uniform.

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

Mr. STUMP. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, I thank the gentleman from Arizona (Mr. STUMP) and the gentleman from Missouri (Mr. SKELTON) for including the Tiahrt amendment language in the en bloc. This sunsets many unneeded reports after 5 years.

The bill already contains the Tiahrt-Kirk language ending 20 unneeded reports that were previously required by law. Our effort is the first fruit of Secretary Rumsfeld's tooth-to-tail effort to increase the amount of effort we have on the front line by decreasing unneeded logistic efforts behind the lines. The Secretary launched this effort on September 10, but we are now yielding real fruit.

The current bill language killing unneeded reports is estimated to save over 21,000 man-hours inside the Pentagon. This effort in the en bloc to sunset all reports after 5 years will go a long way to focus efforts on the combat front line and away from the rear echelon.

I thank the gentleman from Arizona, and I thank the gentleman from Missouri for including this in the en bloc.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, I have an amendment included among the en bloc amendments which was specifically requested by the Department of Defense. In fact, the idea for this amendment arose at a breakfast we had with Secretary Rumsfeld at which there were complaints about limitations on their ability to manage the Pentagon. One was in the quality of personnel they have for financial management, the attraction of personnel with the requisite qualifications for handling a budget that is now approaching $400 billion, the certification of these qualifications, hiring, firing.

I responded to that by calling Dr. Dov Zakheim, who is the comptroller of the Department of Defense, and telling him if he had problems like this, we were not going to be stinting about the cost of professional personnel in the Department of Defense. We need to raise the quality of management throughout the Federal Government and certainly in the Department that has the largest budget.

I asked him to send me legislation of what he would like to have in the way of professional qualifications, certification, what he could reasonably require for those who worked in the Department of the Controller. He sent me some legislation, and we made a few minor revisions to it. We made some revisions primarily to make it prospective instead of retrospective so that nobody loses his job because he does not meet these new qualifications or these new certifications. Secondly, we worked with the American Federation of Government Employees to make sure that they were satisfied with the proposal we have got.

This amendment is just a crucial first step to helping the Department of Defense improve their abilities in the area of financial management and their ability to track and account for the funding that Congress provides. The heart and soul, obviously, of any accounting system is the people it employs. This will enable the Department to raise the level, raise the bar in the qualifications for people who are attracted and hired in the Department of Defense for financial management.

It is my understanding that the Committee on Government Reform has also vetted this legislation and supports it as well. I urge an ''aye'' vote on the en bloc amendment.

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Chairman, I want to thank the chairman of the Committee on Armed Services for the outstanding work he has done for our armed services. His leadership is going to be greatly missed. We appreciate the job he has done for America.

My amendment, Mr. Chairman, would require that future regular reporting requirements imposed on the Department of Defense would have a sunset provision of 5 years after enactment. This would not apply to existing reporting requirements and only be applicable to new reports, including those in this bill, H.R. 4546.

This amendment serves both Congress and DOD by ensuring that all future reports are reviewed regularly and remain relevant and responsive. This is endorsed by Secretary of Defense Donald Rumsfeld. This legislation does not abdicate Congress' traditional oversight role and will insist that the Department of Defense remain responsive to congressional requests and questions about their activities. Those reporting requirements deemed useful after 5 years can easily be reauthorized at the conclusion of the sunset period. Conversely, Congress must demonstrate responsibility in its oversight authority by limiting burdensome and unnecessary and unending reporting requirements.

In fiscal year 2001, the Department of Defense was required to prepare 983

various reports to Congress, of which 449 are listed right here in this packet. This is simply a listing and a brief explanation of the 449 reports that are perennially required by Congress and stipulated year after year. The House Committee on Armed Services in conjunction with the Department of Defense has carefully examined these 449 reports and determined that only 20 out of the 449 were redundant, outdated or no longer relevant enough and should be terminated.

Since it is unlikely that Congress will be unable to significantly reduce the number of existing reports, it is our goal to limit the future ones. Remember, each existing and future report is an unfunded and unprogrammed mandate that has proven extremely difficult to eliminate. The cumulative effect of these required reports is highly burdensome and costly. Limiting these requirements in the future will allow the military staff to concentrate more fully on their primary mission of national security.

□ 1500

Mr. STUMP. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania (Mr. PLATTS) for the purposes of a colloquy.

Mr. PLATTS. Mr. Chairman, I first would like to add my words of thanks and praise to the gentleman from Arizona (Mr. STUMP) for his fine leadership for the Committee on Armed Services and doing right by our armed men and women in uniform.

I rise for the purpose now of engaging in a colloquy with the gentleman from New Jersey (Mr. SAXTON), the chairman of the Subcommittee on Military Installations and Facilities of the Committee on Armed Services.

Mr. SAXTON. Mr. Chairman, will the gentleman yield?

Mr. PLATTS. I yield to the gentleman from New Jersey.

Mr. SAXTON. Mr. Chairman, I would be happy to engage in a colloquy with the gentleman from the State capital area of Pennsylvania (Mr. PLATTS).

Mr. PLATTS. Mr. Chairman, as the gentleman knows, I requested that his subcommittee authorize the first phase of an important 5-phase project to replace seriously deteriorated family housing at the Army War College at Carlisle Barracks, Pennsylvania, which is in my district. The first phase is a modest beginning of 27 new units costing $5.4 million. I understand that there was insufficient money to accommodate all Members' requests, however worthy. However, I have been informed that the Army intends to fund this project in the fiscal year 2004 budget that will be submitted in February 2003.

Mr. Chairman, this project is sorely needed, and I ask that the gentleman support this needed family housing project when his subcommittee reviews the Army's military construction request next year.

Mr. SAXTON. Mr. Chairman, will the gentleman yield?

Mr. PLATTS. I yield to the gentleman from New Jersey.

Mr. SAXTON. Mr. Chairman, I thank the gentleman. The gentleman is correct that there is or was insufficient funding available to provide for all of the military construction and family housing improvements that are needed across our military. I might add that we have tried to increase the amount of money available for this purpose and, in fact, we were able to add some money to the request that we received from the Department of Defense. I wish that we could have done more, and I particularly wish we could have taken care of all family housing needs, as quality-of-life improvements are so important and necessary in today's volunteer service.

I agree that family housing at Carlisle Barracks is among those housing projects that must be replaced, and I assure the gentleman that any request by the Army for new family housing at Carlisle will receive careful consideration by my subcommittee in the next year.

Family housing is an important priority and has always received the subcommittee's full support. I thank the gentleman for bringing this important matter to our attention, and I look forward to working with him on it in the next Congress.

Mr. PLATTS. Mr. Chairman, reclaiming my time, I thank the gentleman for his interest and support on this issue, and I also look forward to working with him, and I thank him for his fine leadership.

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, today I rise to support the en bloc amendment containing a Sense of Congress on Aircraft Carrier Force Structure. This amendment would do 2 things.

First, it would commend the crews of the aircraft carriers that contributed directly to Operation Enduring Freedom and the homeland defense mission. Many people are aware that our aircraft carriers contributed to our initial actions in Operation Enduring Freedom, but most people are unaware as to the number of carriers and also the incredible effort and number of aircraft carriers it took to effect our initial response to the attack on September 11.

Second, this amendment would recognize the full value and worth that our carriers have for America's power and force projection capabilities. There is no doubt that the aircraft carriers have been integral to our war in Afghanistan. We have all heard the story of how the USS Enterprise turned around and went back when the captain heard about what was going on. Every munition and bomb dropped from a carrier air wing has been a precision-guided munition. The carriers worked around the clock after the attacks on September 11.

Mr. Chairman, the Sense of Congress expresses a simple truism that is laid out in the Quadrennial Defense Review. The Navy needs, at a minimum, at least 12 aircraft carriers.

Mr. Chairman, I would strongly encourage all of my colleagues to vote in support of this en bloc amendment.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I thank the gentleman for yielding me this time.

I would like to rise in support of the amendment of the gentlewoman from Virginia. One would not think that there would be much controversy about the important role Navy aircraft carriers are playing in this very dangerous world. Indeed, if we want to follow the war on terrorism on a daily basis, it is difficult to read a newspaper article or see television coverage that does not mention what our carriers are doing to keep fighting that remains away from our shores. No less than 8 carriers have been involved in Operation Enduring Freedom or patrolling our own shores in the name of homeland security since September 11.

This amendment also reaffirms our support for a fleet of no less than 12 carriers, the absolute minimum necessary to sustain coverage in the oceans around the hot spots in the world. The underlying bill restores both the funding and the original program of record for the next generation of aircraft carriers, CVNX program, and for that, Mr. Chairman, I am truly grateful.

Those of us who have had the privilege of representing Hampton Roads in Virginia, where carriers are built and many home-ported, we see on a daily basis the service and sacrifice made by these brave men and women and their families they leave behind when they race off to war. It would be my hope that our action on this amendment here would reaffirm once again that we in Congress both recognize and salute all of those in the armed services, including those Navy families who remain behind as their loved ones are deployed on these massive carriers.

Mr. Chairman, I want to congratulate the gentlewoman from Virginia (Mrs. JO ANN DAVIS) on offering this amendment, and I urge my colleagues to agree to the amendment.

Mr. STUMP. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I want to do 2 things. The first is to mention, and I neglected to mention in my opening statement, that the gentleman from Massachusetts (Mr. MEEHAN) has been my partner on the Subcommittee on Military Research and Development of the Committee on Armed Services, and has done a wonderful job and has helped us to walk this bill through the subcommittee mark and the full floor mark, and I really appreciate his great work on this bill.

I also wanted to talk for just a minute about an area that I think is

pretty important to all of us from an environmental standpoint and also from a security standpoint, and that is our reserve fleet of ships, many of which are in very bad condition, which presently are at anchor in the James River, and our great colleague, Herb Bateman, worked on this issue for many years, the idea of trying to take care of these ships in an environmentally responsible way. It requires a lot of money. It usually requires about $2.5 million per ship if you are going to scrap the ships in an American yard. You can give them to a foreign entity, but you are not really guaranteed that that entity is not just going to take the ships out and dump them, complete with PCBs and oil and other materials in the ocean, thereby creating another environmental problem.

So we have come up, in working with a working group that is headed by the gentlewoman from Virginia (Mrs. JO ANN DAVIS), very much a part of her creation, and the gentleman from Virginia (Mr. FORBES) who has a nearby district and also the gentleman from Virginia (Mr. SCHROCK) who has a near district, we have come up with an idea of how to make some lemonade out of these lemons, and that is to use these ships in the States where reefs are required and would, in fact, be a benefit to those shorelines.

Now, today reefs are used by a number of States to not only protect shorelines from erosion, but also to provide great opportunities for fishing enthusiasts and also for scuba divers and lots of other folks who are interested in recreation. So we have in our bill, originally in the mark in our maritime panel mark, and now in the full bill, a provision that will send some money to the States as grants from the MARAD administrator so that they can pay for towing, cleaning up and ultimately sinking these ships as reefs in these States that would like to have this new asset along their shorelines.

So I want to thank the gentlewoman from Virginia (Mrs. JO ANN DAVIS) for her great work on this and also her colleagues that she has brought into this process, including the gentleman from Virginia (Mr. FORBES) and the gentleman from Virginia (Mr. SCHROCK), who have a real interest, because they have the surrounding districts.

We have already hooked up with some of the sport fishing associations, and we are going to move forward with this working group and take direction from the Members of Congress led by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) who have a real interest in this issue because it is in their districts. We are going to move forward with this working group and I think we can find a home for these ships in such a way that we not only take them off our hands and eliminate this prospect of the ships sinking in the James River and the pollution that would attend that. We can not only take those ships out of inventory, but we can also provide an asset for the States that want to have this new shoreline presence of reefs that we can provide by sinking these ships.

So this could be a winner for everybody, and I look forward to working with the gentlewoman from Virginia (Mrs. JO ANN DAVIS) on this issue.

Mr. HORN. Mr. Chairman, there has been considerable concern that this legislation gives the Department of Defense some limited exemptions from current environmental laws. Although this is a complicated issue and there are legitimate concerns on both sides, I think it is important to keep in mind some simple facts. Here are a few:

Fact Number One: The Migratory Bird Treaty Act did not interfere with military training in past wars for a simple reason. The courts never applied the act in this way until March of this year—2002—when the U.S. District Court for the District of Columbia interpreted the Migratory Bird Treaty Act to apply to military readiness activities. This is an important and real change in application of the Migratory Bird Act and we must address it. Navy Carrier Battle Groups and deploying Marine Corps and Air Force squadrons have been blocked by court order from using the only U.S. bombing range available to them in the Western Pacific. Let's be clear, our forces deploying to Afghanistan cannot now use the only range suitable for training with smart, laser-guided weapons, as a result of unprecedented judicial interference with military readiness activities.

Fact Number Two: There is no Presidential exemption available under the Migratory Bird Treaty Act. Under the current District Court interpretation, any military training can be enjoined and, except through legal appeals, there is no way to continue that vital military training.

Fact Number Three: There is an exemption under the Endangered Species Act (ESA) if the Secretary of Defense finds it is necessary for reasons of national security. That exemption, however, is better used to address emergencies or unusual, short-term situations. The need to train for combat, to plan and execute military readiness activities, is a seven day a week, 52 weeks a year requirement. The young men and women serving in our armed forces need to achieve basic readiness levels and then develop and sustain high levels of proficiency. Using statutory exemptions in that context is bad public policy. Balancing two public goods—national defense and environmental conservation—on a daily and long-term basis is a function properly vested in the Congress.

Mr. Chairman, our armed forces are not seeking a broad, total exemption from all environmental laws and regulations. They are seeking a balanced, sensible and responsible application of those laws. We must address this problem in a way that holds the Pentagon accountable for environmental concerns while also allowing the service to conduct essential combat training. This legislation sets the necessary balance and I urge my colleagues to support it.

Mr. ORTIZ. Mr. Chairman, I rise to briefly describe my amendment to today's bill . . . it is a simple amendment. It merely re-enforces for the services that the journey to approval of any policy or purchase on their part must travel through the House Armed Services Committee.

The genesis of this amendment lies with the Navy's intention to purchase five T–5 tankers (surface ships) now under contract with Ocean Freedom Shipping. These tankers are being used to ship diesel fuel for the Defense Energy Supply Center.

Under the contract, the Navy has the option to buy the tankers. The contract also requires the Navy to have the purchase authorized and appropriated.

This amendment reinforces for the services the procedure for which such policy must past muster. This is for the HASC to authorize, not for the Navy to seek appropriations for alone.

Mr. STUMP. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. SKELTON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from Arizona (Mr. STUMP).

The amendments en bloc were agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in part A of House report 107–450.

PART A, AMENDMENT NO. 1 OFFERED BY MR. WELDON OF PENNSYLVANIA

Mr. WELDON of Pennsylvania. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A, amendment No. 1 offered by Mr. WELDON of Pennsylvania:

At the end of title X (page 218, after line 15), insert the following new section:

SEC. 10___. ENHANCED COOPERATION BETWEEN UNITED STATES AND RUSSIAN FEDERATION TO PROMOTE MUTUAL SECURITY.

(a) STATEMENT OF POLICY.—It is the policy of the United States to pursue greater cooperation, transparency, and confidence with the Russian Federation regarding nuclear weapons policy, force structure, safeguards, testing, and proliferation prevention, as well as nuclear weapons infrastructure, production, and dismantlement, so as to promote mutual security, stability, and trust.

(b) SENSE OF CONGRESS REGARDING ENHANCED COOPERATION WITH RUSSIA.—It is the sense of Congress that the President of the United States should continue to engage the President of the Russian Federation to achieve the following objectives, consistent with United States national security, in the interest of promoting mutual trust, security, and stability:

(1) An agreement that would seek to prevent the illicit use, diversion, theft, or proliferation of tactical nuclear weapons, and their key components and materials, by—

(A) withdrawing deployed nonstrategic nuclear weapons;

(B) accounting for, consolidating, and securing the Russian Federation's nonstrategic nuclear weapons; and

(C) dismantling or destroying United States and Russian nonstrategic nuclear weapons in excess of each nation's legitimate defense needs.

(2) A reciprocal program of joint visits by nuclear weapons scientists and experts of the United States and the Russian Federation to the United States nuclear test site in Nevada, and the Russian nuclear test site at Novya Zemlya.

(3) A reciprocal program of joint visits and conferences at each nation's nuclear weapons laboratories and nuclear weapons development and production facilities to discuss how to improve the safety and security of

each nation's nuclear stockpile, nuclear materials, and nuclear infrastructure.

(4) A reciprocal program of joint visits and conferences to explore greater cooperation between the United States and the Russian Federation with regard to ballistic missile defenses against intentional, unauthorized, and accidental launches of ballistic missiles.

(5) A joint commission on nonproliferation, composed of senior nonproliferation and intelligence officials from the United States and the Russian Federation, to meet regularly in a closed forum to discuss ways to prevent rogue states and potential adversaries from acquiring—

(A) weapons of mass destruction and ballistic missiles;

(B) the dual-use goods, technologies, and expertise necessary to develop weapons of mass destruction and ballistic missiles; and

(C) advanced conventional weapons.

(6) A joint program to develop advanced methods for disposal of weapons-grade nuclear materials excess to defense needs, including safe, proliferation resistant, advanced nuclear fuel cycles that achieve more complete consumption of weapons materials, and other methods that minimize waste and hazards to health and the environment.

(7) A joint program to develop methods for safeguarding, treating, and disposing of spent reactor fuel and other nuclear waste so as to minimize the risk to public health, property, and the environment, as well as the possibility of diversion to illicit purposes.

(8) A joint program, built upon existing programs, to cooperatively develop advanced methods and techniques for establishing a state-of-the-art inventory control and monitoring system for nuclear weapons and material.

(c) REPORT.—No later than March 1, 2003, the President shall submit to Congress a report (in unclassified or classified form as necessary) on the status of the objectives under subsection (b). The report shall include the following:

(1) A description of the actions taken by the President to engage the Russian Federation to achieve those objectives.

(2) A description of the progress made to achieve those objectives.

(3) A description of the response of the Russian Federation to the actions referred to in paragraph (1).

(4) The President's assessment of the Russian Federation's commitment to a better, closer relationship with the United States based on the principles of increased cooperation and transparency.

At the end of subtitle C of title XXXI (page 352, after line 24) insert the following new section:

SEC. 3146. CONDITIONS UNDER WHICH PROHIBITION ON RESEARCH AND DEVELOPMENT OF LOW-YIELD NUCLEAR WEAPONS IS REPEALED.

(a) PRESIDENTIAL CERTIFICATION.—Subsection (b) shall take effect as of the date on which the President submits to Congress the President's certification that—

(1) another nation has conducted a nuclear test for the purpose of developing new or improved nuclear weapons;

(2) another nation is developing weapons of mass destruction in underground facilities, and such weapons could pose an imminent risk to the United States or to United States military personnel deployed abroad; or

(3) it is in the national security interest of the United States that subsection (b) take effect.

(b) REPEAL.—Effective as of the date provided in subsection (a), section 3136 of the National Defense Authorization Act for Fiscal Year 1994 (42 U.S.C. 2121 note) is repealed.

The CHAIRMAN. Pursuant to House Resolution 415, the gentleman from Pennsylvania (Mr. WELDON) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. WELDON).

MOTION TO RISE OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion to rise offered by the gentleman from Mississippi (Mr. TAYLOR).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. TAYLOR of Mississippi. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 51, noes 356, not voting 27, as follows:

[Roll No. 138]

AYES—51

Abercrombie
Baldwin
Becerra
Berry
Bonior
Brady (PA)
Brown (OH)
Capuano
Condit
Conyers
Cunningham
DeFazio
DeGette
Delahunt
Dingell
Doggett
Filner
Frank
Hinchey
Holt
Honda
Jefferson
Johnson, E. B.
Jones (OH)
Kleczka
Kucinich
Larson (CT)
Lee
Markey
McDermott
McGovern
McIntyre
Miller, George
Mink
Napolitano
Owens
Pelosi
Pomeroy
Roybal-Allard
Schakowsky
Shows
Slaughter
Solis
Stark
Stupak
Tanner
Taylor (MS)
Tierney
Visclosky
Waters
Wu

NOES—356

Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Cooksey
Costello
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson (IL)
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (NY)
Manzullo
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spratt
Stearns
Stenholm
Strickland
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—27

Berman
Burton
Cannon
Crane
Dooley
Doolittle
Doyle
Hall (OH)
Hilleary
Hyde
Jackson-Lee (TX)
Johnson, Sam
Kennedy (MN)
LaFalce
Lewis (GA)
Maloney (CT)
Mollohan
Nethercutt
Ose
Reyes
Riley
Roukema
Schaffer
Souder
Traficant
Watson (CA)
Waxman

□ 1535

Messrs. OLVER, FARR of California, GOSS, BARTON of Texas, HERGER and Ms. CARSON of Indiana changed their vote from ''aye'' to ''no.''

Mr. GEORGE MILLER of California changed his vote from ''no'' to ''aye.''

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. MALONEY of Connecticut. Mr. Speaker, I was absent on May 9, 2002, and missed rollcall votes 134, 135, 136, 137 and 138. If I had been present, I would have voted ''no'' on rollcall vote 134, ''no'' on rollcall vote 135, ''no'' on rollcall vote 136, ''no'' on rollcall vote 137 and ''no'' on rollcall vote 138.

MODIFICATION TO PART A AMENDMENT NO. 1 OFFERED BY MR. WELDON OF PENNSYLVANIA

Mr. WELDON of Pennsylvania. Mr. Chairman, I ask unanimous consent to modify my amendment with the modification I place at the desk as worked out with my colleagues on the other side.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to Part A Amendment No. 1 Offered by Mr. WELDON of Pennsylvania:

Strike section 3146 as proposed to be inserted by the amendment and insert the following:

SEC. 3146. PROHIBITION ON DEVELOPMENT OF LOW-YIELD NUCLEAR WEAPONS.

(a) UNITED STATES POLICY.—It shall be the policy of the United States not to conduct development which could lead to the production by the United States of a new low-yield nuclear weapon, including a precision low-yield warhead.

(b) LIMITATION.—The Secretary of Energy may not conduct, or provide for the conduct of, development which could lead to the production by the United States of a low-yield nuclear weapon which, as of the date of the enactment of this Act, has not entered production.

(c) EFFECT ON OTHER DEVELOPMENT.—Nothing in this section shall prohibit the Secretary of Energy from conducting, or providing for the conduct of, development necessary—

(1) to design a testing device that has a yield of less than five kilotons;

(2) to modify an existing weapon for the purpose of addressing safety and reliability concerns; or

(3) to address proliferation concerns.

(d) DEFINITION.—In this section—

(1) the term ''low-yield nuclear weapon'' means a nuclear weapon that has a yield of less than five kilotons; and

(2) the term ''development'' does not include concept definition studies, feasibility studies, or detailed engineering design work.

(e) CONFORMING REPEAL.—Section 3136 of the National Defense Authorization Act for Fiscal Year 1994 (42 U.S.C. 2121 note) is repealed.

Mr. WELDON of Pennsylvania (during the reading). Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. Is there objection to the modification of the amendment?

There was no objection.

The CHAIRMAN. The amendment is modified.

The gentleman from Pennsylvania (Mr. WELDON) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, this is a historic day in the House of Representatives as we consider an amendment that is bipartisan, co-sponsored by my colleagues the gentleman from Texas (Mr. THORNBERRY), the gentleman from New Jersey (Mr. ANDREWS), the gentleman from Texas (Mr. TURNER), the gentleman from Hawaii (Mr. ABERCROMBIE), and the gentleman from South Carolina (Mr. SPRATT).

Mr. Chairman, this is a historic amendment and a historic day because this body is rising in a bipartisan voice to support the leadership of the President of the United States and the President of Russia to begin a new era in nuclear cooperation.

The amendment before us today has eight specific thrusts in opening up the transparency between the American and the Russian nuclear program. It calls for American scientists to be allowed to visit Novaya Zemlya, the underground test site in Russia, and for Russian scientists to visit our sites in Nevada.

It calls for joint cooperation in conferences on ways to monitor our nuclear stockpiles. It calls for joint visits and conferences to discuss the safety and security of our nuclear weapons. It calls for a joint commission on nonproliferation, a joint commission on cooperation on missile defense.

This program puts this body on record with a bipartisan vote that we, in fact, support the new vision of President Bush and President Putin. We started this process last fall when one-third of this Congress with my colleagues on the Democratic side and my colleagues on the Republican side joining together in a 45-page document outlining a new relationship with Russia.

This amendment calls for the specifics in implementing this new vision. This amendment allows the President and the President of Russia to truly open the doors for strong bilateral cooperation between our nations. It is a historic day. Our nuclear regulatory agencies and our security agency, I talked to General Holland and he totally supports the direction that we are going.

We have agreement on the Democrat and Republican sides about the thrust. We also give the President some flexibility in the research area to make sure that we have the ability to do additional research that up until this point in time has been prohibited. I am extremely pleased that we were able to work out a very carefully crafted piece of legislation with my colleagues on the other side that I hope we will vote unanimously or overwhelmingly show that this Congress is behind a new direction in the security relationship between the United States and Russia.

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

The CHAIRMAN. Is the gentleman from South Carolina (Mr. SPRATT) opposed?

Mr. SPRATT. Mr. Chairman, I am not opposed to the amendment, but I claim the time on my side.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina to control the time?

There was no objection.

The CHAIRMAN. The gentleman from South Carolina (Mr. SPRATT) is recognized for 10 minutes.

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would have been opposed to the amendment as of yesterday, but we have had a work in progress here and I must say we have come up with a very good effort. I commend the gentleman for his efforts. I think he has a good bill.

The gentleman is probably more engaged than any member of Congress in either house in trying to bring Russia and the United States closer together. What he has in this bill, the first part of it, is an ambitious agenda dealing with nonproliferation, lab exchanges, visits to our testing sites.

What the gentleman has in the first part of the bill is an ambitious agenda of how we can bring Russia and the United States closer together in strategic cooperation. It lays out a number of specifics ranging from nonproliferation efforts to lab exchanges to joint visits to our testing sites, an ambitious agenda but nevertheless all the things we ought to be doing, the whole strategic spectrum.

I think it is well stated and well in order, and I think the bill deserves support for that reason alone.

I had a problem with the last page of the bill originally because the last page dealt with an amendment that I had added to the law, to Title XX, some six or seven years ago. That provision, the Spratt provision, Spratt first provision, prohibited testing below the level of five kilotons for reasons I will not get into here. There is no longer a provision in this bill that would repeal that. But there is a provision in this bill that would broaden the type of research that our labs can do with low yield weapons, the kind of development work they can do. It limits that work to what we could call in the Subcommittee on Military Research and Development 6–2–A; that is to say; they can do concept definition work, they can do research work, they can do design work, they can build a wooden mock-up, but they cannot bend metal or do fissile component parts until the law itself is changed.

I think that is a reasonable provision that gives the labs a much clearer definition of what the boundaries are, broadens the scope of what they can do, but stops short of decreeing a repeal of the 2–K-T provision.

In addition, yesterday this bill contained a call for a joint Russia collaboration on the development of nuclear penetrating weapons, nuclear and conventional, and the gentleman, after some reflection and discussion with the Department of Energy and others, has decided to take that off the bill.

With those two improvements this is a very good bill, a very good piece of work, and I commend it to everybody's support.

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

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. THORNBERRY) a leader on these issues in the Congress.

Mr. THORNBERRY. Mr. Chairman, I appreciate the distinguished subcommittee chairman yielding me time. He truly is the leader in Congress in our relationship with Russia and I believe that here, working with the gentleman from South Carolina (Mr. SPRATT), who is one of the most knowledgeable Members in Congress on these nuclear and strategic issues, they have come up with a very good product.

As the gentleman from South Carolina (Mr. SPRATT) mentioned, this includes an ambitious list of items to be on the agenda between the United States and Russia, including joint and reciprocal programs that deal with everything from nonproliferation all the way to disposal of waste. It is something that gives all of our contacts with Russia an agenda to go by and to encourage them to remove more of the distrust that still remains after years of Cold War and to work together in ways that are to our mutual benefit, but also to the benefit of the world.

So as the gentleman from South Carolina (Mr. SPRATT) mentioned, this amendment recognizes the need for a credible deterrent in the post-Cold War world, removing some restrictions that have made it uncomfortable for some of the folks in our laboratories to even be thinking about the kind of things we need for the future. So I want to commend both leaders on this issue. I think this is an important step that gives us a lot to work with in the future, and I hope Members will support it.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. SKELTON), the ranking member of our committee.

Mr. SKELTON. Mr. Chairman, I thank my friend from South Carolina (Mr. SPRATT) for yielding me time.

Mr. Chairman, I think this is true what the gentleman from Pennsylvania (Mr. WELDON) has said that this is an historic moment in this House because it makes a giant step forward in the nuclear nonproliferation effort. It retains the existing ban on developing low yield nuclear weapons, but the most important part is it allows scientific research to go forward in our nuclear weapons laboratories.

□ 1545

As the gentleman from South Carolina (Mr. SPRATT) said, in the original wording of the amendment, the latter part thereof did cause a great deal of concern on my part, and I am sure it was in the minds of others. So I compliment the gentleman on the compromise and our working together.

This is an excellent example between the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from South Carolina (Mr. SPRATT) and all the others that were interested in this nonproliferation issue to make a step forward and to have an excellent compromise. We thank the gentlemen for that.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from New Mexico (Mrs. WILSON) who has also been a tireless advocate on the nuclear security issues for this country and in the world.

Mrs. WILSON of New Mexico. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. WELDON) for yielding me the time, and I thank him for his leadership on this issue and for really understanding the relationship between the United States and Russia.

I particularly appreciate this amendment because it focuses on some of the things we need to do now in the 21st century as opposed to looking backwards to the old relationship between the United States and the former Soviet Union. We need to focus on increasing transparency and cooperation with Russia because the situation has changed.

The principal threat is no longer each other. The principal threat to the United States and to Russia are third parties that threaten both of us and, therefore, cooperation and transparency are in our mutual interest.

I think we also have to recognize that Russia has a very active tactical nuclear program and there are some questions we have about their nuclear testing sites, and the best way to move forward is to actively and aggressively seek the cooperation of Russia in opening things up, cooperating, opening transparency at these places, so we as the United States can be reassured about what is going on now.

This is a good amendment. It is a good step in the right direction, and I commend the gentleman from Pennsylvania for his leadership.

Mr. SPRATT. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from South Carolina (Mr. SPRATT) has 6 minutes remaining. The gentleman from Pennsylvania (Mr. WELDON) has 4 minutes remaining.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. TURNER), one of the key players in the compromises that have perfected and made this a better bill.

Mr. TURNER. Mr. Chairman, I thank the gentleman from South Carolina (Mr. SPRATT) for yielding me time, and I want to thank him for his leadership in working on this amendment, and I want to commend the gentleman from Pennsylvania (Mr. WELDON) for his leadership in trying to work out the compromise that we have before us that I think moves us forward in the bipartisan manner that I think serves the national interests of this country very well.

This amendment sets in place for the first time a set of objectives that would be pursued between our Nation and Russia to try to enhance cooperation and furthering the efforts to end proliferation of nuclear weapons. Specific provisions of the amendment provide for exchange programs between our Nation and Russia, provides for increased transparency of the activities of each Nation in the area of nuclear research, and I want to say that having had the opportunity to travel to Russia with our friend, the gentleman from Pennsylvania (Mr. WELDON), I have the highest regard for his interest, his dedication, and his commitment to working with Russia to end nuclear proliferation and to be sure that this Nation's national interests are protected in that process. So I think all of us want to say to him we appreciate his leadership in this area.

I know that many Members heretofore had questions about this amendment. I want to remind Members on both sides of the aisle that the compromise that we are laying before the House today was just arrived at a few moments ago. We think it deserves the support of the entire House on both sides. We think it is an important step forward toward peace and toward improving our cooperative relationship with Russia.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Chairman, this is right for the United States and this is right for this Congress. This is an opportunity for the bilateral relationships between the United States and Russia to improve, and I am here to say that I am very thankful to see that it is also a real sign of bipartisanship of this Congress where Democrats and Republicans, who up to yesterday had some disagreements about some language in this amendment, have come together in a very practical and common sense way to increase the opportunities for our national labs, two of which are in my district in northern California, to work to provide for the American people and frankly for the people of Russia and around the world much more opportunities for nonproliferation, much more opportunities for bilateral work and cooperation, and the ability for us to have agreements between our countries that are much more transparent and give a sense that we are very committed to working together and to turn aside the old adversarial relationships in the post-Cold War and move to a new time where we can be cooperative against the threats that we both share.

I want to thank my colleagues on both sides of the aisle for being so cooperative in working together.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HUNTER), the distinguished chairman of the Subcommittee on Military Research and Development of the Committee on

Armed Services, and a leader on defense issues in this country.

Mr. HUNTER. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. WELDON) for yielding me the time, and I thank him for his leadership in this area.

We have moved from the era of confrontation with the former Soviet Union to what I would call the era of engagement, and the engagement needs to be pursued in a number of areas. A couple of areas that are very important to this Member, and I know a lot of others, is the idea of disposal of weapons-grade materials, making sure that all of the ideas of stockpile security that we adhere to are adhered to also in the former Soviet Union.

Also, the idea of making sure that the genius of the scientists' population in the former Soviet Union that put together that massive weapons complex in the weapons that they produced, to make sure that that genius does not migrate to nations that at some point may be adversaries to the United States is of utmost concern to us, and I think that this amendment makes good sense, and the engagement that it promotes is going to serve those ends.

I thank the gentleman and commend him for his leadership and everyone on both sides of the aisle who worked on the amendment.

Mr. SPRATT. Mr. Chairman, I yield 90 seconds to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Chairman, one of the motivating forces in my life to enter electoral politics was civil rights, and the other element that I wanted to devote whatever energy I could in terms of politics was nuclear proliferation.

What we are about to do today, I think, may set us on the path that for many of us has been decades in the realizing.

I want to pay tribute especially to the gentleman from South Carolina (Mr. SPRATT). When I think of someone who I believe to be the ideal Member of Congress, ready to deal with Members in every way, in a straightforward and forthright manner, when I think of someone who has a tenacious capacity to pursue his ideals, I think of the gentleman from Pennsylvania (Mr. WELDON), and I think there is an amalgam today of interests on behalf of peace.

I just want to reiterate for the record what the policy will be when the gentleman from Pennsylvania's (Mr. WELDON) and the gentleman from South Carolina's (Mr. SPRATT) work comes to fruition. Greater cooperation, transparency and confidence with the Russian federation regarding nuclear weapons, policy, forestructure, safeguards, testing, proliferation, prevention, infrastructure, production and dismantlement, everything associated with nuclear proliferation in our attempt to deal with it in three-dimensional human terms is in this amendment, and the wording that has been arrived at, because the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from South Carolina (Mr. SPRATT) are not theologians on this floor, they are legislators. Legislators in every good sense of the word, and I am proud to be associated with them.

MOTION TO RISE OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Mississippi (Mr. TAYLOR).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. TAYLOR of Mississippi. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 49, noes 352, not voting 33, as follows:

[Roll No. 139]

AYES—49

Abercrombie
Ackerman
Baldwin
Bartlett
Berry
Blumenauer
Boyd
Brady (PA)
Brown (OH)
Capuano
Clay
Condit
Conyers
Cummings
DeFazio
DeGette
Dingell
Doggett
Evans
Filner
Frank
Hinchey
Holt
Honda
Jefferson
Jones (OH)
Larson (CT)
Lee
Lynch
Markey
McDermott
McGovern
McIntyre
Miller, George
Mink
Obey
Pallone
Pelosi
Radanovich
Shows
Solis
Stupak
Tanner
Taylor (MS)
Tiberi
Towns
Waters
Wu
Wynn

NOES—352

Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Cooksey
Costello
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Ney
Northup
Oberstar
Olver
Ortiz
Osborne
Otter
Owens
Pascrell
Pastor
Paul
Payne
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Young (AK)

NOT VOTING—33

Boehlert
Burton
Crane
Davis (IL)
DeLay
Ford
Gutierrez
Hall (OH)
Hulshof
Hyde
Jackson-Lee (TX)
Kennedy (MN)
Lewis (GA)
Maloney (NY)
McCrery
Meek (FL)
Millender-McDonald
Nethercutt
Norwood
Nussle
Ose
Oxley
Pryce (OH)
Reyes
Riley
Roukema
Slaughter
Smith (MI)
Stark
Traficant
Watson (CA)
Waxman
Young (FL)

□ 1615

Messrs. GRAVES, RUSH and SCHIFF changed their vote from ''aye'' to ''no.''

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

□ 1615

The CHAIRMAN. The Committee is considering amendment No. 1, as modified, offered by the gentleman from Pennsylvania (Mr. WELDON).

The gentleman from Pennsylvania has 2½ minutes remaining. The gentleman from South Carolina (Mr. SPRATT) has 1½ minutes remaining, and the gentleman from Pennsylvania has the right to close.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. BARTLETT), one of our Ph.D.'s in Congress, who has visited Russia on three or four occasions.

Mr. BARTLETT of Maryland. Mr. Chairman, the Cold War is over, and the United States and Russia are recognizing that our two countries have far more that unites us than divides us. This amendment is one area that we recognize that when we join forces, when we focus on those things that unite us, that both countries and the world are better off for that.

We have spent far too much time focusing on what divides us from Russia and not near enough time focusing on our common interests. This amendment does just that. It should have been done last year, or 10 years ago. Let us not be next year saying we should have done this last year. This is the right thing to do. I urge Members to vote for this amendment.

Mr. SPRATT. Mr. Chairman, I yield 1¼ minutes to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Chairman, I rise in strong support of the amendment, and thank the gentleman from Pennsylvania (Mr. WELDON), the gentleman from South Carolina (Mr. SPRATT), the gentleman from Texas (Mr. TURNER), the gentlewoman from California (Mrs. TAUSCHER), and the others involved in crafting this compromise.

I think this language recognizes the balance that has to be struck in the new dynamic between our country and Russia. Most of this amendment deals with cooperation, with transparency and technology, joint visitation, joint research and development, things that would not have been possible a dozen years ago; and the authors of the amendment deserve great credit for making those possibilities a reality.

The amendment also wisely recognizes, though, that as close as our friendship with Russia is growing, there is still risk. There is still uncertainty, and there is still need for a joint process between the executive branch and those of us in the Congress to recognize and react to emergency circumstances. I hope such circumstances never arise, but if they do, this amendment strikes the proper balance. I urge its adoption by both Republicans and Democrats.

Mr. SPRATT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this is a good compromise and a good bill, and I urge support for it on both sides of the aisle.

Mr. Chairman, I yield back the balance of my time.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in closing, I thank Members on both sides of the aisle for what has become I think one of the most important statements that we will make in this bill about a new era of our security, our security in working together with Russia as partners.

Yesterday a group of Members met in the House of Representatives with a Minister of Atomic Energy, Rumyantsev, from Russia, and he told us that Russia is ready for a new era of transparency, that the days of the Cold War are over. This amendment tests that language. This amendment says, Mr. Rumyantsev, we agree with you, and we are ready for a new era. Open up the test facilities, underground test sites, and laboratories for joint cooperation, and we will do the same. It says that America and Russia truly can be, should be, and will be partners; but it does not do it through rose-colored glasses.

This amendment says in the new century Russia and America together can be key partners, whether it is solving the war in Kosovo, solving the problem in the Middle East, or dealing with security issues, that Russia can help us accomplish our objectives.

Mr. Chairman, I ask Members on both sides of the aisle to support this amendment.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Pennsylvania (Mr. WELDON).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. WELDON of Pennsylvania. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania (Mr. WELDON) will be postponed.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in part A of House Report 107–450.

PART A AMENDMENT NO. 2 OFFERED BY MRS. TAUSCHER

Mrs. TAUSCHER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A Amendment No. 2 offered by Mrs. TAUSCHER:

At the end of section 1014 of the bill (page 200, after line 6), insert the following new subsection:

(c) REPORT ON OPTIONS FOR ACHIEVING, PRIOR TO FISCAL YEAR 2012, PRESIDENT'S OBJECTIVE FOR OPERATIONALLY DEPLOYED NUCLEAR WARHEADS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Energy shall submit to Congress a report on options for achieving, prior to fiscal year 2012, a posture under which the United States maintains a number of operationally deployed nuclear warheads at a level of from 1,700 to 2,200 such warheads, as outlined in the Nuclear Posture Review. The report shall include the following:

(1) For each of fiscal years 2006, 2008, and 2010, an assessment of the options for achieving such posture as of such fiscal year.

(2) An assessment of the effects of achieving such posture prior to fiscal year 2012 on cost, the dismantlement workforce, and any other affected matter.

The CHAIRMAN. Pursuant to House Resolution 415, the gentlewoman from California (Mrs. TAUSCHER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment adds a small but critical requirement to the language in the bill on the Nuclear Posture Review.

As Members know, the Nuclear Posture Review provides Congress with crucial information about the administration's intentions on the country's nuclear strategy, warhead levels and infrastructure over the next 10 years.

Some of the review's comments are positive, such as the restatement of the need to deploy the lowest number of nuclear weapons consistent with our security requirements.

Other findings are more troubling, especially the review's failure to outline significant and verifiable cuts to our nuclear arsenal.

Recent comments by Assistant Secretary of Defense Crouch about warhead reduction that ''there is no such thing as something that is irreversible,'' directly contradict the President's objective stated in Crawford, Texas, in the summit with President Putin last summer.

The credibility of the United States' leadership in the area of arms control will be significantly undermined if we do not live up to the President's proposal to reduce our nuclear arsenal.

The gentleman from Arizona (Chairman STUMP) and the gentleman from Missouri (Mr. SKELTON), the ranking member, took a first and valuable step toward addressing this disconnect.

Indeed, the bill requests clarification of the administration's plans for our strategic force structure, including specific definitions of how many warheads will be dismantled or placed in the ready reserve and associated costs.

I ask for Members' support for an additional requirement to this section mandating a report from the Secretary of Energy on options for achieving the President's objectives for operationally deployed nuclear warheads before 2012.

This is a nonbinding, common sense requirement that simply asks the Secretary of Energy to look at whether the President's arms objective can be achieved in a shorter time frame. Additionally, it is my belief that this

should actually be addressed to the National Nuclear Security Administration, which is a semi-autonomous agency inside the Department of Energy.

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentlewoman yield?

Mrs. TAUSCHER. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. Mr. Chairman, this side applauds the gentlewoman for her leadership on these issues, and we are happy to accept this amendment in the spirit in which it is offered, and think it will be a productive addition to the bill.

Mrs. TAUSCHER. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, I rise to commend both the gentlewoman from California (Mrs. TAUSCHER) and the gentleman from Pennsylvania (Mr. WELDON) for reaching agreement on what I think is a good amendment to an amendment.

Basically the Nuclear Posture Review raised more questions than it answered; among them, why does it take 10 years to draw down the operationally deployed force; why do we have to maintain a responsive force of the magnitude that was indicated? We may have as many warheads actually deployed in 2012 as we do today. How costly will it be to maintain this force? These are all questions that we need to ask directly, and that is what this amendment will do. It will put these questions back to DOD and get a further addendum or response to clarify NPR on these critical points.

Mr. Chairman, I commend the gentlewoman for offering this amendment, and support it fully.

Mrs. TAUSCHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. WELDON) for accepting the amendment and appreciate the opportunity to work with the gentleman.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does any Member wish to speak in opposition to the amendment?

The question is on the amendment offered by the gentlewoman from California (Mrs. TAUSCHER).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in part A of House Report 107–450.

PART A AMENDMENT NO. 3 OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A Amendment No. 3 offered by Mr. MARKEY:

At the end of subtitle C of title XXXI (page 352, after line 24), insert the following new section:

SEC. 3146. PROHIBITION ON RESEARCH AND DEVELOPMENT OF NUCLEAR EARTH PENETRATOR WEAPON.

(a) PERMANENT PROHIBITION.—No funds available to the Department of Energy may be used for any development, testing, or engineering of a nuclear earth penetrator weapon.

(b) FISCAL YEAR 2003.—No funds appropriated for or otherwise made available to the Secretary of Energy for fiscal year 2003 may be used for a feasibility study for a nuclear earth penetrator weapon.

The CHAIRMAN. Pursuant to House Resolution 415, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MARKEY) for 10 minutes.

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have an amendment that is before the House that I would hope as the staffs talk right now we might be able to work out some form of a compromise on; but pending that, the subject is around the whole subject of a robust nuclear earth penetrator.

Now this weapon is one which is contemplated being used as a nuclear weapon to be a bunker buster, but potentially bigger than that, in fact, and will breach this psychological and political barrier that we have established in the world for 57 years that nuclear weapons are not usable.

What my amendment says is that there should be a permanent prohibition; that is, that no funds should be available to the Department of Energy for any development, testing or engineering of a nuclear earth penetrator weapon. The objective, of course, is to say if we moved to that phase of testing, unfortunately, it would most likely result in a breach of the test ban accommodation which has been lived with by the United States and the Soviet Union and the rest of the world for the last 15 years or so.

Since we already have a generation of nuclear earth penetrating weapons, it seems to me it does not make a lot of sense for us to run the risk of sending a signal to the rest of the world that we are trying to dissuade from using these weapons towards the goal of just improving one to make it more usable, but at the same time because of the sensitivity of our relations with Russia, amongst others, in terms of their nuclear testing, but every other country in the world that we are trying to convince that nuclear weapons are unusable, that as we cross this nuclear Rubicon we are sending a very strong signal that the weapons are usable.

So my amendment seeks to stop the testing, stop any engineering or development of such a weapon.

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

Mr. WELDON of Pennsylvania. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. WELDON) is recognized for 10 minutes.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, we have made a good-faith effort both in the committee and on this floor to reach bipartisan compromise on issues regarding our nuclear policy.

We just completed a vote on a comprehensive program to engage Russia, a program that I think is historic. We just accepted an amendment from the gentlewoman from California (Mrs. TAUSCHER). We agreed to a report that she wants to have issued on the size of our nuclear weapon force over the next dozen years.

But, Mr. Chairman, this amendment in my opinion is a dangerous amendment. There are certain things we cannot discuss on the House floor. I would think before any Member voted on this amendment, they would want to have had the Code Word level briefing that I arranged for Members of the Committee on Armed Services last week.

□ 1630

A number of my colleagues from both sides of the aisle attended that briefing, where at a Code Word level we were given certain information about what appears to be to the Intelligence Community some new movement in the area of nuclear weapons and nuclear materials. We cannot discuss that on the floor of the House because we are in open session. So, therefore, even though Members have access to that information, I would say to you that probably no more than 10 Members of this body, maybe 20, have received the security classified briefing on the implications of this amendment. For that reason alone, this amendment should be defeated.

But, Mr. Chairman, beyond that, this amendment says that the Secretary of Energy cannot even do a feasibility study for a nuclear earth penetrating weapon. If we look at Afghanistan and the wars and the situation we are involved in, one of our biggest problems are deep underground hardened targets. This amendment says we cannot even do a feasibility study. We are not talking about building a weapon. We are not talking about producing something to drop. We are talking about a feasibility study. This amendment says no feasibility study.

Mr. Chairman, this amendment goes way too far. This amendment is more about, I think, a political statement than it is about substance. I would aggressively urge our colleagues to vote ''no.''

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. SKELTON), the ranking member of the Committee on Armed Services.

Mr. SKELTON. I thank my friend from Massachusetts for yielding me this time.

Mr. Chairman, we all know from our experience in Afghanistan that adversaries use caves and bunkers to counter our American conventional strength

and we are right to be concerned that future enemies might use such bunkers to protect weapons of mass destruction. However, the use of nuclear bunker busters is absolutely not the way to go. It is counterproductive.

Using nuclear weapons would spread deadly radiation, putting both American troops in the theater as well as local populations at risk. It would also prevent American troops from entering caves and bunkers to retrieve potentially valuable intelligence. We have been doing that in Afghanistan. Perhaps most significantly, the use of tactical nuclear weapons would mark a dramatic change in United States policy and would undermine our nonproliferation policies around the globe. This is a very needed and a very necessary amendment to proceed on the non-nuclear proliferation effort.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON of New Mexico. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding me this time. I rise to oppose this amendment.

The reality is that our enemies are burrowing in their chemical weapons capability, their conventional capability, their command and control biological and nuclear weapons programs. Our current weapons systems cannot destroy targets that are deeply buried in tunnels. They were not designed to. Our enemies know that.

Nuclear weapons are useful precisely because they are unusable. That is the nature of deterrence and the reason that we want to be able to keep these targets at risk. The robust nuclear earth penetrating weapon is being studied as directed by this Congress in the 2001 defense authorization bill. It is not a new nuclear weapon. The question is whether you can take an existing nuclear weapon, package it and encase it in such a way so that it will penetrate the Earth before it explodes in order to hold at risk those hard and deeply buried targets. It does not make it more likely that the President would use such a weapon. It does make it more probable that that weapon would work if he had to use it. Any President should have at his disposal the ability to hold at risk the most important targets that people have who would want to destroy and to hurt us. By holding those targets at risk, we make it less likely that they will hurt us and attack us or our allies with chemical, biological or nuclear weapons.

The President should have options, the options of conventional forces, of precision conventional weapons, and of nuclear weapons that are capable of holding those targets at risk so that we do not have to use them. That is precisely why we need to continue with this feasibility study.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I want to thank the gentleman from Massachusetts for yielding me this time and for his leadership in leading the world, I think, in the right direction.

I rise in strong support of the Markey amendment really to prohibit the development of this nuclear earth penetrator weapon. This weapon poses unacceptable risks. Our own troops would be endangered by nuclear fallout and innocent civilians could be caught in a nuclear crossfire. Furthermore, developing this weapon really does take us down the path of nuclear testing and nuclear proliferation. Where we go, others will follow.

It is bad enough that we have not ratified the Comprehensive Test Ban Treaty. United States nuclear testing would destroy this treaty. The United States cannot preach nonproliferation while escalating the arms race ourselves.

I urge my colleagues to support this amendment. I want to again thank the gentleman from Massachusetts for offering this amendment.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HUNTER), the distinguished chairman of the Subcommittee on Research and Development.

Mr. HUNTER. I thank the distinguished gentleman for yielding me this time.

Mr. Chairman, we are in this amendment proposing to kill what could be the centerpiece of a certain deterrent capability that is important to us. We want to send a message to anybody who would strike America, whether on a conventional battlefield or in a terrorist manner, we want them to know that we will hunt them down and find them and, if necessary, dig them out, wherever we have to.

That means no safe havens. One way you ensure that there are no safe havens is to be able to go deep. Unless we do a lot more research and development and we find some quantum breakthrough in conventional systems, to go deep is going to require a nuclear capability. That is a good message to send to people who would hurt this country, because if you look at the array of fixtures that are going to be buried by potential adversaries, you see several things. You see their command and control; you see their development of nuclear, chemical and biological weapons; and, most importantly, you see the people themselves who ordered the strike on the United States.

That is where leadership goes. Leadership, in terms of our potential adversaries, will go deep. They will go as far underground as they possibly can go. They need to know there is no safe haven. That requires that we vote ''no'' on this amendment.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Chairman, I welcome this latest in the acts of leadership my friend and colleague has dealt with in the nuclear area.

I have listened to the arguments of the gentleman from California and the gentlewoman from New Mexico. They are very honest. They are really talking about obliterating the distinction between nuclear and non-nuclear weapons that has been a centerpiece for 50 years. What they say is if they threaten us, we will go after them, we will find them.

What we are being told is that we should develop a nuclear capacity to respond to non-nuclear threats. We are being told that conventional threats will call from America a nuclear response. Not only is that greatly unnecessary, it will further destabilize the world. We have been trying to preach non-nuclear proliferation, but the town drunk is a poor advocate for temperance. We cannot simultaneously obliterate the distinction that has existed for the entire period between nuclear and non-nuclear weapons. We cannot threaten, as we have heard, a nuclear response to a non-nuclear attack and then still have any credibility in preaching temperance.

Secondly, we have said in Afghanistan, in Iraq, we are these days likely to be in the posture not of war against a people, say, as in World War II but in an effort to rescue a people from an oppressive government. How welcome will our wagon be when it comes to nuclear arms? Do we tell the people of Afghanistan, do not worry, we will free you from the Taliban by using nuclear weapons within your country. Do not worry, we will overthrow Saddam Hussein with nuclear attacks in Iraq.

I think you undercut the whole notion that America can be coming to the rescue of the victims of oppression. The United States is hardly a pitiful giant weakened without nuclear weapons. We just saw in Afghanistan no shortage of overwhelming American power. It was not a lack of force, a lack of potency. To destroy the distinction between nuclear and non-nuclear weapons as we have heard is with very grave error.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield myself 30 seconds.

First of all, Mr. Chairman, we are not talking about a new nuclear weapon. That is not the discussion here. We are talking about an attempt to repackage an existing nuclear weapon for a new threat that we have to deal with. We know the Russians have 13,000 tactical nuclear weapons.

If you really want to stop proliferation, I would like to see my colleague from Massachusetts offer an amendment to negotiate for a serious reduction of tactical nuclear weapons. These tactical nuclear weapons are a real threat to us. The Russians have 13,000 of them.

Mr. Chairman, I yield 15 seconds to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, let me just say that there has been a policy among a number of nations in the Western democracies, including our allies, that would respond to chemical or

biological attack with nuclear systems. We have never foreclosed that.

Mr. MARKEY. Mr. Chairman, I yield 10 seconds to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Chairman, I think the gentleman from Pennsylvania invited either myself or my colleague to offer an amendment on nonproliferation, but the problem is that the way the Committee on Rules has been working, at your behest, it would not have been in order. That is why we did not bother to try.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield myself 5 seconds.

I felt that same way just a few short years ago. I understand the gentleman from Massachusetts' frustration.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Chairman, I rise in strong support of the Markey amendment to halt development, testing or use of so-called mini nukes. I thank my colleague from Massachusetts for his continuing leadership on nonproliferation issues.

Let us make no mistake about it. Developing these mini nukes would make their use more likely, which would make a nuclear war more likely. The fact is if we sanction their development, we only provide legitimacy for other nations to do exactly the same.

My constituents in Marin and Sonoma Counties in California, like most Americans, have made it very clear that they support a reduction in America's nuclear arsenal. They are rightly demanding that we take a reasoned approach toward nuclear weapons policy, not a renewed buildup of nuclear arms. Without the Markey amendment, United States nuclear policy will take a U-turn that would prompt more nuclear competition, threaten our national security, and undermine nonproliferation efforts.

Reject this vision. Support the Markey amendment.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, this is not a mini nuclear weapon. I do not know where that term came from, but it is totally incorrect. A deep earth penetrating weapon is a large weapon designed to do damage. In fact, in our committee we called for a report, again with the bipartisan spirit of our members on the other side, for a study of the effects of this. This amendment should be rejected.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. I thank the gentleman for yielding me this time.

Mr. Chairman, I have always found it rather odd that some of our most difficult battles in the area of national security are preventing our own people by limiting our options and tying our hands behind our back.

There are some military capabilities that we may decide are not worth the time to pursue, and there are some capabilities that in the priority of things we may want to leave behind. But I find it very troubling that some people do not even want us to explore options which could be critical for our future national security.

Frankly, I am skeptical that any Member of this body can know for certain all of the circumstances that any President in the future will face in a world full of chemical and biological and radiological and nuclear weapons, and we want to say we are not even going to consider those options to deal with all of those things. I think that would be a mistake.

To have a credible deterrent, that means political adversaries, and even friends have to believe in that deterrent. If we say up front, if you burrow down in the ground we cannot touch you because our conventional capabilities have obvious limitations, and so if we say we are not even going to consider going after buried targets in any other way, then we are simply saying, ''Go to it. We'll leave you alone.'' We are encouraging people to bury their communication, their factories, their silos, and we will not be able to do anything about it.

□ 1645

Mr. Chairman, we know Russia has buried targets deep. We have seen what al Qaeda has done in Afghanistan. We know Iraq is burying things. So to take an option off the table, to say we are not even going to explore it, that we are going to tie our own hands behind our backs, even in a world with all of these difficult, complex situations I think would be a tragic mistake. We should reject the amendment.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. WELDON) has 1 minute remaining. The gentleman from Massachusetts (Mr. MARKEY) has 1¾ minutes remaining. The gentleman from Pennsylvania (Mr. WELDON) has the right to close.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, the question is not whether we should permit targets to be buried deep; the question is whether we are going to permit peace to be buried deep.

We have a nonproliferation treaty that stops nuclear weapons from becoming a sword of Damocles hanging over this world. We had an ABM Treaty that stopped the United States and Russia from engaging each other. We had START II and START III that was the basis of getting rid of nuclear weapons. We had a Comprehensive Test Ban Treaty waiting to be signed. Now, we have gone from that kind of a hopeful approach to sustain the world to an approach that puts the world at an abyss, to an approach that envisions target nations, nuclear first strike, bunker busters.

It is time that we took a stand for peace. It is time that we took a stand for the continuation of life on this planet. Why should that be hard to do, even for the Congress?

Mr. MARKEY. Mr. Chairman, I yield myself the remaining time.

We do not use biological weapons in Afghanistan. We do not use chemical weapons in Afghanistan. We do not use this present generation of nuclear earth penetrators in Afghanistan because we know it is wrong, and because we just have to ask al Qaeda how well our existing conventional bombs did in destroying them. I have not heard anyone say that there was some problem that needed nuclear weapons to be dropped on Afghanistan.

The consequences of opposing the Markey amendment will be that a new generation of nuclear testing, breaching the test ban between the United States and the Soviet Union, sending a signal to countries all around the world that nuclear weapons are now usable, even though we do not need them in Afghanistan, we do not need them in Iraq; we can destroy, level those countries. If we use nuclear weapons in Tora Bora, it will only be in order to ensure that the rubble is bouncing, not that we have destroyed the entire country already with conventional weapons.

This is the wrong road to go down. We are breaching a barrier which would be a very serious mistake for our country.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, we have just completed almost an hour's worth of work of starting a new era in our relationship with Russia on nuclear weapons. It has been bold. It has been bipartisan. It has been bilateral. We have shown, without any doubt, that we are willing to move into a new era. But, Mr. Chairman, as we saw on September 11, there are those people who do not play by the rules. Anyone who would take out almost 3,000 lives in the most unbelievable way thinkable would not hesitate to do work in one of 10,000 underground bunkers and caves around the world, most of which are in our adversaries' territory, to develop and potentially use weapons of mass destruction. This amendment would go to the extreme. It would prevent the President from even doing a feasibility study.

This is not about peace. I am a teacher by profession. Nobody wants peace more than I do. We do not have a handle on peace with a certain few in this body. This is about giving the President legitimate ability to protect us against those threats that we see emerging in the 21st century. I ask my colleagues to vote no on the Markey amendment.

Ms. LEE. Mr. Chairman, I rise today in strong support of the Markey amendment, and I want to thank my colleagues, Mr. RAHALL and Mr. MARKEY, for their leadership in standing up for the environment.

The Defense Authorization Bill as written grants the Department of Defense sweeping the blanket exemptions to existing environmental laws.

The American public doesn't want fewer environmental protections. They want more. Eighty-five percent of registered voters surveyed on this question believe that the Department of Defense should have to follow the same environmental and public health laws as everyone else.

We have already seen efforts to roll back protections on our air and water. It is time to stand up and put a stop to these assaults on our environment.

Biodiversity is essential to our national heritage. We have an obligation to our children and to their children to protect that biodiversity.

And so, I urge you to adopt this amendment. It does not impose any unreasonable restrictions on the Department of Defense. It simply ensures that the U.S. government will abide by existing U.S. laws.

MOTION TO RISE OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion to rise offered by the gentleman from Mississippi (Mr. TAYLOR).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. TAYLOR of Mississippi. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 51, noes 360, not voting 23, as follows:

[Roll No. 140]

AYES—51

Abercrombie
Ackerman
Baldwin
Berry
Blumenauer
Bonior
Boyd
Brady (PA)
Capuano
Clay
Condit
Conyers
DeFazio
DeGette
Delahunt
Dingell
Doggett
Filner
Frank
Hinchey
Honda
Jefferson
Johnson, E. B.
Jones (OH)
Larson (CT)
Lee
Lynch
Markey
McDermott
McGovern
McIntyre
Miller, George
Mink
Oberstar
Obey
Olver
Pallone
Pelosi
Roemer
Schakowsky
Shows
Slaughter
Solis
Stark
Stenholm
Stupak
Tanner
Taylor (MS)
Towns
Waters
Wu

NOES—360

Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Cooksey
Costello
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Ney
Northup
Norwood
Ortiz
Osborne
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Payne
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Rivers
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Strickland
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—23

Boucher
Burton
Cannon
Cox
Crane
Davis (IL)
Dooley
Gutierrez
Hall (OH)
Jackson-Lee (TX)
Kennedy (MN)
Lewis (GA)
Millender-McDonald
Nethercutt
Nussle
Ose
Reyes
Riley
Roukema
Smith (MI)
Traficant
Watson (CA)
Waxman

□ 1719

Mr. LEWIS of Kentucky changed his vote from ''aye'' to ''no.''

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

Mr. CHAIRMAN. Pursuant to clause 6 of rule XVIII, the Chair will reduce to 5 minutes the time for a recorded vote on amendment No. 1.

The vote was taken by electronic device, and there were—ayes 172, noes 243, not voting 19, as follows:

[Roll No. 141]

AYES—172

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Becerra
Bentsen
Berkley
Berman
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (CA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gutierrez
Hastings (FL)
Hill
Hilliard
Hinchey
Hoeffel
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lofgren
Lowey
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller, George
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Roemer
Ross
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Schiff
Scott
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)

Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Weiner
Woolsey
Wu
Wynn

NOES—243

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Berry
Biggert
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Carson (OK)
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Cooksey
Costello
Cox
Cramer
Crenshaw
Cubin
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moran (KS)
Murtha
Myrick
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Smith (TX)
Souder
Stearns
Stenholm
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—19

Burton
Cannon
Crane
Davis (IL)
Hall (OH)
Jackson-Lee (TX)
Kennedy (MN)
Lewis (GA)
Millender-McDonald
Nethercutt
Ose
Reyes
Riley
Roukema
Smith (MI)
Traficant
Watson (CA)
Waxman
Young (AK)

□ 1738

Mr. CROWLEY and Mr. FORD changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART A, AMENDMENT NO. 1, AS MODIFIED, OFFERED BY MR. WELDON OF PENNSYLVANIA

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 1, as modified, printed in part A of House Report 107–450 offered by the gentleman from Pennsylvania (Mr. WELDON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 362, noes 53, not voting 19, as follows:

[Roll No. 142]

AYES—362

Abercrombie
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Capps
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clement
Clyburn
Coble
Collins
Combest
Cooksey
Costello
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sawyer
Saxton
Schaffer
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (FL)

NOES—53

Ackerman
Baldwin
Becerra
Bonior
Capuano
Carson (IN)
Clay
Clayton
Condit
Conyers
DeFazio
DeGette
Dingell
Doggett
Farr
Fattah
Filner
Frank
Hinchey
Holt
Honda
Inslee
Johnson, E. B.
Jones (OH)
Kucinich
Lee
Lofgren
Markey
McDermott
McGovern
McKinney
McNulty
Meehan
Miller, George
Mink
Nadler
Neal
Olver
Owens
Paul
Payne
Pelosi
Rangel
Sanders
Sandlin
Schakowsky
Slaughter
Solis
Stark
Tierney
Waters
Watt (NC)
Woolsey

NOT VOTING—19

Aderholt
Burton
Cannon
Crane
Hall (OH)
Jackson-Lee (TX)
Kennedy (MN)
Lewis (GA)
Millender-McDonald
Nethercutt
Ose
Reyes
Riley
Roukema
Smith (MI)
Traficant
Watson (CA)
Waxman
Young (AK)

□ 1749

Mr. MEEHAN and Ms. SLAUGHTER changed their vote from ''aye'' to ''no.''

So the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Ms. RIVERS. Mr. Chairman, on rollcall No. 142, I should have voted "no." I mistakenly voted "yea."

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in part A of House Report 107–450.

PART A AMENDMENT NO. 4 OFFERED BY MR. TIERNEY

Mr. TIERNEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 4 offered by Mr. TIERNEY:

At the end of subtitle C of title II (page 49, after line 17), insert the following new section:

SEC. 234. PROHIBITION ON USE OF FUNDS FOR SPACE-BASED NATIONAL MISSILE DEFENSE PROGRAM.

No funds appropriated for fiscal year 2003 for the Department of Defense may be used for a space-based national missile defense program.

The CHAIRMAN. Pursuant to House Resolution 415, the gentleman from Massachusetts (Mr. TIERNEY) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Chairman, I yield myself such time as I may consume.

It is clear from the size of this Department of Defense budget, including the $48 billion-or-so increase, that the administration and others here are using the circumstances of our involvement in Afghanistan and the circumstances of September 11 to put money into this budget for all manner of programs whether or not they deal with priority threats to this country now and here.

Every Member of this body is concerned and wants the best defense possible for this country. We all want support for the men and women who serve. We want fair pay, decent housing, working weapons. We are collectively concerned with the security of this country, and we need to be certain we allocate our limited resources toward programs that target those threats and risks which are the most likely to endanger us now and in the near future.

This amendment then focuses on just that. It is to make the point that this bill is a repository for already-repudiated programs, some of which our own Secretary of Defense is surprised to still see in this bill. The amendment does it by prohibiting the Department of Defense from using funds this fiscal year for space-based national missile defense, or Star Wars. Not sea based, not air based, not land based, not components of any of those. We should debate those matters. But this amendment focuses on space-based, or Star Wars, programs, the same concept which was here before, on which we spent billions of dollars and lost that money.

This bill authorizes $54 million for a Boost Program Space-Based Lasers, which act as interceptors in space, as well as the kinetic physical interceptors. This space-based interceptor has gone through two iterations already. They are behind schedule and over budget. Testing for this space-based laser system has been pushed back indefinitely. And that is just the testing for the system. Nobody can even predict when such a space-based system might actually be deployed.

How does continued funding for this program serve us towards a more agile force? We should not repeat the past errors, like Safeguard, which was the first stab at a failed missile defense space wars system in the 1970s. Rushing to fund an untested program with the questionable capabilities of this one makes no sense. It jeopardizes strategic judgment and wastes our much-needed money.

At the very least, we should be alarmed that we are not taking the time as a Nation to have a thoughtful dialogue on this and the ramifications of this national missile defense system. There are billions in this budget that have little to do with our priority realistic threats to our security. This Star Wars program is but one small part of that.

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

Mr. HUNTER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from California is recognized for 10 minutes.

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

My colleagues, we are in space. We are in space in a way that is inextricably linked with not only our missile defense system but almost all of our systems.

If we take a look at the architecture for our space systems, we have in space literally everything from weather and the environment, to navigation, to surveillance and reconnaissance, to missile warning, to communications. The successful intercepts that we have made now out of the Kwajalein Test Range took place 148 miles above the surface of the Earth.

I want to read the amendment of my friend, the gentleman from Massachusetts (Mr. TIERNEY): "No funds appropriated for fiscal year 2003 for the Department of Defense may be used for a space-based national missile defense program."

Now, in the first place, we simply have a missile defense program, not a national missile versus a theater missile defense program, because we are now dealing with a number of missiles which have varying rates of speed and distances. For example, we have the old Model T scud that goes fairly slowly, several hundred miles, all the way up to the fast-moving ICBM that will go several times the speed of a high-powered rifle bullet when it reenters the atmosphere aimed at an American city.

So we are putting in place an architecture which is layered, which will give us, hopefully, several shots at these missiles as they progress toward either our troops in theater or the United States of America and our cities. We have to have space assets to be able to intercept those incoming missiles.

Now, one thing we have seen in this debate today is what I would call the new imposition of Marquis of Queensbury rules on our side. We just had an amendment in which the other people may drive an airplane into an American tower and destroy thousands of American civilians, but it is against the rules for us to go after their leadership if they are buried deep underground and we use a nuclear penetrator. That is not Marquis of Queensbury rules. And no matter what the other side does, we must play by the Marquis of Queensbury rules.

Well, we are already in space. It does not make any sense to have a very broadly worded amendment that, if we take it literally, would ban the very systems that we are testing right now.

There is another aspect of this, and that is this: we had the predator over in Afghanistan, and the predator is our unmanned aircraft. And from that aircraft we take certain recon capability, certain sensors, and we target the enemy. And then we use another platform, whether it is from a ship or a plane or a land-based unit, to hit that enemy that was targeted by the predator. And our war-fighting commanders, who were trying to win the war over there, with as few Americans as possible being killed, said this: They said, maybe we should just use that airborne unit up there. Instead of just using that for information and relaying that information to the ground, why do we not just put a hell fire missile on that particular UAV and go ahead and strike the enemy with the UAV? In other words, let us use this recon unit for both a reconnaissance and for the attack shot.

So we are becoming more efficient in the way we use technology. So the idea that we have to play by some obscure Marquis of Queensbury rules that says we cannot use space to stop a missile that may be incoming to an American city does not make any sense.

So I would just urge all Members to vote against this amendment. This is a dangerous amendment. If taken literally, it freezes our present programs in place.

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

MOTION TO RISE OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion to rise offered by the gentleman from Mississippi (Mr. TAYLOR).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. TAYLOR of Mississippi. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 46, noes 356, not voting 32, as follows:

[Roll No 143]

AYES—46

Abercrombie
Baldwin
Berry
Blumenauer
Bonior
Boyd
Brady (PA)
Capuano
Condit
Conyers
Davis (IL)
DeGette
Dicks
Dingell
Doggett
Filner
Frank
Hill
Holt
Honda
Jefferson
Johnson, E. B.
Jones (OH)
Larson (CT)
Lee
Lynch
Markey
McDermott
McGovern
McIntyre
Miller, George
Mink
Oberstar
Olver
Pelosi
Rush
Shows
Slaughter
Solis
Stark
Tanner
Taylor (MS)
Towns
Waters
Weiner
Wu

NOES—356

Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bereuter
Berkley
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Cooksey
Costello
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeLauro
DeLay
DeMint
Deutsch
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Grucci
Gutierrez
Gutknecht
Hall (TX)
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Northup
Norwood
Nussle
Obey
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)

NOT VOTING—32

Ballenger
Bentsen
Berman
Boucher
Burton
Cannon
Crane
Delahunt
Diaz-Balart
Greenwood
Hall (OH)
Hansen
Kennedy (MN)
Lewis (GA)
Lipinski
Meek (FL)
Millender-McDonald
Murtha
Nethercutt
Ney
Ose
Reyes
Riley
Roukema
Sanders
Simpson
Souder
Stump
Traficant
Watson (CA)
Waxman
Young (FL)

□ 1826

Ms. LOFGREN, Mr. BEREUTER and Mr. CRAMER changed their vote from ''aye'' to ''no.''

So the motion was rejected.

The result of the vote was announced as above recorded.

Mr. TIERNEY. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, I would like to engage the gentleman from Massachusetts in a colloquy about his amendment.

The gentleman from California was just showing us a number of space-based systems, satellites and sensors, that are in one way or another connected with ballistic missile defense.

Is it the gentleman's intention in this amendment to prohibit funding for space-based sensors that are instrumental to the airborne laser and ground-based and sea-based ballistic missile defense systems?

Mr. TIERNEY. Mr. Chairman, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from Massachusetts.

Mr. TIERNEY. No, the amendment does not affect space-based sensors. It only affects space-based interceptors.

Mr. SPRATT. So, specifically, your amendment would not prohibit or affect funding for what we call SBIRS-High, space-based infrared sensors, SBIRS-High or SBIRS-Low sensor programs like this?

Mr. TIERNEY. The gentleman is correct.

Mr. SPRATT. I thank the gentleman for these clarifications. Therefore, the gentleman's amendment would prohibit funding for the space-based ballistic missile defense interceptors, $54 million is requested, but it would not affect sensors at all.

Mr. TIERNEY. The gentleman is correct.

Mr. SPRATT. I thank the gentleman for the clarification. The space-based interceptor, as some know, has gone through a couple of iterations, both of which have eventually been discarded. I think the Missile Defense Agency has already a full plate. It ought to stay focused on ground-based and ship-based interceptors. For that reason, with this clarification, I can support the amendment.

Mr. HUNTER. Mr. Chairman, I yield myself 30 seconds.

The problem here is we are not dealing with the amendment as the gentleman from Massachusetts would rewrite it. We are dealing with the amendment as it is written, because that is the amendment that is going to be dealt with by DOD lawyers. It says, ''No funds appropriated for fiscal year 2003 for the Department of Defense may be used for a space-based national defense missile program.''

The point is we have to deal with the law as it is written, not as he would rewrite it. If he is going to rewrite it, I would recommend he come back next year with another text. This thing would basically put a freeze on the programs that we have right now.

Mr. TIERNEY. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Chairman, space-based missile defense is the true faith-based initiative because it takes a mighty big leap of faith to believe we can master the technology, distinguish the decoys and achieve perfection.

Of course, in the real world this spacey shield idea has been rather hit or miss, mostly miss, since you need perfect weather and a honing beacon on the incoming missile for it to work. But the experience never seems to faze those who have seen so many Star Wars sequels that they abide by the questionable principle, ''build it and it will work.'' I prefer the wisdom of Dr. Steven Weinberg, a Nobel Prize-winning physicist at the University of Texas, who says this system will ''worsen our security'', and that of

former Defense Secretary William Perry, who warned that ''a relatively small deployment of defensive systems could have the effect of triggering a considerable nuclear arms race.''

If terrorism is now our greatest threat, if we have learned anything from September 11, we know an ICBM is not the most likely way to wreak devastation and that putting so many more taxpayers' dollars in this one NMD basket makes so little security sense.

We can spend billions trying to build a shield to blunt every sword or we can invest our resources and diplomacy more wisely to keep the sword, or missile from ever being drawn.

□ 1830

Mr. TIERNEY. Mr. Chairman, I yield 1 minute to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of the Tierney amendment to ban spending on space-based national missile defense systems in fiscal year 2003. Before funding space-based weapons, we should have a consensus on the wisdom of space-based warfare and today there is no such consensus.

The Missile Defense Agency has requested $35 million to do R&D on a space-based laser which has not completed concept definition and was killed by the House Committee on Appropriations last year. The administration wants to resurrect space-based kinetic interceptors to shoot down missiles in the boost phase. This approach has been tried and rejected twice before on technological and cost grounds.

The Missile Defense Agency should focus on getting the most mature systems like PAC 3 and THAAD to the field to protect our troops, not to invest in systems that will make outer space the next battlefield.

Mr. Chairman, I urge support for the Tierney amendment.

Mr. HUNTER. Mr. Chairman, I yield 3½ minutes to the gentleman from Pennsylvania (Mr. WELDON).

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Chairman, this is a 1980s amendment; Ronald Reagan was President. The term ''Stars Wars'' is again resurrecting itself. It has no relevancy to what we are doing today. This is not a discussion of whether or not we are going to deploy a strategic defense initiative. That discussion is over; it ended in the 1980s and 1990s. There is no national missile defense, so the amendment is not relative.

In fact, if we take this amendment, it is so poorly worded, which is why the gentleman from South Carolina (Mr. SPRATT) had to get clarification, because even he has concerns, but to get clarification, he is trying to qualify some things. It is so poorly worded we could in fact end the only joint program we have with Russia. Does the gentleman know about the RAMOS program which the Russians proposed that we do, which Carl Levin on the Senate side led the fight to restore? That program is 2 satellites. Under the gentleman's amendment, we cut the funding for the RAMOS program because, heaven forbid, satellites are in space.

But wait a minute. What about all of my colleagues here who care about Israel's security? We funded with our money the Arrow program. We spent almost $500 million on Arrow, the most successful missile defense program operating today.

Well, guess what? Maybe the gentleman does not know this, but we are now retrofitting Arrow so it can interact with our systems. So what the gentleman wants to say is no more national missile defense.

Well, guess what? To Israel, Arrow is their national missile defense, and we funded it.

So the fact is that while the gentleman may have wanted to end one specific program, the amendment is so vague that it applies to everything, and it really does not make any sense. It really was designed for a Ronald Reagan-era debate when Stars Wars could be used like Darth Vader, that somehow we were advocating some obscene process to start war in space. That is not the case.

We have a very deliberate program that has been supported by Democrats and Republicans because we have confidence, perhaps more than ever, in the director of our Missile Defense Agency. General Kadish is respected by Democrats and Republicans for giving us a thoughtful, interconnected, multi-layered approach to missile defense. There is no more national missile defense. It does not exist. It is no longer a term used in the jargon. To say somehow we are going to end it is a misnomer.

In terms of space, if we ended the space assets, whether it is airborne or higher, we would basically end a whole ton of programs that are now under way, and we would deny eventually the ability of Israel to do what she is going to have to do. We cannot have it both ways on this debate. If my colleagues want to defend the people of Israel against the Shahab III missile from Iran, which is there today, Israel cannot shoot that missile down midstream. Because like the Patriot, it will rain on the people. Israel needs to take down that Scud missile when it is launched. We cannot do that without assets that allow us to take it out in the boost phase. That is going to eventually require some type of space-based assets.

So we are having a debate for the 1980s. Let us all join hands and sing peace songs and let us all hug each other and say we are all for peace, but this amendment is absolutely outrageous. I encourage my colleagues to vote no, and let us sing Kumbaya together in voting no.

Mr. TIERNEY. Mr. Chairman, I am told the gentleman is like that all the time, so I will not carry on, except to note that the chief investigator of the director of Operations, Testing and Evaluation has said that the deployment of this is so far into the future, it is beyond the horizon.

Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Actually, Mr. Chairman, there are some people who believe that the world does have the possibility to live in peace and that the instrumentalities of violence will eventually give way to human reason and that our ability to talk to each other as human beings may be the basis for peace in the world as opposed to weaponizing space.

The gentleman's amendment is well taken because, according to an Air Force briefing, the space-based laser is being contemplated for anti-satellite missions, denying access to space, disrupting satellite communications, knocking out high altitude aircraft, or unmanned aerial vehicles. These missions go far beyond intercepting missiles, and they echo the Quadrennial Defense Review's call for the United States to exploit space for military purposes, and the Air Force's wish in a Joint Vision 20/20 document for full spectrum dominance in space.

What colossal arrogance it is to assume that we can seize the high heavens and control the world through space. Yes, work for peace on earth, and when we do that, we will not have to worry about a later generation creating peace in space.

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume to just remind my colleagues that when we are considering this amendment and we consider all of the things that our military uses that are space-based right now, right from a marine platoon leader's GPS, it tells him where he is, to the recon satellites that we have to, yes, the cueing system that we are going to have to hopefully be able to intercept missiles before they impact our cities, I think we are going to come to the conclusion that the American people do not have too much tolerance for the argument that is being put forward.

There are no people in space. There are people in those towers that got hit by those incoming planes. If we ask the American people would you accept a space-based system that might have protected the Twin Towers, they probably would say yes. We do not care if we are violating the Marquis of Queensbury rules by somehow using assets that are in space. So this is an argument that I think should be given short shrift by the American people. We are in space, other nations are in space, and the idea that we are going to take from General Kadish, who Democrats and Republicans trust and feel is a good steward of this program, the idea that we are going to take one of his options that he has laid out to

test, we are going to move it off of the table because we want to impose our judgment in place of his judgment is not a good thing.

We have given him this set of options. We have let him pick them. We are going to let him go through with the test. We have a robust testing schedule ahead of us. He is going to throw the losers out and reward the winners by trying to get something that can stop incoming ballistic missiles in the next 4 to 5 years. That is a good goal. We should leave this package that he has intact. Let us let him make some decisions and let us let General Kadish have some discretion. Please vote no on this.

Mr. TIERNEY. Mr. Chairman, it is Mr. Kadish's plans, which the director of Operations, Testing and Evaluation said had no testing regime that anybody could trust or that would work.

Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

(Mr. HOLT asked and was given permission to revise and extend his remarks.)

Mr. HOLT. Mr. Chairman, while there are many things in the defense authorization bill that I support, national missile defense is not one of them, and the gentleman from Massachusetts is seeking to eliminate one of the more senseless parts of the supposed national missile defense system.

The proposed missile defense system would not work as designed, as wishing will not overcome the physics. It could be confused with the decoys, it could be bypassed for suitcase bombs, pickup trucks, sea-launched missiles. It would be billions of dollars down the drain. But it is not just a diversion of resources. It is worse than a waste. Simple strategic analysis tells us that provocative yet permeable defenses are destabilizing and would reduce our security.

Americans have been awakened in recent months to threats to our national security and they understand that a space-based missile defense will not help. Americans have learned in recent months that we need anthrax defense, we need container ship defense, we need bridge and tunnel defense. We do not need space-based national missile defense.

The CHAIRMAN. The gentleman from California (Mr. HUNTER) has 15 seconds remaining. The gentleman from Massachusetts (Mr. TIERNEY) has 2½ minutes remaining.

Mr. TIERNEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, I rise in support of the Tierney amendment to prohibit the Bush administration from spending taxpayer dollars on a space-based, 21st century version of a Stars Wars missile defense system.

The simple question we should always ask is does this system make us safer? Are my children and my grandchildren safer if we spend these millions of dollars? I believe the answer is no. Not now, and not in the future.

Today we do face some very real threats. Warnings are issued on a regular basis of possible terrorist attacks. Interceptors from space are not going to help us. We need better intelligence to intercept phone conversations and shoe bombs and biological weapons at our airports, seaports, trains and highways.

Long-range, weaponizing space, bringing weapons into another dimension, is not a formula for security. Rather, as the Union of Concerned Scientists contend, such a move destabilizes arms control as we know it.

The only Stars Wars any Members of this Congress should see will be at a theater near you on May 16. I strongly urge a yes vote on the Tierney amendment.

Mr. TIERNEY. Mr. Chairman, I yield the remaining time to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Chairman, I congratulate the gentleman from California on his debating tactic. He has me focused on how that space-based interceptor was going to stop the attack on the World Trade Center when no one knew the attack was coming. Maybe it has psychic powers. So I do not know what else I am supposed to talk about.

Except I would note that I was struck, when forced to defend this notion of a space-based system, we are told that it is for Israel. I have to say, in addition to all of Israel's other problems, getting schlepped into every defense debate when my colleagues are short of an argument seems to me an unnecessary burden on them. Yes, people are prepared to deal with the Arrow and support the Arrow.

As to the gentleman's amendment, it is not perfectly worded because of the process we have. He had another amendment, a very specific amendment that the Committee on Rules kept out. If we were in a normal situation, we could have amended the amendment. It is clear what is intended. If this amendment passes and goes to conference, the colloquy will be carried out.

The question is this: Everywhere but on the floor of the House, people on the other side talk about how we are going to have these space-based interceptors that are going to come down and probably knock down the planes at the World Trade Center when we did not know there were planes that we should have been going after, and do all of these other things. The fact is that we do not believe that putting billions and billions of dollars, when we are already underfunding all manner of other priorities, into a space-based system makes sense.

I have heard people say if we do not do this, we are going to encounter a space-based Pearl Harbor. Well, fortunately, there is no space-based Japan of 1941. We have it to ourselves.

Finally, I want to say, Mr. Chairman, time and again we are told America is terribly weak and we have to spend all of these billions. That is totally at variance with the reality of a very strong America, and the need to spend these additional billions on these ill-thought-out programs does not exist.

Mr. SKELTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, during the testimony when General Eberhardt was before our committee, and a question was put to him as to what is of utmost importance for the future, his answer was what we call SBIRS, Space-Based Infrared System.

□ 1845

I think that is very, very important to the defense of our country, based upon General Eberhardt's comments to us that day.

Now, based upon the colloquy between the gentleman from Massachusetts (Mr. TIERNEY) and the gentleman from South Carolina (Mr. SPRATT), it is apparent that the SBIRS, or the space-based infrared systems, are exempt from the language and the intent of this amendment, which allows me, based upon that, to support this amendment.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Indiana.

(Mr. ROEMER asked and was given permission to revise and extend his remarks.)

Mr. ROEMER. Mr. Chairman, I thank my good friend, the gentleman from Missouri, for yielding to me.

I want to start by applauding my friend, the gentleman from California (Mr. HUNTER); my friend, the gentleman from Pennsylvania (Mr. WELDON), and this side of the aisle for putting together a good bill that I rise in strong support of.

I rise in strong support of the ability of the gentleman from Mississippi (Mr. TAYLOR) or anybody else in this body to stand up and offer motions to adjourn because they have not had the opportunity to offer an important amendment.

I rise in strong support, Mr. Chairman, of the principles in this great House of free debate and free speech on a bill that has been on this floor in the past for 2 and 3 weeks, yet somehow we want to get it through in hours today.

There are very many important amendments that were denied the possibility of being debated in the Committee on Rules on this floor. Why is that important? Back in 1969, a man by the name of Robert Wilson, the first director of the Fermilab, a particle physics facility, was asked to testify before Congress.

Congress asked him, What does your testimony and your lab have to do with the defense of this country? And here is what he said: ''This new knowledge has all to do with honor and country, but it has nothing to do directly with defending our country, except to make it worth defending.''

Now, ''make it worth defending'' is when we can have the amendment of the gentleman from Mississippi (Mr. TAYLOR) on base closure debated on the floor; when we can have a Crusader missile amendment, which even the Secretary of the Defense Department wants to eliminate, debated on this floor. That is in the best interests of this country.

The Secretary of Defense has said we can save the taxpayer $11 billion, yet the Committee on Rules, run by the Republican Party, said they are going to deny five different amendments the opportunity to be debated on this floor.

Mr. Chairman, when those terrorists attacked our country in New York City and at the Pentagon, they attacked more than our people and more than our buildings. They attacked the principles of free speech. They attacked what we stand for in this country.

Let us not let the people's House deny the people of this great House the opportunity to offer their amendments. Let us let the gentleman from Mississippi (Mr. TAYLOR) offer that amendment, and let us give the taxpayer the opportunity for an amendment to save $11 billion.

Mr. SKELTON. In conclusion, Mr. Chairman, I again reiterate, based upon the colloquy between the gentleman from South Carolina (Mr. SPRATT) and the gentleman from Massachusetts (Mr. TIERNEY) and those concerned about the future of the SBIRS system, I can fully support the amendment.

Mr. HUNTER. Mr. Chairman, I yield myself the balance of my time.

Just to conclude, Mr. Chairman, this is a three-sentence amendment. When it takes a colloquy to explain what a three-sentence amendment means, we know we are in trouble.

This amendment, as it is written, would freeze our present programs with respect to testing missile defense. Please vote ''no'' on this amendment.

Ms. WOOLSEY. Mr. Chairman, I rise in strong support of the Tierney amendment. Considering the poor results that recent N.M.D. tests have had, it's mind-boggling that funding for a national missile defense system is still being debated.

Since 1940, the U.S. has spent $5.8 trillion dollars on nuclear weapons programs . . . more than on any other single program, except Social Security! The U.S. has already spent more than $100 billion on missile defenses with little to show—so why do we keep throwing good money after bad?

Mr. Chairman, where are our priorities? Instead of investing in missile defense programs—we should be spending our scarce financial resources on our real domestic needs . . . like our children's education; our seniors, and their health care; our families and their financial security.

If this Congress wants to really increase U.S. security, we must invest in people, not weapons.

I urge my colleagues to support the Tierney amendment.

MOTION TO RISE OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion to rise offered by the gentleman from Mississippi (Mr. TAYLOR).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. TAYLOR of Mississippi. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 48, noes 356, not voting 30, as follows:

[Roll No. 144]

AYES—48

Abercrombie
Baldwin
Berry
Blumenauer
Bonior
Boyd
Brady (PA)
Capuano
Clay
Condit
Conyers
DeGette
Delahunt
Dingell
Doggett
Filner
Frank
Hastings (FL)
Hill
Hinchey
Holt
Honda
Jefferson
Johnson, E. B.
Larson (CT)
Lee
Lynch
Maloney (NY)
Markey
McDermott
McGovern
McIntyre
Miller, George
Mink
Oberstar
Olver
Pelosi
Schakowsky
Shows
Slaughter
Solis
Stark
Tanner
Taylor (MS)
Towns
Waters
Watt (NC)
Wu

NOES—356

Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Bonilla
Bono
Boozman
Borski
Boswell
Boucher
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Cooksey
Costello
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilliard
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—30

Bartlett
Boehner
Burton
Cannon
Crane
Dooley
English
Gallegly
Hall (OH)
Hilleary
Hinojosa
John
Kennedy (MN)
Lewis (GA)
McCrery
Millender-McDonald
Nadler
Napolitano
Nethercutt
Ose
Oxley
Reyes
Riley
Roukema
Stupak
Thomas
Tierney
Traficant
Watson (CA)
Waxman

□ 1917

Ms. McCOLLUM and Messrs. WYNN, BRADY of Texas and Kingston changed their vote from ''aye'' to ''no.''

So the motion to rise was rejected.

The result of the vote was announced as aboved recorded.

PART A AMENDMENT NO. 4 OFFERED BY MR. TIERNEY

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. TIERNEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 159, noes 253, not voting 22, as follows:

[Roll No. 145]

AYES—159

Abercrombie
Allen
Baca
Baird
Baldacci
Baldwin
Barrett
Becerra
Bentsen
Berkley
Berman
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clay
Clayton
Clyburn
Conyers
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle
Duncan
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank
Frost
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larson (CT)
Leach
Lee
Levin
Lofgren
Lowey
Luther
Lynch
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller, George
Mink
Moore
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Skelton
Slaughter
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—253

Ackerman
Aderholt
Akin
Andrews
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Bonilla
Bono
Boozman
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Carson (OK)
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dooley
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Mascara
McCarthy (NY)
McHugh
McInnis
McIntyre
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Stenholm
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—22

Boehner
Burton
Cannon
Crane
Edwards
Hall (OH)
John
Kennedy (MN)
Lewis (GA)
McCrery
Millender-McDonald
Nethercutt
Ose
Pryce (OH)
Reyes
Riley
Roukema
Sherwood
Thomas
Traficant
Watson (CA)
Waxman

□ 1935

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in part A of House Report 107–450.

PART A AMENDMENT NO. 5 OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A Amendment No. 5 offered by Mr. SPRATT:

At the end of subtitle B of title II (page 45, after line 19), insert the following new section:

SEC. 217. TRANSFER OF FUNDS TO INCREASE AMOUNTS FOR PAC–3 MISSILE PROCUREMENT AND ISRAELI ARROW PROGRAM.

(a) INCREASE FOR PAC–3 PROCUREMENT.—The amount provided in section 101 for Missile Procurement, Army, is hereby increased by $65,000,000, to be available for an additional 24 PAC–3 missiles.

(b) INCREASE FOR ISRAELI ARROW PROGRAM.—The amount provided in section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by $70,000,000, to be available within program element 0603881C, Terminal Defense Segement, only for the Israeli Arrow Ballistic Missile System program.

(c) CORRESPONDING REDUCTION.—The amount provided in section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby reduced by $135,000,000, to be derived from amounts for the Missile Defense Agency for program element 0603883C, Boost Defense Segment, of which—

(1) $54,393,000 shall be derived from project 4040, Space-Based Boost;

(2) $24,810,000 shall be derived from project 4043, Space-Based Laser; and

(3) $55,797,000 shall be derived from project 4020, Sea-Based Boost.

The CHAIRMAN. Pursuant to House Resolution 415, the gentleman from South Carolina (Mr. SPRATT) and a Member opposed each will control 10 minutes.

Mr. HUNTER. Mr. Chairman, I rise in opposition to the amendment, until it is amended.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume.

The purpose of this amendment, Mr. Chairman, is to move $135 million within the ballistic missile defense account. Not outside it, not away from it, not to take a dime out of the top line, but to rearrange $135 million within the $7.8 billion account in the following manner:

First, we would move $65 million into production of 24 additional PAC–3 missiles. The PAC–3, the most advanced missile, the only missile defense system that we will really deploy for nearly the next 5 years, is woefully short in supply at the present time. We could very well need it in the near future. And so this would move $65 million into the PAC–3 line and allow 24 additional PAC–3s to be purchased.

There is an economic effect. By buying more, we buy more efficiently. We run the plant at a higher and more efficient rate; and as a consequence, these 24 missiles will cost nearly $1 million a copy less than they would otherwise cost if we were buying fewer.

Secondly, this amendment would move $70 million out of other accounts into manufacturing and development for the Arrow missile, which is being manufactured at a plant in Alabama, a Boeing plant in Alabama. Once again, this would provide us with a system which may be needed in the here and now, in the near future. This is a system that is ready to go but is not fully funded for production.

Now, where does this money come from? Under my amendment, we would take first of all funds out of space-based interceptors. Mr. Chairman, we have in the past, since the inauguration of SDI in 1983, we have developed at least two iterations of a space-based kinetic kill interceptor. The original

space-based interceptor was based on a satellite. A number of different interceptors would have been garaged on a single satellite and deployed from that satellite. Because such a satellite is a highly valuable and highly visible target in a fixed orbit circling the Earth at given times constantly, it becomes an easy target to take out. Because of its vulnerability, it was discontinued. Actually, it was defeated here on the House floor; discontinued the next year by SDI.

In its place, SDI proposed something called Brilliant Pebbles. The idea was to make these interceptors single autonomous satellites and so prolific they would be too prolific for any adversary to take out enough to make a difference. Well, Brilliant Pebbles II, after the expenditure of several hundred million dollars, was abandoned and discarded.

What I am proposing here tonight, Mr. Chairman, is that we have a full plate already for the Missile Defense Agency. We are trying to bring to fruition the mid-course interceptor. We are trying to develop a boost-phase intercept for the Navy. We are trying to develop a mid-course intercept system based upon a Navy ship. We have an airborne laser system. Given the full plate that the MDA, Missile Defense Agency, already has for the systems it has started up or is starting now, it does not need to complicate its problems with an additional space-based system, particularly after we have already abandoned two iterations of it.

Secondly, we would deplete the funding except for $10 million for further feasibility and concept definition studies of the space-based laser, a truly futuristic and, in my opinion, highly dubious system. We take the money out of those systems; and we put it in theater missile defense where the danger is clear, present, and imminent.

That is the purpose here, to rearrange money. Not to take money out of missile defense, but to rearrange it and to accomplish some near-term needs of systems that we very well may have to call upon in the near future.

The gentleman from California (Mr. HUNTER) has an amendment that would rearrange my rearrangement. He would leave in place the allocations I have made, but he would allow General Kadish to determine which systems would be debited in order for these two systems to be plussed up. And I can live with the gentleman's amendment.

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

Mr. HUNTER. Mr. Chairman, is it in order for me to offer the substitute at this time?

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in part A of House Report 107–450.

PART A AMENDMENT NO. 6 OFFERED BY MR. HUNTER AS A SUBSTITUTE FOR THE PART A AMENDMENT NO. 5 OFFERED BY MR. SPRATT

Mr. HUNTER. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The CHAIRMAN. The Clerk will designate the amendment offered as a substitute for the amendment.

The text of the amendment offered as a substitute for the amendment is as follows:

Part A amendment No. 6 offered by Mr. HUNTER as a substitute for part A amendment No. 5 offered by Mr. SPRATT:

At the end of subtitle C of title II (page 218, after line 15), insert the following new section:

SEC. ___. TRANSFER OF FUNDS TO INCREASE AMOUNTS FOR PAC–3 MISSILE PROCUREMENT AND ISRAELI ARROW PROGRAM.

(a) INCREASE FOR PAC–3 PROCUREMENT.—The amount provided in section 101 for Missile Procurement, Army, is hereby increased by $65,000,000, to be available for an additional 24 PAC–3 missiles.

(b) INCREASE FOR ISRAELI ARROW PROGRAM.—The amount provided in section 201(4) for the Missile Defense Agency is hereby increased by $70,000,000, to be available within program element 0603881C, Terminal Defense Segment, only for the Israeli Arrow Ballistic Missile Defense System program.

(c) CORRESPONDING REDUCTION.—The amount provided in section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby reduced by $135,000,000, to be derived from amounts available to the Missile Defense Agency.

The CHAIRMAN. Pursuant to House Resolution 415, the gentleman from California (Mr. HUNTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment offered by the gentleman from South Carolina (Mr. SPRATT) is very excellent with respect to the requirement or the proposal that we increase in two areas in missile defense, one of which is for additional PAC–3 missiles. Those in fact are the missiles, the antimissile system that we are deploying in the near term. We started deploying those around September of 2001. We are moving ahead to deploy that first battery. We are in what is known as low-rate initial production right now, finishing up EMD; and we are starting to move out with that program. And it is a great improvement over the Patriot missile that we utilized during Desert Storm. So it makes sense to try to get as many of those in the field as quickly as possible.

Similarly, we have been the prime mover in the Arrow missile program, which is also a theater antimissile system. It is an excellent system. It has been proven out and is in deployment right now, and we are trying to increase the deployment and get a third battery up for the Arrow missile. So both of those adds, I think, are good adds, Mr. Chairman.

What we do that is a little different in the substitute, the way we modify Mr. SPRATT's amendment, is instead of designating certain places where we mandate cuts in the missile defense program, we are not replacing General Kadish's discretion with our own. We are leaving him the discretion to move money around and decide where he is going to take the money from to come up with this additional $135 million-or-so for these two missile programs.

So if the gentleman will accept our substitute, I am inclined to accept his amendment.

Mr. SPRATT. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Chairman, I will indeed.

I do, however, Mr. Chairman, still wish to reserve my time so I can recognize others to make comments upon the amendment.

Mr. HUNTER. Mr. Chairman, I reserve the balance of my time.

MOTION TO RISE OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion to rise offered by the gentleman from Mississippi (Mr. TAYLOR).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. TAYLOR of Mississippi. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 55, noes 336, answered ''present'' 1, not voting 42, as follows:

[Roll No. 146]

AYES—55

Abercrombie
Baldwin
Berry
Blumenauer
Bonior
Boyd
Brady (PA)
Capuano
Condit
Conyers
Costello
Davis (FL)
DeGette
Delahunt
Dingell
Doggett
Etheridge
Evans
Filner
Frank
Hill
Holt
Honda
Hooley
Jackson-Lee (TX)
Jefferson
Larson (CT)
Lee
Lynch
Markey
McDermott
McGovern
McIntyre
Meek (FL)
Miller, George
Mink
Napolitano
Oberstar
Obey
Olver
Pelosi
Rodriguez
Schakowsky
Shows
Slaughter
Solis
Stark
Stenholm
Tanner
Taylor (MS)
Thompson (CA)
Towns
Waters
Watt (NC)
Wu

NOES—336

Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Biggert
Bilirakis
Bishop
Blagojevich
Boehlert
Bonilla
Bono
Boozman
Borski
Boswell
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Doolittle
Doyle
Dreier

Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Farr
Fattah
Ferguson
Flake
Fletcher
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Ney
Northup
Nussle
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Rivers
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (NC)
Terry
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

DeFazio

NOT VOTING—42

Ballenger
Berman
Blunt
Boehner
Boucher
Burton
Cannon
Clay
Combest
Cooksey
Crane
Dooley
Everett
Foley
Ganske
Gillmor
Gordon
Hall (OH)
Hinchey
John
Johnson, Sam
Kennedy (MN)
LaFalce
LaTourette
Lewis (GA)
McCrery
Millender-McDonald
Nethercutt
Norwood
Ose
Oxley
Pryce (OH)
Radanovich
Reyes
Riley
Roukema
Royce
Simpson
Thomas
Traficant
Watson (CA)
Waxman

□ 2011

Messrs. BACHUS, FERGUSON and LAHOOD changed their vote from ''aye'' to ''no.''

Mr. RODRIGUEZ changed his vote from ''no'' to ''aye.''

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The gentleman from California (Mr. HUNTER) has 13 minutes remaining. The gentleman from South Carolina (Mr. SPRATT) has 10½ minutes remaining.

Mr. HUNTER. Mr. Chairman, the gentleman from South Carolina and I have discussed his accepting of my substitute and our accepting of the amendment. I know he has several speakers. We do not have any more speakers. What I would be happy to do is yield my time on the substitute to the gentleman from South Carolina's speakers and maybe we could move this process along.

Mr. SPRATT. I thank the gentleman.

Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. SKELTON), the ranking member of our committee.

Mr. SKELTON. Mr. Chairman, I strongly support the amendment by my friend from South Carolina, and I compliment him as well as the gentleman from California.

This amendment addresses what I see as a relevance problem. I have looked at the future and found it wanting. There just is not enough money to carry out the current defense program through the next few years.

But instead of keeping its priorities on what the troops need, we see the Department of Defense canceling programs with real-world relevance while throwing money at any missile defense item that comes down the pike.

As a gesture of national unity, Democrats last year foreswore a significant debate on missile defense. We did not debate the 57 percent increase in spending. We have not debated Secretary Rumsfeld's removal of most of the controls and oversight required of all other major defense programs. We have not debated other significant changes.

But I hope, Mr. Chairman, that we can at least begin, with this amendment, to reestablish relevance as a consideration when spending the national treasury.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. HARMAN).

(Ms. HARMAN asked and was given permission to revise and extend her remarks.)

Ms. HARMAN. Mr. Chairman, I thank the gentleman for yielding to me and I rise in support of this bill.

Mr. Chairman, I believe I was the first Member of Congress in January 2001 to see the Arrow system deployed at Palmachim Air Force Base in Israel. It was very exciting to see the radar, the launchers, and also to see some members of the United States Navy working on the interoperable aspects of the system.

□ 2015

An important thing for this House to understand is that this system is interoperable. The cost-sharing between our country and Israel has produced a system that will protect Israel against current and future missile attacks, and these are real threats, but also will protect U.S. troops deployed in the field. The work we have done on this system and the costs we have shared with our democratic ally, Israel, will help us as we develop our own more advanced theater missile defense and national missile defense systems. This amendment transfers money in this defense authorization bill to support more advanced deployment of a system Israel needs now, and to support the continued development of missile defense systems for the United States. It is a win-win; a win for our ally, Israel; a win for our troops and our homeland.

At a time when our homeland is under serious threat, an issue I devote a lot of my time to, this amendment will assure that we are more capable against a missile threat.

Mr. Chairman, I urge our colleagues to support the amendment.

Mr. Chairman, I support this bill, which provides for a strong defense for our nation. This chamber and this Committee, of which I am a former member, have a long record of providing our armed forces with the capabilities needed to win wars overseas. The overwhelming success of the ongoing operations in Afghanistan demonstrates these capabilities, and attests to the skill and dedication of our armed forces.

We now face a new challenge. While our military forces will be called to win wars overseas, the nation must also wage a war at home. This is not a war we can win with artillery or uniformed troops. It is a war of intelligence, of technology, and of wills.

Similarly, the war against terrorism in Afghanistan was not won with the force structure and equipment of the Cold War. We relied on long-range platforms, on stealth, and on precision-guided munitions. Technology is replacing the need to put our uniformed personnel in harm's way and providing situational awareness to commanders thousands of miles away. While we will maintain the ability to go it alone, the ability to lead a coalition will frequently replace the need to shoulder the burden exclusively.

The bill before us today is a step in the right direction in transforming the military to a truly modern fighting force. The authorization of programs to protect the homeland shows an understanding of the threats we now face. The authorization of uninhabited vehicles, of stealthy aircraft, and improved communications and sensors embraces new technologies.

This bill moves down the path of defense reform. To be sure, there still is more to go. I urge my friends on the committee to continue

the fight against legacy systems and programs, to replace them with agile and smart systems, and to improve the poor tooth to tail ratio through better business practices in the defense establishment.

Finally, I am proud to represent the aerospace capital of the universe. The companies in my district forge the reconnaissance and communications satellites, UAVs, and other cutting edge technologies that will drive the new defense. I support these programs, and I support this bill.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. TURNER), in whose district the PAC III is built.

Mr. TURNER. Mr. Chairman, I thank the gentleman for yielding me this time.

I think it is important for us to understand what this amendment is really all about. It is the intent of the sponsors of these amendments to be sure that our troops are prepared to deal with what we may potentially face if we are involved in a land battle in a country like Iraq.

Today we have only 20 PAC III missiles in our inventory. We authorized 72 additional missiles last year. They are not on line yet. What that means is if we get into a battle, a land battle where our troops need the protection from those Scud missiles coming from Iraq, we will simply not have the protection our troops should have.

The PAC III missile is the only hit-to-kill missile that we have that has been proven to be successful. The old Patriot missiles are a different technology. We will certainly want as a House tonight to stand behind our troops and ensure that an additional 24 missiles are authorized under this bill.

The Army says they need over 2,000 PAC III missiles in their inventory. We will have to appropriate money for a decade to get that inventory to that level. But we can take a small step tonight by authorizing an additional 24 missiles for PAC III, as well as the authorization for additional funding for the Arrow missile, which is also a missile that will defend against the Scud missiles of Iraq.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman from South Carolina (Mr. SPRATT) for yielding me this time.

Mr. Chairman, let me first of all state my support for this legislation as it relates to the funding of the military personnel in this country. I support the increased compensation that this authorization bill will provide.

Let me also thank the gentleman from South Carolina (Mr. SPRATT) for a very thoughtful amendment as it relates to dealing with the missile activities in the theater or grounded missile activity. I support that kind of utilization of missile defense, in the theater, on the ground.

I think it is important to note that I do oppose in its totality the utilization of $7 billion for missile defense in this particular bill. I think the thoughtful amendment that the gentleman from South Carolina (Mr. SPRATT) has that deals with the particular distribution of the funds, particularly as it relates to Israeli defense, is very helpful. However, let me share with my colleagues my concerns about missile defense.

First of all, Operation Enduring Freedom is costing roughly $1.8 billion per month. This bill funds missile defense at $7 billion, and we will also use $7 billion in 4 months for Operation Enduring Freedom. The money for Missile defense was put in this legislation even after a top defense official has said that a successful U.S. missile defense system which was completed recently does not realistically duplicate conditions of an actual attack, a fault in the missile defense. We also find that kinetic kill as a concept for destroying long-range ballistic missiles is even more problematic at this stage. There is no empirical evidence to support the contention that kinetic kill for ICBM defense will work.

So I simply say that the amendment before us, the Spratt amendment, with the distribution of funds as he is offering to do, is an amendment that makes sense, because it is related to ground missile defense. But I am opposed, Mr. Chairman, to the utilization of $7 billion for the missile defense program as offered in this bill and in the President's budget. I ask my colleagues to support the Spratt amendment.

Mr. SPRATT. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding me this time, and I thank him for accepting my amendment.

This Arrow missile was a program that we started in 1987. Members of the Committee on Armed Services contacted Mr. Rabin and Mr. Abramson and said you have to develop a system against incoming ballistic missiles because at some point we are going to see them coming from neighboring countries built presumably by Russia. We saw that. We are going to see more of it. This is a prudent move. The PAC III is also an excellent addition. I thank the gentleman for accepting this substitute.

Mr. Chairman, I move the substitute at this time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, Operation Enduring Freedom is costing roughly $1.8 billion per month. Within four months time that amount will climb to $7.2 billion, while funding the ballistic missile defense program in H.R. 4546 will cost approximately $7.784 billion.

The Ballistic Missile Defense system has failed most of its tests. Kinetic kill as a concept for destroying long-range ballistic missiles is even more problematic at this stage. There is no empirical evidence to support the contention that kinetic kill for ICBM defense will work.

The military personnel conducting the war in Afghanistan are showing measurable victories in achieving the United States goals. While the ballistic missile defense program is not a proven deterrent, let's not fund an unproven, instead let's fund success. By diverting the funds to military personnel we are insuring their welfare and the welfare of their families, which results in increased security for America.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. HUNTER) as a substitute for the amendment offered by the gentleman from South Carolina (Mr. SPRATT).

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina (Mr. SPRATT), as amended.

The amendment, as amended, was agreed to.

MOTION TO RISE OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion to rise offered by the gentleman from Mississippi (Mr. TAYLOR).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. TAYLOR of Mississippi. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 56, noes 339, not voting 39, as follows:

[Roll No 147]

AYES—56

Abercrombie	Holt	Napolitano
Ackerman	Honda	Oberstar
Baldwin	Jackson-Lee (TX)	Obey
Berry	Jefferson	Olver
Blumenauer	Johnson, E. B.	Pelosi
Bonior	Kaptur	Peterson (MN)
Boyd	Kucinich	Rodriguez
Brady (PA)	Langevin	Sanchez
Capuano	Larson (CT)	Schakowsky
Condit	Lee	Shows
Conyers	Lynch	Solis
DeGette	Markey	Stenholm
Delahunt	McDermott	Tanner
Doggett	McGovern	Taylor (MS)
Filner	McIntyre	Tierney
Ford	Meeks (NY)	Towns
Frank	Miller, George	Waters
Hill	Mink	Watt (NC)
Hinchey		Wu

NOES—339

Aderholt	Berman	Callahan
Akin	Biggert	Calvert
Allen	Bilirakis	Camp
Andrews	Bishop	Cantor
Armey	Blagojevich	Capito
Baca	Blunt	Capps
Bachus	Boehlert	Cardin
Baird	Bonilla	Carson (IN)
Baker	Bono	Carson (OK)
Baldacci	Boozman	Castle
Barcia	Borski	Chabot
Barrett	Boswell	Chambliss
Bartlett	Brady (TX)	Clement
Barton	Brown (FL)	Clyburn
Bass	Brown (OH)	Coble
Becerra	Brown (SC)	Collins
Bentsen	Bryant	Cooksey
Bereuter	Burr	Costello
Berkley	Buyer	Cox

Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Larsen (WA)
Latham
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Ney
Northup
Nussle
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Rivers
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—39

Ballenger
Barr
Boehner
Boucher
Burton
Cannon
Clay
Clayton
Combest
Crane
DeFazio
Edwards
Everett
Gillmor
Gordon
Grucci
Hall (OH)
Hansen
Hoyer
John
Kennedy (MN)
LaFalce
LaTourette
Lewis (GA)
Millender-McDonald
Nethercutt
Norwood
Ose
Oxley
Pryce (OH)
Reyes
Riley
Roukema
Simpson
Stark
Traficant
Watson (CA)
Watts (OK)
Waxman

□ 2043

Mr. TIBERI changed his vote from ''aye'' to ''no.''

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in part A of House Report 107–450.

PART A AMENDMENT NO. 7 OFFERED BY MS. SANCHEZ

Ms. SANCHEZ. Mr. Chairman, I offer amendment No. 7.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A Amendment No. 7 offered by Ms. SANCHEZ:

At the end of title VII (page 159, after line 14) insert the following:

SEC. 7 . LIMITING RESTRICTION OF USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES TO PERFORM ABORTIONS TO FACILITIES IN THE UNITED STATES.

Section 1093(b) of title 10, United States Code, is amended by inserting ''in the United States'' after ''Defense''.

The CHAIRMAN. Pursuant to House Resolution 415, the gentlewoman from California (Ms. SANCHEZ) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today I offer an amendment about freedom, safety, and choice. Members of the Armed Forces are entitled to a quality of life equal to that of the Nation they are pledged to defend.

N O T I C E

Incomplete record of House proceedings. Except for concluding business which follows, today's House proceedings will be continued in the next issue of the Record.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6704. A letter from the Secretary, Department of Agriculture, transmitting a draft bill, ''To prescribe, adjust, and collect fees to cover the costs incurred by the Secretary to produce national and international reagents and references and make them available to the industry on a fee basis''; to the Committee on Agriculture.

6705. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Lysophosphatidyl- ethanolamine (LPE); Exemption from the Requirement of a Tolerance [OPP–301212; FRL–6821–4] (RIN: 2070–AB78) received April 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6706. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's report describing the policies and procedures for decision-making on issues arising under the Civil False Claims Act, sections 3729 through 3733, of Title 31, United States Code; to the Committee on Armed Services.

6707. A letter from the Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Amendments to HUD's Civil Money Penalty Regulations [Docket No. FR–4399–F–02] (RIN: 2501–AC56) received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6708. A letter from the Assistant Secretary, Department of Education, transmitting notice of Final Priority—Program of Research on Reading Comprehension, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

6709. A letter from the Secretary, Department of Education, transmitting the Annual Report of the National Advisory Committee on Institutional Quality and Integrity for Fiscal Year 2001, pursuant to 20 U.S.C. 1145(e); to the Committee on Education and the Workforce.

6710. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Significant New Uses of Certain Chemical Substances [OPPTS–50606A; FRL–6805–1] (RIN: 2070–AB27) received April 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6711. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Department's final rule—Revisions to the California State Implementation Plan, Lake County Air Quality Management District [CA 250–0331a; FRL–7165–4] received April 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6712. A letter from the Principal Deputy Associate Administator, Environmental Protection Agency, transmitting the Agency's final rule—Interim Final Determination that State has Corrected the Rule Deficiencies and Stay of Sanctions in California, San Joaquin Valley Unified Air Pollution Control District [CA 262–0338c; FRL–7174–2] received April 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6713. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

6714. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting additional legislative proposals for inclusion in the Foreign Relations Authorization Act Fiscal Years 2002 and 2003; to the Committee on International Relations.

6715. A communication from the President of the United States, transmitting the Second Annual Report on the Inter-American Convention Against Corruption; to the Committee on International Relations.

6716. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–357, ''Election Recount and Judicial Review Amendment Act of 2002'' received May 9, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6717. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–358, ''Youth Pollworker Temporary Amendment Act of 2002'' received May 9, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6718. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–361, ''District of Columbia Public Schools Free Textbook Amendment Act of 2002'' received May 9, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6719. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–355, ''Office of Employee Appeals Attorney Fees Clarification Amendment Act of 2002'' received May 9, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6720. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–356, ''Residential Permit Parking Area Amendment Act of 2002'' received May 9, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6721. A letter from the Deputy Secretary, Department of Housing and Urban Development, transmitting the Department's FY 2003 Annual Performance Plan; to the Committee on Government Reform.

6722. A letter from the Personnel Management Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6723. A letter from the Personnel Management Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6724. A letter from the Comptroller General, General Accounting Office, transmitting the Month in Review: December 2001 Reports, Testimony, Correspondence, and Other Publications; to the Committee on Government Reform.

6725. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Decommissioning Activities (RIN: 1010–AC65) received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6726. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No. 011218304–1304–01; I.D. 030702D] received April 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6727. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Steller Sea Lion Protection Measures for the Groundfish Fisheries Off Alaska; Final 2002 Harvest Specifications and Associated Management Measures for the Groundfish Fisheries Off Alaska [Docket No. 011218304–1304–01; I.D.121701A] (RIN: 0648–AP69) received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6728. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; License Limitation Program for Groundfish of the Bering Sea and Aleutian Islands Area [Docket No. 010914227–2063–02; I.D. 080201E] (RIN: 0648–AM40) received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6729. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Various Transport Category Airplanes Equipped with Air Traffic Control (ATC) Transponders Manufactured by Rockwell Collins, Inc. [Docket No. 2000–NM–284–AD; Amendment 39–12682; AD 2002–06–05] (RIN: 2120–AA64) received April 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6730. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rockwell Collins, Inc. TDR–94 and TDR–94D Mode S Transponders [Docket No. 2000–CE–32–AD; Amendment 39–12683; AD 2002–06–06] (RIN: 2120–AA64) received April 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6731. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 2002–NM–32–AD; Amendment 39–12678; AD 2002–06–02] (RIN: 2120–AA64) received April 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6732. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–10–10, –10F, –15, –30, –30F (KC–10A and KDC–10), –40, and –40F Series Airplanes; and Model MD–10–10F and MD–10–30F Series Airplanes [Docket No. 2001–NM–121–AD; Amendment 39–12692; AD 2002–06–14] (RIN: 2120–AA64) received April 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6733. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–90–30 Airplanes [Docket No. 2000–NM–195–AD; Amendment 39–12689; AD 2002–06–11] (RIN: 2120–AA64) received April 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6734. A letter from the Chairman, National Transportation Safety Board, transmitting a legislative proposal entitled, ''National Transportation Safety Board Amendments Act of 2002''; to the Committee on Transportation and Infrastructure.

6735. A letter from the Secretary, Department of the Treasury, transmitting a draft bill designed to restore the HI Trust Fund to its correct financial position; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HANSEN: Committee on Resources. H.R. 1462. A bill to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land; with an amendment (Rept. 107–451 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII, the following action was taken by the Speaker:

H.R. 1462. Referral to the Committee on Agriculture extended for a period ending not later than June 10, 2002.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BOEHLERT (for himself, Mr. WEINER, Mr. SHAYS, Mr. GRUCCI, Mr. LARSON of Connecticut, Mr. ISRAEL, Mrs. MORELLA, Mr. ETHERIDGE, Mr. EHLERS, Mr. BACA, Mr. FORBES, and Mr. BARCIA):

H.R. 4687. A bill to provide for the establishment of investigative teams to assess building performance and emergency response and evacuation procedures in the wake of any building failure that has resulted in substantial loss of life or that posed significant potential of substantial loss of life; to the Committee on Science.

By Mr. HAYWORTH:

H.R. 4688. A bill to revise the boundary of the Petrified Forest National Park in the State of Arizona, and for other purposes; to the Committee on Resources.

By Mr. SMITH of Texas (for himself, Mr. SENSENBRENNER, Mr. HYDE, Mr. GEKAS, Mr. COBLE, Mr. GALLEGLY, Mr. GOODLATTE, Mr. BRYANT, Mr. CHABOT, Mr. BARR of Georgia, Mr. JENKINS, Mr. CANNON, Mr. GRAHAM, Mr. BACHUS, Mr. HOSTETTLER, Mr. GREEN of Wisconsin, Mr. KELLER, Mr. ISSA, Ms. HART, Mr. FLAKE, and Mr. PENCE):

H.R. 4689. A bill to disapprove certain sentencing guideline amendments; to the Committee on the Judiciary.

By Mr. BERRY:

H.R. 4690. A bill to require that pseudoephedrine be dispensed only upon a written prescription of a licensed practitioner, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BILIRAKIS (for himself, Mr. ARMEY, Mr. TAUZIN, Mr. STUPAK, Mr. SMITH of New Jersey, Mr. BARCIA, Mr. TAYLOR of Mississippi, Mr. BARTON of Texas, Mr. UPTON, Mr. STEARNS, Mr. DEAL of Georgia, Mr. BURR of North Carolina, Mr. WHITFIELD, Mr. NORWOOD, Mrs. CUBIN, Mr. PICKERING, Mr. BRYANT, Mr. PITTS, Mr. WICKER, Mr. MICA, Mr. WELDON of Florida, Mr. LEWIS of Kentucky, Mr. BARTLETT of Maryland, Mr. COOKSEY, and Mr. JEFF MILLER of Florida):

H.R. 4691. A bill to prohibit certain abortion-related discrimination in governmental activities; to the Committee on Energy and Commerce.

By Mr. BISHOP:

H.R. 4692. A bill to amend the Act entitled ''An Act to authorize the Establishment of the Andersonville National Historic Site in the State of Georgia, and for other purposes'', to provide for the addition of certain donated lands to the Andersonville National Historic Site; to the Committee on Resources.

By Mr. BLUNT (for himself, Mr. ACKERMAN, Mr. GILMAN, and Mr. MENENDEZ):

H.R. 4693. A bill to hold accountable the Palestine Liberation Organization and the Palestinian Authority, and for other purposes; to the Committee on International Relations.

By Mr. BURTON of Indiana (for himself and Mr. TOM DAVIS of Virginia):

H.R. 4694. A bill to provide for flexibility in making emergency Federal procurements, and for other purposes; to the Committee on Government Reform.

By Mr. CALLAHAN:

H.R. 4695. A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating Fort Gaines and Fort Morgan in Alabama as units of the National Park System, and for other purposes; to the Committee on Resources.

By Mr. CANNON (for himself, Mr. MORAN of Virginia, Mr. ARMEY, Mr. BONILLA, Mr. HOSTETTLER, Mr. NORWOOD, Mr. BURTON of Indiana, Mr. CAMP, and Mr. DOOLEY of California):

H.R. 4696. A bill to amend title 11 of the United States Code with respect to the allowance of certain claims or interests; to the Committee on the Judiciary.

By Ms. DEGETTE (for herself and Mr. GREENWOOD):

H.R. 4697. A bill to amend the Public Health Service Act with respect to the protection of human subjects in research; to the Committee on Energy and Commerce.

By Mr. ENGEL:

H.R. 4698. A bill to require licenses for the sale, purchase, and distribution of certain chemicals that are precursors to chemical weapons, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FOSSELLA:

H.R. 4699. A bill to establish appropriate procedures and sanctions to ensure that unpaid parking fines and penalties owed to New York City by foreign countries are paid; to the Committee on International Relations.

By Ms. PRYCE of Ohio (for herself, Mr. THOMAS, Mr. BOEHNER, Mr. TAUZIN, Mr. OXLEY, Mr. COMBEST, Mr. HERGER, Mr. MCKEON, Mr. UPTON, Mr. BILIRAKIS, Mrs. ROUKEMA, Mr. GOODLATTE, and Mr. SHAW):

H.R. 4700. A bill to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Education and the Workforce, Agriculture, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GORDON (for himself, Mr. OSBORNE, Mr. DINGELL, Mr. TOWNS, Mr. STEARNS, Mr. JOHN, and Mr. CLEMENT):

H.R. 4701. A bill to designate certain conduct by sports agents relating to the signing of contracts with student athletes as unfair and deceptive acts or practices to be regulated by the Federal Trade Commission; to the Committee on Energy and Commerce.

By Mr. SAM JOHNSON of Texas (for himself, Mr. NORWOOD, Mr. CRANE, Ms. DUNN, and Mr. HERGER):

H.R. 4702. A bill to amend title XVIII of the Social Security Act to clarify the right of Medicare beneficiaries to enter into private contracts with physicians and other health care professionals for the provision of health services for which no payment is sought under the Medicare program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEVIN (for himself and Mr. CAMP):

H.R. 4703. A bill to establish a joint United States-Canada customs inspection pilot project; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Mrs. JONES of Ohio, Ms. MCKINNEY, Mr. KILDEE, Mr. FRANK, Mr. KUCINICH, Mrs. MINK of Hawaii, Ms. RIVERS, Mr. OWENS, Mr. RANGEL, Mr. NADLER, Ms. LEE, Ms. VELAZQUEZ, Mrs. MORELLA, and Mr. ISRAEL):

H.R. 4704. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish labeling requirements regarding allergenic substances in food, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PALLONE:

H.R. 4705. A bill to amend the Interstate Horseracing Act of 1978 to require the consent of certain horsemen's groups for interstate off-track wagers, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RAMSTAD (for himself, Mr. POMEROY, Mrs. JOHNSON of Connecticut, Mr. LEWIS of Kentucky, Mr. MANZULLO, and Ms. VELAZQUEZ):

H.R. 4706. A bill to amend the Internal Revenue Code of 1986 to modify the unrelated business income limitation on investment in certain debt-financed properties; to the Committee on Ways and Means.

By Ms. SCHAKOWSKY (for herself, Mr. BONIOR, Mr. WAXMAN, Ms. CARSON of Indiana, Mr. KUCINICH, Mr. QUINN, Ms. BROWN of Florida, Mr. SANDERS, Mr. MCGOVERN, Mr. UDALL of Colorado, Mr. NADLER, Ms. DELAURO, Mr. GEORGE MILLER of California, Ms. LEE, Mr. WEXLER, Mrs. DAVIS of California, Mr. CUMMINGS, Ms. MCKINNEY, Mr. HALL of Ohio, Mr. BRADY of Pennsylvania, Ms. NORTON, Ms. SOLIS, Mr. LIPINSKI, Mr. DAVIS of Illinois, Ms. MCCARTHY of Missouri, and Ms. SLAUGHTER):

H.R. 4707. A bill to prohibit the use of arsenic-treated lumber to manufacture playground equipment, children's products, fences, walkways, and decks, and for all other residential purposes, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIMPSON (for himself and Mr. OTTER):

H.R. 4708. A bill to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District; to the Committee on Resources.

By Ms. SLAUGHTER:

H.R. 4709. A bill to amend the Public Health Services Act to authorize the Director of the National Institute of Environmental Health Sciences to conduct and coordinate a research program on hormone disruption; to the Committee on Energy and Commerce, and in addition to the Committees on Resources, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELAZQUEZ:

H.R. 4710. A bill to amend title 44, United States Code, to reduce paperwork burdens for small-business concerns; to the Committee on Government Reform, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS (for herself and Mr. BACHUS):

H.R. 4711. A bill to provide for the identification of assets hidden in United States financial institutions that have been stolen or misappropriated from foreign countries by corrupt foreign political figures of those countries; to the Committee on Financial Services.

By Mr. WATKINS:

H.R. 4712. A bill to amend the Internal Revenue Code of 1986 to provide an exemption from the recapture provisions of the low-income housing credit for certain recipients of Federal multi-family housing loans; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska (for himself, Mr. MICA, Mr. OBERSTAR, Mr. LIPINSKI, and Mr. EHLERS):

H. Con. Res. 401. Concurrent resolution recognizing the heroism and courage displayed by airline flight attendants each day; to the Committee on Transportation and Infrastructure.

By Mr. PAUL (for himself, Mr. BARR of Georgia, Mr. BARTLETT of Maryland, Mr. CANNON, Mr. COLLINS, Mr. DUNCAN, Mr. FLAKE, Mr. GOODE, Mr. MANZULLO, Mr. NORWOOD, Mr. ROHRABACHER, Mr. SCHAFFER, Mr. SESSIONS, and Mr. WELDON of Florida):

H. Res. 416. A resolution expressing the sense of the Congress regarding the International Criminal Court; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. ACEVEDO-VILA introduced a bill (H.R. 4713) for the relief of Laura Maldonado Caetani; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 31: Mr. RAHALL.

H.R. 82: Mr. MASCARA.

H.R. 285: Ms. WATSON.

H.R. 294: Mrs. MYRICK.

H.R. 303: Mr. DOGGETT.

H.R. 339: Mr. OWENS.

H.R. 482: Mr. AKIN and Mr. LEWIS of Kentucky.

H.R. 488: Mr. THOMPSON of California.

H.R. 521: Mr. ACEVEDO-VILA.

H.R. 551: Mr. UPTON.

H.R. 638: Mr. OWENS.

H.R. 854: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LANTOS, Ms. MILLENDER-MCDONALD, Mr. MARKEY, and Mr. MCGOVERN.

H.R. 882: Mr. HAYES, Mrs. JONES of Ohio, Mr. BOEHNER, Mr. BISHOP, Mr. WELLER, Mr.

LEWIS of Georgia, Mr. CHAMBLISS, and Mr. DEAL of Georgia.

H.R. 898: Ms. ROS-LEHTINEN.

H.R. 948: Mr. SMITH of New Jersey.

H.R. 951: Mr. ISSA, Mr. REYES, Mr. JENKINS, Mrs. MEEK of Florida, Mr. SULLIVAN, and Mr. LATOURETTE.

H.R. 1090: Mr. HILLEARY and Mr. OLVER.

H.R. 1092: Mr. PENCE, Mr. DAVIS of Illinois, and Mr. LAHOOD.

H.R. 1144: Mr. TOWNS.

H.R. 1145: Mr. GEKAS.

H.R. 1214: Mr. MCCOLLUM.

H.R. 1233: Mr. FOLEY.

H.R. 1296: Mr. TAUZIN.

H.R. 1305: Mr. WATT of North Carolina.

H.R. 1375: Mr. BRYANT.

H.R. 1460: Mr. CANTOR.

H.R. 1472: Ms. PELOSI.

H.R. 1487: Ms. HOOLEY of Oregon.

H.R. 1507: Mr. PASTOR.

H.R. 1543: Mr. PENCE and Mr. DUNCAN.

H.R. 1577: Mr. WATT of North Carolina, Ms. JACKSON-LEE of Texas, Mr. GEKAS, Mr. ISAKSON, and Mr. OSBORNE.

H.R. 1581: Mrs. CUBIN.

H.R. 1598: Ms. MCCARTHY of Missouri, Mr. BROWN of Ohio, and Mr. CRENSHAW.

H.R. 1609: Mr. COBLE, Mr. LOBIONDO, and Mr. BOOZMAN.

H.R. 1629: Mr. HOEFFEL.

H.R. 1637: Mr. MCNULTY.

H.R. 1764: Mr. PETERSON of Minnesota.

H.R. 1784: Mr. SHERMAN.

H.R. 1809: Mr. BISHOP and Ms. NORTON.

H.R. 1897: Mr. LYNCH.

H.R. 1919: Mr. KENNEDY of Minnesota.

H.R. 1935: Mr. HOEFFEL, Mr. ENGEL, Ms. HOOLEY of Oregon, Mr. FATTAH, Mr. KANJORSKI, Mr. THUNE, and Mr. SULLIVAN.

H.R. 1966: Mr. GOODE and Mr. VITTER.

H.R. 2014: Mr. MORAN of Virginia and Mr. CALVERT.

H.R. 2117: Mr. DEAL of Georgia.

H.R. 2348: Mr. BALDACCI and Ms. VELAZQUEZ.

H.R. 2419: Mr. BISHOP.

H.R. 2466: Mrs. JO ANN DAVIS of Virginia.

H.R. 2483: Mr. LARSEN of Washington.

H.R. 2527: Mr. GRAHAM, Mr. HOBSON, Mr. ROGERS of Michigan, Mr. RAHALL, Mr. PUTNAM, Mr. NEAL of Massachusetts, and Mr. BARR of Georgia.

H.R. 2695: Mr. BARTLETT of Maryland.

H.R. 2714: Mr. HOBSON, Mr. SHUSTER, Mrs. WILSON of New Mexico, Mr. COMBEST, Mr. HUNTER, Mr. KIRK, Mr. POMBO, Mr. ROYCE, Mr. SULLIVAN, Mr. LATHAM, Mr. LEWIS of Kentucky, Mr. MCKEON, Mr. GARY G. MILLER of California, Mr. PETERSON of Pennsylvania, Mr. ROGERS of Michigan, Mr. SCHROCK, Mr. SIMMONS, Mr. SIMPSON, Mr. YOUNG of Alaska, Mr. MORAN of Kansas, Ms. PRYCE of Ohio, and Mr. RAMSTAD.

H.R. 2733: Mr. GORDON.

H.R. 2763: Mr. RYUN of Kansas and Mr. LAHOOD.

H.R. 2820: Mr. GEPHARDT, Mr. GEKAS, and Mr. CUMMINGS.

H.R. 2874: Mr. KILDEE, Ms. RIVERS, Mrs. JONES of Ohio, and Mr. STENHOLM.

H.R. 2953: Mr. QUINN, Mr. GILMAN, and Mr. REYNOLDS.

H.R. 3131: Mr. TAUZIN, Ms. VELAZQUEZ, Mr. DOYLE, Mr. GIBBONS, and Ms. PELOSI.

H.R. 3238: Mr. CROWLEY, Mr. DICKS, Mr. NEAL of Massachusetts, and Mr. GEKAS.

H.R. 3250: Mr. KENNEDY of Minnesota, Mr. SOUDER, Mr. HASTINGS of Florida, and Ms. HART.

H.R. 3253: Mr. UDALL of New Mexico, Ms. BERKLEY, Mr. SHOWS, Mr. SIMPSON, and Mr. JEFF MILLER of Florida.

H.R. 3267: Mr. BACA.

H.R. 3320: Ms. HART and Mr. BUYER.

H.R. 3321: Mr. PASTOR.

H.R. 3360: Mrs. ROUKEMA.

H.R. 3422: Mr. EVANS.

H.R. 3450: Ms. MCCOLLUM, Mr. PLATTS, Mr. BARR of Georgia, and Ms. LOFGREN.

H.R. 3469: Mr. BROWN of Ohio, Mr. OLVER, Mr. FILNER, Ms. WATERS, Mr. MCNULTY, Mr. PAYNE, Mr. CONYERS, Ms. WATSON, Mr. GEORGE MILLER of California, Mr. GUTIERREZ, Mr. LARSEN of Washington, and Mr. CLAY.

H.R. 3479: Mr. PETRI, Ms. HART, and Mr. BAKER.

H.R. 3597: Mr. HUNTER.

H.R. 3609: Mr. BRYANT.

H.R. 3612: Ms. SLAUGHTER.

H.R. 3618: Mr. CONDIT.

H.R. 3625: Mr. GREEN of Texas and Mr. KUCINICH.

H.R. 3626: Mr. GONZALEZ.

H.R. 3661: Mr. TERRY and Mr. BOEHLERT.

H.R. 3673: Mr. FOLEY.

H.R. 3710: Mr. MCGOVERN and Mr. LEWIS of Georgia.

H.R. 3729: Mr. BOYD.

H.R. 3747: Mr. STARK.

H.R. 3805: Mr. LEWIS of Kentucky and Mr. BACHUS.

H.R. 3814: Mr. LEACH and Mr. RANGEL.

H.R. 3834: Mr. NORWOOD.

H.R. 3845: Mr. UDALL of Colorado.

H.R. 3884: Mr. RANGEL.

H.R. 3915: Mr. MCGOVERN.

H.R. 3940: Mr. ABERCROMBIE and Mr. CONDIT.

H.R. 3961: Mr. PAYNE, Mr. HOLT, Ms. BALDWIN, Mr. HALL of Ohio, Mr. BRADY of Pennsylvania, Ms. JACKSON-LEE of Texas, Mr. STARK, and Mr. OWENS.

H.R. 3966: Mr. SMITH of New Jersey.

H.R. 3967: Mr. SMITH of New Jersey.

H.R. 3973: Mr. COOKSEY, Mr. HILLEARY, Mr. BALLENGER, Mr. ABERCROMBIE, Mr. TANNER, Mrs. TAUSCHER, Mrs. THURMAN, Mr. HUNTER, Mr. WELDON of Pennsylvania, Mr. ANDREWS, Mr. HASTINGS of Florida, Mr. BARTLETT of Maryland, Mr. HANSEN, Mr. BISHOP, Mr. SCHROCK, Mr. HAYES, Mr. BROWN of South Carolina, Mr. CANTOR, Mr. FORBES, Mr. HEFLEY, Mrs. CUBIN, Mr. PITTS, Mr. KELLER, Mr. CONYERS, Mr. HORN, Mr. COBLE, Mrs. JO ANN DAVIS of Virginia, Mrs. WILSON of New Mexico, Mr. RYAN of Wisconsin, Mr. WELDON of Florida, Mr. THORNBERRY, Mr. HOEKSTRA, Mr. SHADEGG, Mr. RAMSTAD, Mr. GILCHREST, Mr. MCKEON, and Mr. SNYDER.

H.R. 3995: Mr. HOEFFEL.

H.R. 4003: Mr. FILNER.

H.R. 4011: Mr. SANDERS and Ms. SLAUGHTER.

H.R. 4013: Mr. ISAKSON.

H.R. 4014: Mr. ISAKSON.

H.R. 4017: Ms. SCHAKOWSKY, Mr. RANGEL, Mr. FARR of California, and Mr. WYNN.

H.R. 4018: Mr. TERRY, Mr. GORDON, Mr. NEAL of Massachusetts, and Mr. ISRAEL.

H.R. 4034: Mr. KENNEDY of Rhode Island.

H.R. 4037: Mr. FRANK.

H.R. 4059: Mr. FORD.

H.R. 4066: Mr. SKELTON, Mr. GONZALEZ, and Ms. BALDWIN.

H.R. 4071: Mr. WICKER.

H.R. 4073: Mr. CAMP, Mr. WILSON of South Carolina, Ms. DUNN, Mr. BISHOP, Mr. TOM DAVIS of Virginia, Mr. SHAYS, Mr. SHAW, Mr. SCHAFFER, Mr. JEFFERSON, Ms. SLAUGHTER, Mr. BENTSEN, Mr. OBERSTAR, Mr. UDALL of Colorado, Mr. MCDERMOTT, Mr. THOMPSON of Mississippi, Mr. DICKS, Mr. KILDEE, Mr. LUTHER, Mr. PRICE of North Carolina, Mr. RODRIGUEZ, Ms. CARSON of Indiana, Mr. PASTOR, Mr. RANGEL, Mrs. MINK of Hawaii, Mr. FILNER, Mr. BROWN of Ohio, and Mr. FALEOMAVAEGA.

H.R. 4078: Ms. MCCOLLUM.

H.R. 4084: Mr. CONYERS and Mr. SANDERS.

H.R. 4085: Mr. GUTIERREZ, Mr. FOLEY, Mrs. CAPPS, Mr. UDALL of New Mexico, Mr. STUMP, Ms. BERKLEY, and Mr. BILIRAKIS.

H.R. 4092: Ms. HART.

H.R. 4112: Mr. STUPAK.

H.R. 4152: Mr. GEKAS.

H.R. 4210: Mrs. MORELLA, Mr. OLVER, Mr. BROWN of Ohio, Ms. WATSON, Mr. MCGOVERN, Mr. KUCINICH, Mr. FRANK, Mr. GEORGE MILLER of California, Mr. POMEROY, and Mr. BONIOR.

H.R. 4446: Mr. TERRY, Mrs. CHRISTENSEN, Mr. DAVIS of Illinois, Mr. BOEHLERT, and Mr. GUTKNECHT.

H.R. 4493: Mr. TERRY.

H.R. 4496: Mr. TERRY.

H.R. 4498: Mr. TERRY.

H.R. 4503: Mr. OWENS.

H.R. 4514: Mr. BILIRAKIS, Mr. SIMPSON, Mr. SHOWS, Ms. BERKLEY, and Mr. BOOZMAN.

H.R. 4515: Mr. OSBORNE.

H.R. 4551: Mr. FILNER, Mr. BRADY of Texas, Mr. CUMMINGS, Mr. HINOJOSA, Mr. EDWARDS, Ms. JACKSON-LEE of Texas, Mr. LAMPSON, and Mr. QUINN.

H.R. 4555: Mr. FROST and Mr. GREEN of Texas.

H.R. 4575: Mr. OWENS, Mr. RODRIGUEZ, Mr. GONZALEZ, Mr. MCGOVERN, and Mr. HINOJOSA.

H.R. 4582: Mr. OTTER.

H.R. 4592: Ms. LEE, Mr. HONDA, Mr. GARY G. MILLER of California, Mr. FARR of California, Mr. SHERMAN, and Mrs. DAVIS of California.

H.R. 4608: Mr. HOUGHTON, Mr. BEREUTER, Mr. SCHAFFER, Mr. CANTOR, Mrs. WILSON of New Mexico, Mr. LUCAS of Oklahoma, Mr. OSBORNE, Mr. MANZULLO, Mr. GILMAN, Mr. WATKINS, Mr. POMBO, Mr. COX, Mr. GIBBONS, Mr. YOUNG of Alaska, Mr. BLUNT, Mr. NUSSLE, Mr. GOODLATTE, Mr. BOOZMAN, Mr. WICKER, Mr. CHAMBLISS, Mr. COOKSEY, Mr. FOSSELLA, Mr. KING, Mr. HUNTER, Mr. BRADY of Texas, Ms. GRANGER, Mr. BAKER, Mr. BONILLA, Mr. PAUL, Mr. ARMEY, Mr. GRAVES, Mr. PUTNAM, Mr. SMITH of Michigan, Mrs. EMERSON, Mr. SHIMKUS, Mr. BURR of North Carolina, Mr. DEMINT, Mr. HULSHOF, Mr. BILIRAKIS, Mr. SIMPSON, Mr. SMITH of New Jersey, Mr. ENGLISH, Mr. WALDEN of Oregon, Mr. SESSIONS, Mr. HOEKSTRA, Mr. THUNE, Mr. ROGERS of Michigan, Mr. HYDE, Mr. JENKINS, Mr. HASTERT, Mr. CALLAHAN, Mrs. KELLY, Mr. SUNUNU, Mr. PICKERING, Mr. PORTMAN, Mr. BARTON of Texas, Mr. HASTINGS of Washington, Mr. THOMAS, Mr. TAUZIN, Mr. THORNBERRY, Mr. STUMP, Mr. HERGER, Mr. MCKEON, Mr. HAYES, Mr. GILCHREST, Mr. EHLERS, Mr. WATTS of Oklahoma, and Mr. SHADEGG.

H.R. 4614: Mr. CONYERS, Mr. MCGOVERN, Mr. WYNN, Mrs. NAPOLITANO, Mr. HILLIARD, Ms. BROWN of Florida, Mr. OLVER, Mr. BALDACCI, and Ms. RIVERS.

H.R. 4620: Mr. SKEEN and Mr. MCINNIS.

H.R. 4630: Mr. PASCRELL.

H.R. 4635: Mr. MASCARA and Mr. KINGSTON.

H.R. 4647: Mr. BAKER and Mr. ROHRABACHER.

H.R. 4654: Mr. PAYNE, Mr. MCNULTY, Mr. ISRAEL, Mr. GRUCCI, Mrs. MALONEY of New York, Ms. VELAZQUEZ, Mr. STUPAK, Mr. HOEFFEL, Mr. MYRTHA, Mr. BRADY of Pennsylvania, Mr. DINGELL, and Mrs. TAUSCHER.

H.R. 4658: Mr. TANCREDO, Mr. HOSTETTLER, Mr. TERRY, Mr. TIAHRT, Mr. BARTLETT of Maryland, Mr. PITTS, and Mrs. MYRICK.

H.R. 4667: Mr. HUNTER.

H.R. 4669: Mr. HASTINGS of Florida, Ms. WOOLSEY, and Ms. MILLENDER-MCDONALD.

H.R. 4670: Mr. PASTOR.

H.R. 4671: Mrs. MINK of Hawaii, Ms. SOLIS, Mr. CUMMINGS, Ms. JACKSON-LEE of Texas, Mr. DEFAZIO, Mr. COYNE, Mr. HALL of Ohio, Mr. JEFFERSON, Mr. BLAGOJEVICH, Mr. FROST, Mr. EVANS, Mr. CONYERS, Mr. SCOTT, Mr. MCGOVERN, Mr. SCHIFF, Mr. THOMPSON of Mississippi, Ms. CARSON of Indiana, and Mrs. MALONEY of New York.

H.J. Res. 40: Mr. SPRATT.

H.J. Res. 86: Mr. OSE.

H. Con. Res. 42: Mr. DINGELL.

H. Con. Res. 315: Mr. AKIN.

H. Con. Res. 346: Mr. OWENS.

H. Con. Res. 355: Mr. SHAYS, Mr. WEXLER, Mr. LEVIN, Mr. WEINER, and Ms. BERKLEY.

H. Con. Res. 385: Mr. LYNCH, Mr. HINCHEY, Mr. OWENS, Ms. SLAUGHTER, and Mr. WYNN.

H. Con. Res. 394: Mr. FLAKE.

H. Con. Res. 398: Mr. GONZALEZ.

H. Res. 98: Mrs. MALONEY of New York.

H. Res. 115: Mr. TURNER and Mr. KENNEDY of Rhode Island.

H. Res. 269: Mr. ROHRABACHER, Mr. PASCRELL, Mr. MASCARA, Mr. TIBERI, Mr. MARKEY, Mr. PALLONE, and Mr. CAPUANO.

H. Res. 393: Mrs. CAPPS, Mr. GILMAN, and Mr. CARDIN.

H. Res. 410: Mr. PAYNE.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 448: Mr. FILNER.
H.R. 975: Mr. BACHUS.