

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 55 minutes a.m.), the House stood in recess until noon.

□ 1200

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BOOZMAN) at noon.

## PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, You delivered Jericho into the hands of Joshua with the mighty sound of trumpet blasts and the joyful shouts of believers in Your power. We remember the story of these tumbling walls coming down, but to this day no one can find any remains of Joshua's Jericho. So complete is Your victory, Lord.

In our own day, bring an end to the violence in Iraq. Protect and bless peacemakers and the coalition military forces who are trying to bring law and order to that land. Bring down the walls of prejudice and indifference which surround war-torn Iraq. Embrace the people there with Your Spirit, that they may know peace and unity. May their ancient treasures of culture be restored as they rebuild a new nation founded upon religious truth and human dignity.

May goodness, truth and beauty in the end prove victorious. Amen.

## THE JOURNAL

The SPEAKER pro tempore. 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 pro tempore. Will the gentlewoman from California (Ms. LORETTA SANCHEZ) come forward and lead the House in the Pledge of Allegiance.

Ms. SANCHEZ 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.

## NORTH KOREA SELLING HEROIN TO PAY FOR NUKES

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, a couple of months ago, a North Korean ship, the

Pong Su, was captured while trying to transfer \$80 million worth of heroin to a fishing boat off the coast of Australia. This incident confirms that the rogue regime of Kim Jong Il is selling drugs to tighten his grip on power and prolong his reign of terror.

The evidence tying this evil regime to the drug trade is overwhelming. One of the 26 people aboard the Pong Su was a member of the North Korean ruling party who served as a senior envoy in Pyongyang's embassy in Beijing.

At a recent hearing in the Senate, a former high-ranking North Korean official testified that Kim Jong Il has personally designated land in North Korea for the growth of opium. And U.S. State Department officials have concluded that the illegal drug program is sanctioned by the North Korean Government, who is using it to fund its weapons programs.

This incident is a reminder that North Korea will stop at nothing to expand its nuclear arsenal.

## BRING IT ON

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to voice concern over the disregard President Bush has shown to our brave servicemembers and their families. Our troops are dying in Iraq at a rate of one per day. The reason? This administration failed to adequately plan for post-war peacekeeping and civil reconstruction in Iraq. As a consequence, our troops are overstretched, morale is low, and the situation within Iraq is getting worse by the day.

This administration must, it must readdress the situation and give our troops the peacekeeping training that they need; and, in addition, efforts to reach out to the international community for assistance must be enhanced. In short, we should do everything in our power to quell the violence as quickly as possible.

But instead, just last weekend, President Bush taunted insurgents in Iraq by boasting, "Bring 'em on." This is an insult not only to the military families who have lost a loved one in Iraq, but to those who live under the constant fear that their loved ones might not come home.

## GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

## DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, June 26, 2003, 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. 2658.

□ 1208

## 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. 2658) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004 and for other purposes, with Mr. CAMP in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the order of the House of Thursday, June 26, 2003, the bill is considered as having been read the first time.

The gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

First, I appreciate very much having the opportunity to share this time with the gentleman from Pennsylvania (Mr. MURTHA). I am very pleased today to bring before the House the 2004 defense appropriations bill. It is a bill that reflects very much the direction of the Commander-in-Chief as well as the Department of Defense regarding the war on terrorism that we are pursuing in the Middle East at this point, but also recognizing its great threat around the world.

The bill itself is a very, very good bill that I highly commend to the Members, Mr. Chairman. I must say that in terms of its allocation, I am a bit disappointed, for the bill before us is in the neighborhood of \$3 billion below the President's request. But having said that, we did provide some reallocation that helps some of our other bills, and in the meantime, we are doing all we can to recoup some of those dollars by way of other venues.

Having said that, the bill is a very balanced bill, and we have made every effort to reflect the will of the House as well as the needs of our men and women who are representing us so well around the world.

Before going on and commenting briefly about the bill, I want to express my deep appreciation to my colleague from Pennsylvania (Mr. MURTHA), who works hand in glove with me in developing this bill, always, but particularly in this very difficult year with the challenges we face in the world.

Mr. Chairman, I must say that this work would not have been able to have

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been carried forward in this timely fashion without the help of our very fine staff, Kevin Roper particularly, on my side, and a variety and mix of other fine staff members. I will let the gentleman from Pennsylvania talk about his fantastic staff on his own.

But in the meantime, rather than going into great deal about the bill at

this point in time, let me say that we have made every effort to fully fund the personnel needs that we face in this challenging world, such as a modest pay raise for our men and women who make up our forces, and funding the health care programs that are so vital to their needs, as well as their housing challenges.

We are also providing funding to make certain as we go about being successful in this war on terrorism we also are laying the foundation for America's leading the world in a way that will preserve peace for all of us.

At this point, Mr. Chairman, I would like to insert the following tabular summary of the bill.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2658)  
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>TITLE I</b>					
<b>MILITARY PERSONNEL</b>					
Military Personnel, Army.....	26,855,017	37,386,380	28,233,436	+1,378,419	-9,152,944
Military Personnel, Navy.....	21,927,628	25,282,454	23,052,001	+1,124,373	-2,230,453
Military Personnel, Marine Corps.....	8,501,087	9,559,441	8,962,197	+461,110	-597,244
Military Personnel, Air Force.....	21,981,277	26,715,989	23,121,003	+1,139,726	-3,594,986
Reserve Personnel, Army.....	3,374,355	---	3,568,625	+194,270	+3,568,625
Reserve Personnel, Navy.....	1,907,552	---	1,983,153	+75,601	+1,983,153
Reserve Personnel, Marine Corps.....	553,983	---	571,444	+17,461	+571,444
Reserve Personnel, Air Force.....	1,236,904	---	1,267,888	+30,984	+1,267,888
National Guard Personnel, Army.....	5,114,588	---	5,382,719	+268,131	+5,382,719
National Guard Personnel, Air Force.....	2,125,161	---	2,140,598	+15,437	+2,140,598
<b>Total, title I, Military Personnel.....</b>	<b>93,577,552</b>	<b>98,944,264</b>	<b>98,283,064</b>	<b>+4,705,512</b>	<b>-661,200</b>
<b>TITLE II</b>					
<b>OPERATION AND MAINTENANCE</b>					
Operation and Maintenance, Army.....	23,992,082	24,958,842	24,903,992	+911,910	-54,850
Operation and Maintenance, Navy.....	29,331,526	28,287,690	28,060,240	-1,271,286	-227,450
Operation and Maintenance, Marine Corps.....	3,585,759	3,406,656	3,440,456	-145,303	+33,800
Operation and Maintenance, Air Force.....	27,339,533	27,793,931	26,689,043	-650,490	-1,104,888
Operation and Maintenance, Defense-Wide 1/.....	14,707,506	16,570,847	16,124,455	+1,416,949	-446,392
Operation and Maintenance, Army Reserve.....	1,970,180	1,952,009	2,031,309	+61,129	+79,300
Operation and Maintenance, Navy Reserve.....	1,236,809	1,171,921	1,171,921	-64,888	---
Operation and Maintenance, Marine Corps Reserve.....	187,532	173,952	173,952	-13,580	---
Operation and Maintenance, Air Force Reserve.....	2,163,104	2,179,188	2,144,188	-18,916	-35,000
Operation and Maintenance, Army National Guard.....	4,261,707	4,211,331	4,325,231	+63,524	+113,900
Operation and Maintenance, Air National Guard.....	4,117,585	4,402,646	4,424,046	+306,461	+21,400
Overseas Contingency Operations Transfer Fund.....	5,000	50,000	5,000	---	-45,000
United States Court of Appeals for the Armed Forces....	9,614	10,333	10,333	+719	---
Environmental Restoration, Army.....	395,900	396,018	396,018	+118	---
Environmental Restoration, Navy.....	256,948	256,153	256,153	-795	---
Environmental Restoration, Air Force.....	389,773	384,307	384,307	-5,466	---
Environmental Restoration, Defense-Wide.....	23,498	24,081	24,081	+583	---
Environmental Restoration, Formerly Used Defense Sites	246,102	212,619	221,369	-24,733	+8,750
Overseas Humanitarian, Disaster, and Civic Aid.....	58,400	59,000	59,000	+600	---
Former Soviet Union Threat Reduction.....	416,700	450,800	450,800	+34,100	---
Support for International Sporting Competition, Defense	19,000	---	---	-19,000	---
<b>Total, title II, Operation and maintenance.....</b>	<b>114,714,258</b>	<b>116,952,324</b>	<b>115,295,894</b>	<b>+581,636</b>	<b>-1,656,430</b>
<b>TITLE III</b>					
<b>PROCUREMENT</b>					
Aircraft Procurement, Army.....	2,285,574	2,128,485	2,180,785	-104,789	+52,300
Missile Procurement, Army.....	1,096,548	1,459,462	1,533,462	+436,914	+74,000
Procurement of Weapons and Tracked Combat Vehicles, Army.....	2,266,508	1,640,704	1,956,504	-310,004	+315,800
Procurement of Ammunition, Army.....	1,253,099	1,309,966	1,355,466	+102,367	+45,500
Other Procurement, Army.....	5,874,674	4,216,854	4,547,596	-1,327,078	+330,742
Aircraft Procurement, Navy.....	8,812,855	8,788,148	9,030,148	+217,293	+242,000
Weapons Procurement, Navy.....	1,868,517	1,991,821	2,205,634	+337,117	+213,813
Procurement of Ammunition, Navy and Marine Corps.....	1,165,730	922,355	941,855	-223,875	+19,500
Shipbuilding and Conversion, Navy.....	9,032,837	11,438,984	11,453,098	+2,420,261	+14,114
Other Procurement, Navy.....	4,612,910	4,679,443	4,784,742	+171,832	+105,299
Procurement, Marine Corps.....	1,388,583	1,070,999	1,200,499	-188,084	+129,500
Aircraft Procurement, Air Force.....	13,137,255	12,079,360	11,877,051	-1,260,204	-202,309
Missile Procurement, Air Force.....	3,174,739	4,393,039	4,235,505	+1,060,766	-157,534
Procurement of Ammunition, Air Force.....	1,288,164	1,284,725	1,279,725	-8,439	-5,000
Other Procurement, Air Force.....	10,672,712	11,583,659	11,195,159	+522,447	-388,500
Procurement, Defense-Wide 1/ 2/.....	3,414,455	3,665,506	3,803,776	+389,321	+138,270
National Guard and Reserve Equipment.....	100,000	---	100,000	---	+100,000
Defense Production Act Purchases.....	73,057	67,516	67,516	-5,541	---
<b>Total, title III, Procurement.....</b>	<b>71,518,217</b>	<b>72,721,026</b>	<b>73,748,521</b>	<b>+2,230,304</b>	<b>+1,027,495</b>

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2658)  
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>TITLE IV</b>					
<b>RESEARCH, DEVELOPMENT, TEST AND EVALUATION</b>					
Research, Development, Test and Evaluation, Army .....	7,669,656	9,122,825	10,186,272	+2,516,616	+1,063,447
Research, Development, Test and Evaluation, Navy.....	13,946,085	14,106,653	14,666,239	+720,154	+559,586
Research, Development, Test and Evaluation, Air Force.	18,822,569	20,336,258	20,704,267	+1,881,698	+368,009
Research, Development, Test and Evaluation, Defense-Wide 1/.....	17,524,596	17,974,257	18,763,791	+1,239,195	+789,534
Operational Test and Evaluation, Defense.....	245,554	286,661	293,661	+48,107	+7,000
<b>Total, title IV, Research, Development, Test and Evaluation.....</b>	<b>58,208,460</b>	<b>61,826,654</b>	<b>64,614,230</b>	<b>+6,405,770</b>	<b>+2,787,576</b>
<b>TITLE V</b>					
<b>REVOLVING AND MANAGEMENT FUNDS</b>					
Defense Working Capital Funds.....	1,784,956	1,721,507	1,721,507	-63,449	---
National Defense Sealift Fund: Ready Reserve Force	942,629	1,062,762	1,066,462	+123,833	+3,700
Refined Petroleum Products, Transfer Account.....	---	675,000	---	---	-675,000
<b>Total, title V, Revolving and Management Funds..</b>	<b>2,727,585</b>	<b>3,459,269</b>	<b>2,787,969</b>	<b>+60,384</b>	<b>-671,300</b>
<b>TITLE VI</b>					
<b>OTHER DEPARTMENT OF DEFENSE PROGRAMS</b>					
<b>Defense Health Program:</b>					
Operation and maintenance.....	14,100,386	14,876,887	14,874,037	+773,651	-2,850
Procurement.....	284,242	327,826	328,826	+44,584	+1,000
Research and development.....	458,914	65,796	410,296	-48,618	+344,500
<b>Total, Defense Health Program.....</b>	<b>14,843,542</b>	<b>15,270,509</b>	<b>15,613,159</b>	<b>+769,617</b>	<b>+342,650</b>
<b>Chemical Agents &amp; Munitions Destruction, Army:</b>					
Operation and maintenance.....	974,238	1,199,168	1,199,168	+224,930	---
Procurement.....	213,278	79,212	79,212	-134,066	---
Research, development, test and evaluation.....	302,683	251,881	254,881	-47,802	+3,000
<b>Total, Chemical Agents 3/ 4/.....</b>	<b>1,490,199</b>	<b>1,530,261</b>	<b>1,533,261</b>	<b>+43,062</b>	<b>+3,000</b>
<b>Drug Interdiction and Counter-Drug Activities, Defense Office of the Inspector General.....</b>	<b>881,907</b>	<b>817,371</b>	<b>817,371</b>	<b>-64,536</b>	<b>---</b>
	157,165	162,449	162,449	+5,284	---
<b>Total, title VI, Other Department of Defense Programs.....</b>	<b>17,372,813</b>	<b>17,780,590</b>	<b>18,126,240</b>	<b>+753,427</b>	<b>+345,650</b>
<b>TITLE VII</b>					
<b>RELATED AGENCIES</b>					
Central Intelligence Agency Retirement and Disability System Fund.....	222,500	226,400	226,400	+3,900	---
Intelligence Community Management Account.....	163,479	158,640	170,640	+7,161	+12,000
Transfer to Department of Justice.....	(34,100)	(34,100)	(46,100)	(+12,000)	(+12,000)
Payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund.....	75,000	---	---	-75,000	---
National Security Education Trust Fund.....	8,000	8,000	8,000	---	---
<b>Total, title VII, Related agencies.....</b>	<b>468,979</b>	<b>393,040</b>	<b>405,040</b>	<b>-63,939</b>	<b>+12,000</b>

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2658)  
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE VIII					
GENERAL PROVISIONS					
Additional transfer authority (Sec. 8005).....	(2,500,000)	(4,000,000)	(2,500,000)	---	(-1,500,000)
Indian Financing Act incentives (Sec. 8021).....	8,000	---	8,000	---	+8,000
FFRDCs (Sec. 8029).....	-74,200	---	-74,200	---	-74,200
Disposal & lease of DOD real property (Sec. 8035).....	29,730	31,000	31,000	+1,270	---
Overseas Mil Fac Invest Recovery (Sec. 8038).....	1,000	1,331	1,331	+331	---
Rescissions (Sec. 8049).....	-402,750	---	-139,350	+263,400	-139,350
Excess Foreign Currency Cash Balance .....	-338,000	---	---	+338,000	---
Travel Cards (Sec. 8083).....	10,000	44,000	44,000	+34,000	---
Government Purchase Card .....	-97,000	---	---	+97,000	---
American Red Cross (Sec. 8107).....	8,100	---	6,500	-1,600	+6,500
Special needs students .....	7,750	---	---	-7,750	---
Fisher House (Sec. 8093).....	1,700	---	2,000	+300	+2,000
CAAS/Contract Growth (Sec. 8094).....	-850,000	---	-172,500	+677,500	-172,500
IT cost growth reduction (Sec. 8099).....	-400,000	---	-320,000	+80,000	-320,000
Travel cost growth .....	-59,260	---	---	+59,260	---
Revised economic assumptions reduction .....	-1,674,000	---	---	+1,674,000	---
Working Capital Funds Cash Balance (Sec. 8101).....	-120,000	---	-539,000	-419,000	-539,000
Working Capital Funds Excess Carryover (Sec. 8102)....	-48,000	---	-67,000	-19,000	-67,000
Ctr for Mil Recruiting Assessment & Vet Emp (Sec. 8103)	3,400	---	5,500	+2,100	+5,500
Transportation Working Capital Fund (Sec. 8119).....	---	---	-600,000	-600,000	-600,000
Other Contracts (Sec. 8118).....	---	---	-294,000	-294,000	-294,000
Fort Irwin education (Sec. 8117).....	---	---	20,000	+20,000	+20,000
Excess balances from P.L. 108-11 (Sec. 8120).....	---	---	-2,000,000	-2,000,000	-2,000,000
Total, title VIII, General Provisions.....	-3,993,530	76,331	-4,087,719	-94,189	-4,164,050
Total for the bill (net).....	354,594,334	372,153,498	369,173,239	+14,578,905	-2,980,259
OTHER APPROPRIATIONS					
Consolidated Appropriations Resolution 2003 (PL 108-7)	10,000,000	---	---	-10,000,000	---
Additional transfer authority (sec. 8005).....	(500,000)	---	---	(-500,000)	---
Supplemental appropriations (P.L. 108-11).....	62,350,100	---	---	-62,350,100	---
Additional transfer authority (Sec. 1311).....	(2,000,000)	---	---	(-2,000,000)	---
Net grand total (including other appropriations)	426,944,434	372,153,498	369,173,239	-57,771,195	-2,980,259
CONGRESSIONAL BUDGET RECAP					
Scorekeeping adjustments:					
Disabled military retiree payments (mandatory)....	55,000	302,000	302,000	+247,000	---
Military personnel accounts (discretionary)....	-55,000	-302,000	-302,000	-247,000	---
Army Venture Capital Funds (Sec. 8105).....	17,000	17,000	17,000	---	---
Supplemental appropriations (P.L. 108-11)					
Defense Cooperation Account.....	28,000	---	---	-28,000	---
Legislative Proposals:					
Military personnel, Army.....	---	2,000	---	---	-2,000
Military personnel, Navy.....	---	10,000	---	---	-10,000
Operation and Maintenance, Army.....	---	7,000	---	---	-7,000
TRICARE indexing to OMB inflation rate.....	---	45,000	---	---	-45,000
NSETF Transfer.....	---	-8,000	---	---	+8,000
Total adjustments.....	45,000	73,000	17,000	-28,000	-56,000
Adjusted total (incl scorekeeping adjustments) ..	426,989,434	372,226,498	369,190,239	-57,799,195	-3,036,259
Appropriations.....	(427,392,184)	(372,226,498)	(369,329,589)	(-58,062,595)	(-2,896,909)
Rescissions.....	(-402,750)	---	(-139,350)	(+263,400)	(-139,350)
Total (including adjustments).....	426,989,434	372,226,498	369,190,239	-57,799,195	-3,036,259
Amount in this bill.....	(426,944,434)	(372,153,498)	(369,173,239)	(-57,771,195)	(-2,980,259)
Scorekeeping adjustments.....	(45,000)	(73,000)	(17,000)	(-28,000)	(-56,000)
Total mandatory and discretionary.....	426,989,434	372,226,498	369,190,239	-57,799,195	-3,036,259
Mandatory.....	277,500	528,400	528,400	+250,900	---
Discretionary.....	426,711,934	371,698,098	368,661,839	-58,050,095	-3,036,259

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2658)  
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
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RECAPITULATION					
Title I - Military Personnel.....	93,577,552	98,944,264	98,283,064	+4,705,512	-661,200
Title II - Operation and Maintenance.....	114,714,258	116,952,324	115,295,894	+581,636	-1,656,430
Title III - Procurement.....	71,518,217	72,721,026	73,748,521	+2,230,304	+1,027,495
Title IV - Research, Development, Test and Evaluation.....	58,208,460	61,826,654	64,614,230	+6,405,770	+2,787,576
Title V - Revolving and Management Funds.....	2,727,585	3,459,269	2,787,969	+60,384	-671,300
Title VI - Other Department of Defense Programs.....	17,372,813	17,780,590	18,126,240	+753,427	+345,650
Title VII - Related agencies.....	468,979	393,040	405,040	-63,939	+12,000
Title VIII - General provisions (net).....	-3,993,530	76,331	-4,087,719	-94,189	-4,164,050
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Total, Department of Defense (in this bill).....	354,594,334	372,153,498	369,173,239	+14,578,905	-2,980,259
Other appropriations.....	72,350,100	---	---	-72,350,100	---
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Total DoD funding available (net).....	426,944,434	372,153,498	369,173,239	-57,771,195	-2,980,259
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Scorekeeping adjustments.....	45,000	73,000	17,000	-28,000	-56,000
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Total mandatory and discretionary.....	426,989,434	372,226,498	369,190,239	-57,799,195	-3,036,259

FOOTNOTES:

- 1/ Transferred \$496,046,000 to Department of Homeland Security from O&M, Defense-wide (-\$66,000,000), Procurement, Defense-wide (-\$30,000,000), and RDT&E, Defense-wide (-\$400,046,000).
- 2/ FY 2004 Budget amendment (H.Doc. 108-67) reduced Procurement, Defense-wide -\$25,000,000 for a Military Construction program.
- 3/ FY 2004 Budget request for Chemical Agents and Munitions Destruction, Army reduced -\$119,815,000 and transferred to Military Construction.
- 4/ Included in Budget under Procurement title.

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

Mr. MURTHA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a completely bipartisan bill, as the Chairman mentioned. Staff has worked diligently on working the details. We have worked with all the Members. We spent a lot of time asking Members for their input. We got a lot more input than we could afford, but we have done the best we could do with the amount that we had.

Mr. Chairman, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. YOUNG), chairman of the full committee.

Mr. YOUNG of Florida. Mr. Chairman, I just rise in strong support of this bill and to compliment the chairman of the subcommittee, the gentleman from California (Mr. LEWIS) and the ranking member, the gentleman from Pennsylvania (Mr. MURTHA).

Mr. Chairman, when they mentioned the ability of the staff, they are exactly right. This bill, while it is nearly half of all discretionary spending, is not half of all government spending, because mandatories take up two-thirds of the spending. But this bill is half of the discretionary spending, and this subcommittee does a tremendous job in allocating it in a proper way.

I am just in very strong support of this, and I compliment the leadership of the subcommittee.

Mr. CAPUANO. Mr. Chairman, I would like to commend the House Appropriations Defense Subcommittee Chairman and Ranking Democrat for their leadership in bringing this bill to the House Floor.

I would like to express my appreciation for the continued funding of the Joint Diabetes Project in Army RDT&E, Medical Advanced Technology. This project, a collaborative effort of DOD, VA and Joslin Diabetes Center, is bringing advanced, state of the art diabetes detection, care and prevention to large portions of the DOD and VA patient populations. The Joslin Vision Network, enhanced by the Comprehensive Diabetes Management Program, has been proven to reduce costs while providing improved care.

Ms. LEE. Mr. Chairman, I rise today in opposition to this bill. National defense is important to all of us. This bill, however, will neither ensure our defense nor promote the general welfare, two of the central obligations of this government.

At over \$368 billion, this bill expends scarce resources in Cold War era weapons systems. It spends another \$9 billion on missile defense, a 17-percent increase over last year. This represents another heavy installment on what may be a bottomless pit of spending.

This spending comes at real costs. To put this in perspective, last year, according to the National Priorities Project, the people of California paid \$859 million in tax dollars that were spent on missile defense.

That money could have paid to allow another 106,000 children to enroll in Head Start. It could have extended healthcare coverage to nearly half a million children. It could have created over 12,000 new units of affordable hous-

ing. Or it could have hired nearly 15,000 elementary school teachers.

And this year we are spending 17 percent more. That's a misplaced priority. And it is not the ticket to national security.

Mr. WICKER. Mr. Chairman, I rise in support of this bill and would like to take a quick moment to compliment the work done by the Defense Appropriations subcommittee. As a new member of this subcommittee, I have been thoroughly impressed by the professional and unified way in which this committee conducts its difficult responsibilities. My chairman, Mr. LEWIS, Ranking Member MURTHA, and their staffs are to be commended on the difficult work of putting together a fair and balanced bill, while being under such a tight allocation constraint.

I would like to call attention to an item in the Defense Health Programs that I believe is noteworthy. Under the committee's action, there are resources allocated for muscular dystrophy research and the muscle research consortium. This research has significant applications for our military in terms of human muscle strength, and the implications for combating bioterrorism through better understanding of how motor neurons and muscle tissue are impacted by biotoxins. It is important that this program be shared in a collaborative consortium of the nation's four pre-eminent muscle research facilities and a national clinical trials network. More importantly, as the author of the Muscular Dystrophy CARE Act signed into law by President Bush in 2001, I am acutely aware of the tremendous needs for translational research regarding the scourge of childhood muscular dystrophy, and I am encouraged that appropriations such as this will bring hope to thousands of families who suffer much and deserve their fair share of Federal research dollars.

Mr. STUPAK. Mr. Chairman, I wish to express my concerns that funds from the Department of Defense budget could be used to provide universal health care coverage for the Iraqi people.

I understand that it may be necessary to care for Iraqi citizens injured in the war, but if we're going to provide universal health care to the Iraqi population we should do the same for our citizens here at home.

The 41.2 million Americans who lack health insurance coverage should not have to suffer from lack of quality health care any longer. And our soldiers fighting in Iraq, who will soon become veterans, should not be denied future health care and should not have to worry about whether their families will receive health care coverage now or in the future.

I had intended to offer an amendment to the 2004 Defense Appropriations bill to require that the U.S. provide funds only for the war-related health care needs of Iraqi citizens, and not for the universal health care services currently being offered for Iraq, however, I understood that my amendment may not have been ruled in order.

Instead of offering an amendment, therefore, I urge my colleagues to consider my position in opposition to universal care service for Iraqis until universal health is provided to all Americans. As Congress continues to address the future health care funding needs related to U.S. involvement in Iraq, I will continue to pursue opportunities to offer amendments which provide for universal health care here in the U.S.

I look forward to working with my colleagues to ensure that the critical health care needs of all Americans are adequately met before we commit to providing universal health care services in Iraq. I remain dedicated to providing affordable and accessible health care for U.S. citizens first.

Mr. NUSSLE. Mr. Chairman, I rise today in support of H.R. 2658, the Defense Appropriations Act for Fiscal Year 2004. This piece of legislation is perhaps the most important component of our wartime budget for America. It is the third bill we are considering pursuant to the 302(b) allocations adopted by the Appropriations Committee on June 17. I am pleased to report that it is consistent with the levels established in H. Con. Res. 95, the House concurrent resolution on the budget for fiscal year 2004, which Congress adopted as its fiscal blueprint on April 10. The budget resolution provided \$400.1 billion in discretionary budget authority for the national defense function. This bill funds the bulk of that commitment. The rest is funded in the military construction bill, which the House already passed on June 26, and the energy and water bill.

H.R. 2658 provides \$368.662 billion in new discretionary budget authority, which is within the 302(b) allocation to the House Appropriations Subcommittee on Defense. This is a 1.2-percent increase from the previous year, but builds on a 5-year average annual growth rate of 7.2 percent for defense appropriations. The bill contains no emergency-designated new budget authority, but does include \$2.14 billion worth of rescissions from previously enacted appropriations.

Accordingly, the bill complies with section 302(f) of the Budget Act, which prohibits consideration of bills in excess of an appropriations subcommittee's 302(b) allocation of budget authority and outlays established in the budget resolution.

This bill represents the House's support for the more than 165,000 U.S. troops performing difficult and dangerous duty in Iraq and Afghanistan. The bill contains the largest research and development funding ever, and the largest procurement funding since 1990. H.R. 2658 also funds a range of military pay raises up to 6.25 percent, as previously provided for in the Defense Authorization Bill.

I would add one note of caution: the Pentagon has confirmed in a letter to me that the press reports claiming that DOD cannot account for some of the supplemental funding since September 11, 2001, are essentially correct. Accordingly, it is essential that this body adhere to budget rules, carefully examine budget requests, and diligently conduct oversight to ensure defense resources are used efficiently.

In conclusion, I express my support for H.R. 2658.

Mr. SANDLIN. Mr. Chairman, I urge my colleagues to join me in strong support of H.R. 2658, the Department of Defense Appropriations Act for FY 2004. I applaud the bipartisan effort that has brought this vital and carefully balanced legislation to the floor, and regret that I was unavoidably detained in my home State and, therefore, not able to cast my vote in favor of this bill. Had I been present, I would have voted "aye" on this extremely important legislation.

The bill before the House today deserves the strong support of every Member as it continues the efforts of Congress to ensure that

our nation's military is ready for the challenges of the 21st century. As has been repeatedly demonstrated during our ongoing confrontation with terrorists and tyrants around the world, these challenges are as daunting as any our great nation has ever faced. I am gratified that my colleagues understand that our security and the defense of freedom must remain above the partisan fray and demand our full commitment.

We have been thrust into an age of warfare that demands heretofore unimaginable speed, complexity and flexibility for our fighting machines and the men and women who design, build and operate them. This bill provides for the most forward-looking technology in our aircraft, ships, ground weapons and missile defense. We must press forward in developing leading edge technology, looking not only to the needs of today but to 2020, 2050 and beyond.

The most crucial commitment we must fulfill, however, is the one we make to the soldiers, sailors, airmen and Marines who remain unquestionably the foundation for the United States' continuing status as the world's sole superpower, unrivaled in our ability to defend and support freedom anywhere in the world.

The funding provided in this bill is critical to ensuring that the brave men and women in our armed services have the tools and resources necessary to accomplish a swift, sure and decisive victory over tyranny and oppression across the globe. The best of America, and thousands of the best from my home state of Texas—our men and women in uniform, active duty and reserve components alike—are now in harm's way in Iraq and Afghanistan, on the high seas and at the far corners of the world. These brave Americans now risk their lives to confront the oppression, tyranny, and terrorism that plague and threaten the world and our nation.

Through our support of this bill, Mr. Chairman, we show our unequivocal support for our military men and women by providing them with improved pay and benefits and better working and living conditions. We can never do enough to compensate these dedicated men and women for their sacrifices in defense of our freedom, but this bill represents continuing movement in the right direction.

One of this nation's finest traditions is our support of our men and women in uniform. American forces, whether deployed here at home or across the globe, fight not for narrow interests or for reasons of national pride. American soldiers, sailors, airmen, and Marines are engaged in combat today so that our people do not live in a world in which tyrants armed with weapons of horror hold free nations hostage, and in doing so threaten freedom itself.

Accordingly, it is our solemn obligation to stand solidly behind our soldiers, sailors, airmen and Marines and to give our men and women in uniform the full and complete support they must have in order to prevail in this war and come safely home. This appropriations bill is an appropriate step in fulfilling our obligation.

Mr. Chairman, I urge my colleagues to lend their full support for H.R. 2658. Our nation's service men and women deserve no less.

Mr. FRELINGHUYSEN. Mr. Chairman, as we debate this appropriations bill today, we should recall the words of our President, George W. Bush, shortly after the attacks of

September 11, 2001. He stated: "America is a nation full of good fortune, with so much to be grateful for. But we are not spared from suffering. In every generation, the world has produced enemies of human freedom. They have attacked America, because we are freedom's home and defender."

Mr. Chairman, the bill we have before us today is our answer to those who would attack America. This is a strong legislative product—one that reflects well on the Committee on Appropriations, I want to commend you, Chairman, LEWIS, Chairman YOUNG and Ranking Members OBEY and MURTHA for your leadership.

Mr. Chairman, as we consider this important legislation, we must remain mindful that our troops are in the field—brave men and women fighting a new kind of war, as we speak.

It is a war fought with new technology in a land that is very old world.

It is a war that had Forward Air Controllers riding horseback and calling in strikes from laptop computers.

This is a war being fought from our ships stationed 700 miles from targets.

This is a war that utilizes B-52s and B-2s and B1Bs for precision targeting, but it is also a war that calls for our troops to go from cave to cave or building to building to seek out the enemy. It is a war whose enemy is difficult to identify.

At the same time as our men and women are in action in Iraq and Afghanistan and other scattered locations, the leadership of the Department of Defense continues its wide-ranging transformation of the methods and missions and capabilities of our fighting forces.

In this context, America's armed forces have been charged with developing the capabilities to fight jointly with coalition partners to secure victory across the full spectrum of warfare while continuing the transition to a more flexible, more agile, lighter and more lethal force.

Of course, our goal is to provide a new level of efficiency and protection to our warfighter so that they may fight—and win—the new kind of wars that will face the United States of America in coming years.

Mr. Chairman, we are a peaceful people. But recent months have shown the world that we will fight anywhere to defend our national security.

The men and women of our armed forces have made us proud. For them—and their families—I urge adoption of the bill.

Mr. LEWIS of California. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the order of the House of Thursday, June 26, 2003, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 2658

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums*

are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2004, for military functions administered by the Department of Defense and for other purposes, namely:

#### TITLE I

##### MILITARY PERSONNEL

###### MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$28,233,436,000.

Mr. LEWIS of California (during the reading). Mr. Chairman, I ask unanimous consent that the bill through page 116, line 19, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the bill from page 2, line 15, through page 116, line 19, is as follows:

###### MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$23,052,001,000.

###### MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$8,962,197,000.

###### MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$23,121,003,000.

###### RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of



title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$3,568,625,000.

#### RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,983,153,000.

#### RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$571,444,000.

#### RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,267,888,000.

#### NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$5,382,719,000.

#### NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for

personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$2,140,598,000.

#### TITLE II

#### OPERATION AND MAINTENANCE

#### OPERATION AND MAINTENANCE, ARMY

#### (INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed \$11,034,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, \$24,903,992,000: *Provided*, That of the funds appropriated in this paragraph, not less than \$355,000,000 shall be made available only for conventional ammunition care and maintenance: *Provided further*, That of funds made available under this heading, \$2,500,000 shall be available for Fort Baker, in accordance with the terms and conditions as provided under the heading "Operation and Maintenance, Army", in Public Law 107-117.

#### OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed \$4,463,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, \$28,060,240,000.

#### OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, \$3,440,456,000.

#### OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed \$7,801,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, \$26,689,043,000: *Provided*, That notwithstanding any other provision of law, that of the funds available under this heading, \$750,000 shall only be available to the Secretary of the Air Force for a grant to Florida Memorial College for the purpose of funding minority aviation training.

#### OPERATION AND MAINTENANCE, DEFENSE-WIDE (INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, \$16,124,455,000, of which not to exceed \$25,000,000 may be available for the CINC initiative fund account; and of which not to exceed \$34,500,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his cer-

tificate of necessity for confidential military purposes: *Provided*, That notwithstanding any other provision of law, of the funds provided in this Act for Civil Military programs under this heading, \$500,000 shall be available for a grant for Outdoor Odyssey, Roaring Run, Pennsylvania, to support the Youth Development and Leadership program and Department of Defense STARBASE program: *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: *Provided further*, That \$4,700,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further*, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

#### OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$2,031,309,000.

#### OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$1,171,921,000.

#### OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$173,952,000.

#### OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$2,144,188,000.

#### OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals;

maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), \$4,325,231,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things, hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, \$4,424,046,000.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For expenses directly relating to Overseas Contingency Operations by United States military forces, \$5,000,000, to remain available until expended: *Provided*, That the Secretary of Defense may transfer these funds only to military personnel accounts; operation and maintenance accounts within this title; the Defense Health Program appropriation; procurement accounts; research, development, test and evaluation accounts; and to working capital funds: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That upon determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained elsewhere in this Act.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, \$10,333,000, of which not to exceed \$2,500 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY (INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, \$396,018,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of haz-

ardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, NAVY (INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, \$256,153,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, AIR FORCE (INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, \$384,307,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE (INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, \$24,081,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, \$221,369,000, to remain available until trans-

ferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2547, and 2561 of title 10, United States Code), \$59,000,000, to remain available until September 30, 2005.

FORMER SOVIET UNION THREAT REDUCTION

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, \$450,800,000, to remain available until September 30, 2006.

TITLE III PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$2,180,785,000, to remain available for obligation until September 30, 2006.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,533,462,000, to remain available for obligation until September 30, 2006.

PROCUREMENT OF WEAPONS AND TRACKED  
COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,956,504,000, to remain available for obligation until September 30, 2006: *Provided*, That of the funds made available under this heading, \$35,000,000 shall be available only for advance procurement items for the fifth and sixth Stryker Brigade Combat Teams.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,355,466,000, to remain available for obligation until September 30, 2006.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; and the purchase of 4 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$180,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$4,547,596,000, to remain available for obligation until September 30, 2006.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$9,030,148,000, to remain available for obligation until September 30, 2006.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$2,205,634,000, to remain available for obligation until September 30, 2006.

PROCUREMENT OF AMMUNITION, NAVY AND  
MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$941,855,000, to remain available for obligation until September 30, 2006.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier	Replacement	Program,
\$1,186,564,000;		
Virginia Class Submarine,	\$2,123,221,000;	
SSGN Conversion,	\$1,167,300,000;	
Cruiser Conversion,	\$194,440,000;	
CVN Refueling Overhauls,	\$367,832,000;	
Submarine	Refueling	Overhauls,
\$123,372,000;		
DDG-51,	\$3,198,311,000;	
LHD-1 Amphibious Assault Ship,	\$355,006,000;	
LPD-17,	\$1,367,034,000;	
Minehunter, SWATH,	\$9,000,000;	
Service Craft,	\$39,480,000;	
Landing Craft Air Cushion, LCAC,	\$73,087,000;	
Prior Year Shipbuilding Program,	\$899,502,000; and	

For outfitting, post delivery, conversions, and first destination transportation, \$348,949,000.

In all: \$11,453,098,000, to remain available for obligation until September 30, 2008: *Provided*, That additional obligations may be incurred after September 30, 2008, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such

vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only, and the purchase of 2 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger carrying vehicles but not to exceed \$245,000 per unit; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$4,784,742,000, to remain available for obligation until September 30, 2006.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, \$1,200,499,000, to remain available for obligation until September 30, 2006.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$11,877,051,000, to remain available for obligation until September 30, 2006.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$4,235,505,000, to remain available for obligation until September 30, 2006.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and

accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,279,725,000, to remain available for obligation until September 30, 2006.

#### OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, and the purchase of 1 vehicle required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$243,000 per vehicle; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, \$11,195,159,000, to remain available for obligation until September 30, 2006.

#### PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, including not to exceed 3 passenger motor vehicles for the Defense Security Service; the purchase of 4 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$250,000 per vehicle; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, \$3,803,776,000, to remain available for obligation until September 30, 2006.

#### NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, \$100,000,000, to remain available for obligation until September 30, 2006; *Provided*, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

#### DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), \$67,516,000, to remain available until expended.

#### TITLE IV

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION

###### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$10,186,272,000, to remain available for obligation until September 30, 2005; *Provided*, That of the amounts provided under this heading, \$10,000,000 for Molecular Genetics and Musculoskeletal Research in program element 0602787A, shall remain available until expended.

###### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$14,666,239,000, to remain available for obligation until September 30, 2005; *Provided*, That funds appropriated in this paragraph which are available for the V-22 may be used to meet unique operational requirements of the Special Operations Forces; *Provided further*, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

###### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$20,704,267,000, to remain available for obligation until September 30, 2005.

###### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, \$18,763,791,000, to remain available for obligation until September 30, 2005.

###### OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, \$293,661,000, to remain available for obligation until September 30, 2005.

#### TITLE V

##### REVOLVING AND MANAGEMENT FUNDS DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, \$1,721,507,000.

##### NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, \$1,066,462,000, to remain available until expended; *Provided*, That

none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes; *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract; *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes; *Provided further*, That, notwithstanding any other provision of law, \$6,500,000 of the funds available under this heading shall be available in addition to other amounts otherwise available, only to finance the cost of constructing additional sealift capacity.

#### TITLE VI

##### OTHER DEPARTMENT OF DEFENSE PROGRAMS

###### DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law, \$15,613,159,000, of which \$14,874,037,000 shall be for Operation and maintenance, of which not to exceed 2 percent shall remain available until September 30, 2005; of which \$328,826,000, to remain available for obligation until September 30, 2006, shall be for Procurement; and of which \$410,296,000, to remain available for obligation until September 30, 2005, shall be for Research, development, test and evaluation.

###### CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$1,533,261,000, of which \$1,199,168,000 shall be for Operation and maintenance to remain available until September 30, 2005; \$79,212,000 shall be for Procurement to remain available until September 30, 2006; \$254,881,000 shall be for Research, development, test and evaluation to remain available until September 30, 2005; and no more than \$132,677,000 may be for the Chemical Stockpile Emergency Preparedness Program, of which \$44,168,000 shall be for activities on military installations and \$88,509,000 shall be to assist state and local governments.

###### DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

###### (INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation,

\$817,371,000: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$162,449,000, of which \$160,049,000 shall be for Operation and maintenance, of which not to exceed \$700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which \$300,000 to remain available until September 30, 2005, shall be for Research, Development, Test and Evaluation; and of which \$2,100,000, to remain available until September 30, 2006, shall be for Procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, \$226,400,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, \$170,640,000, of which \$26,081,000 for the Advanced Research and Development Committee shall remain available until September 30, 2005: *Provided*, That of the funds appropriated under this heading, \$46,100,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, and of the said amount, \$1,500,000 for Procurement shall remain available until September 30, 2006 and \$1,000,000 for Research, development, test and evaluation shall remain available until September 30, 2005: *Provided further*, That the National Drug Intelligence Center shall maintain the personnel and technical resources to provide timely support to law enforcement authorities and the intelligence community by conducting document and computer exploitation of materials collected in Federal, State, and local law enforcement activity associated with counter-drug, counter-terrorism, and national security investigations and operations.

NATIONAL SECURITY EDUCATION TRUST FUND

For the purposes of title VIII of Public Law 102-183, \$8,000,000, to be derived from the National Security Education Trust Fund, to remain available until expended.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of

compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed \$2,500,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section must be made prior to May 31, 2004.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working cap-

ital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the congressional defense committees.

SEC. 8008. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any 1 year of the contract or that includes an unfunded contingent liability in excess of \$20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any 1 year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed \$500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement.

Funds appropriated in title III of this Act may be used for multiyear procurement contracts as follows:

F/A-18 aircraft;  
E-2C aircraft; and  
Tactical Tomahawk missile.

SEC. 8009. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99-239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities,

on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8010. (a) During fiscal year 2004, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2005 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2005 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2005.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8011. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used by the Department of Defense to exceed, outside the 50 United States, its territories, and the District of Columbia, 125,000 civilian workyears: *Provided*, That workyears shall be applied as defined in the Federal Personnel Manual: *Provided further*, That workyears expended in dependent student hiring programs for disadvantaged youths shall not be included in this workyear limitation.

SEC. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8013. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this subsection applies only to active components of the Army.

SEC. 8014. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees unless such conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function and the Competitive Sourcing Official certifies that the projected savings of the competition exceed the minimum conversion differential for such activity or function: *Provided*, That this section shall not apply in circumstances in which the Department of Defense publishes in the Federal Register a determination that compliance would have an adverse impact on national security: *Provided further*, That this section and subsections (a), (b), and (c) of 10 U.S.C. 2461 shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Javits-Wagner-O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance

with that Act; or (3) is planned to be converted to performance by a qualified firm under 51 percent ownership by an Indian tribe, as defined in section 450b(e) of title 25, United States Code, or a Native Hawaiian organization, as defined in section 637(a)(15) of title 15, United States Code.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2301 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) or TRICARE shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: *Provided*, That this limitation does not apply in the case of inpatient mental health services provided under the program for persons with disabilities under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8018. (a) During the current fiscal year and hereafter, the Secretary of Defense may, by executive agreement, establish with the government of any North Atlantic Treaty Organization member nation a separate account into which residual value amounts negotiated with that nation in the return of

United States military installations in that nation may be deposited, in lieu of direct monetary transfers to the United States Treasury. Any such deposit may be made in the currency of the host nation. Amounts in such an account shall be treated as credits to that host nation and may be used only as specified in subsection (b).

(b) Amounts deposited by a host nation in an account as provided for in an agreement under subsection (a) may be used—

(1) subject to subsection (c), for the construction of facilities to support United States military forces in that host nation; or

(2) for such real property maintenance and base operating costs at United States military installations in that host nation that are currently executed through monetary transfers to such host nation.

(c) A military construction project may be executed from an account established under this section only if the project has been previously authorized by law.

(d) In the budget justification materials submitted to Congress in support of the President's budget for the Department of Defense for any fiscal year, the Secretary of Defense shall identify—

(1) amounts anticipated to be received during that fiscal year in residual value settlements under this section; and

(2) such construction, real property maintenance, and base operating costs that shall be funded by the host nation during that fiscal year through such credits under an agreement under this section.

(e)(1) The Secretary of Defense shall report any executive agreement with a NATO member nation under this section to the congressional committees specified in paragraph (2) not less than 30 days before the conclusion and endorsement of the agreement.

(2) The committees referred to in paragraph (1) are the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate.

SEC. 8019. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 caliber rifles, .30 caliber rifles, or M-1911 pistols.

SEC. 8020. No more than \$500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8021. In addition to the funds provided elsewhere in this Act, \$8,000,000 is appropriated only for incentive payments authorized by Section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in 25 U.S.C. 1544 or a small business owned and controlled by an individual defined under 25 U.S.C. 4221(9) shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over \$500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: *Provided further*, That notwithstanding 41 U.S.C. §430, this section shall be applicable to any Department of Defense acquisition

of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in 25 U.S.C. §1544 or a small business owned and controlled by an individual defined under 25 U.S.C. 4221(9).

SEC. 8022. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A-76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 48 months after initiation of such study for a multi-function activity.

SEC. 8023. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8024. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8025. (a) The Secretary of Defense shall afford qualified nonprofit agencies for the blind or other severely handicapped the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts for the procurement of supplies or services that are let by the Department of Defense using funds appropriated for military functions of the Department of Defense (other than for military construction or military family housing).

(b) A business concern that has negotiated with the Secretary of a military department or the director of a Defense Agency a subcontracting plan for the participation by small business concerns pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be given credit toward meeting that subcontracting goal for any purchase made from a qualified nonprofit agency for the blind or other severely handicapped.

(c) For the purpose of this section, the term "qualified nonprofit agency for the blind or other severely handicapped" means a nonprofit agency for the blind, or a nonprofit agency for other severely handicapped, that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O'Day Act (41 U.S.C. 46-48).

(d) This section shall apply during the current fiscal year and hereafter.

SEC. 8026. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility's direct budget amount.

SEC. 8027. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed \$350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8028. (a) Of the funds made available in this Act, not less than \$32,758,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) \$21,432,000 shall be available from "Operation and Maintenance, Air Force" to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug ac-

tivities, and drug demand reduction activities involving youth programs;

(2) \$10,540,000 shall be available from "Aircraft Procurement, Air Force"; and

(3) \$786,000 shall be available from "Other Procurement, Air Force" for vehicle procurement.

(b) Notwithstanding section 9445 of title 10, United States Code, or any other provision of law, of the funds made available to the Civil Air Patrol Corporation in this Act under the heading "Aircraft Procurement, Air Force", not more than \$770,000 may be transferred by the Secretary of the Air Force to the "Operation and Maintenance, Air Force" appropriation to be merged with and to be available for administrative expenses incurred by the Air Force in the administration of Civil Air Patrol Corporation. Funds so transferred shall be available for the same period as the appropriation to which transferred.

(c) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal State, and local government agencies.

SEC. 8029. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administered by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2004 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2004, not more than 6,321 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided*, That of the specific amount referred to previously in this subsection, not more than 1,050 staff years may be funded for the defense studies and analysis FFRDCs.

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2005 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by \$74,200,000.

SEC. 8030. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and

rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8031. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8032. (a) During the current fiscal year and hereafter, the Department of Defense may acquire the modification, depot maintenance, and repair of aircraft, vehicles, and vessels, as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms.

(b) In the case of a competition conducted under this section, the Senior Acquisition Executive of the military department or Defense Agency concerned shall certify that the successful bid includes comparable estimates of all direct and indirect costs for bids submitted both by Department of Defense depot maintenance activities and by private firms. The authority of the Senior Acquisition Executive under this section may be delegated.

(c) Office of Management and Budget Circular A-76 shall not apply to a competition conducted under this section.

SEC. 8033. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2004. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations

for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8034. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8035. Amounts deposited during the current fiscal year to the special account established under 40 U.S.C. 572(b)(5)(A) and to the special account established under 10 U.S.C. 2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 572(b)(5)(B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

SEC. 8036. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the defense agencies.

SEC. 8037. Notwithstanding any other provision of law, funds available for "Drug Interdiction and Counter-Drug Activities, Defense" may be obligated for the Young Marines program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8038. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101-510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8039. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base and Minot Air Force Base that are excess to the needs of the Air Force.

(b) PROCESSING OF REQUESTS.—The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota.

(c) RESOLUTION OF HOUSING UNIT CONFLICTS.—The Operation Walking Shield program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) INDIAN TRIBE DEFINED.—In this section, the term "Indian tribe" means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103-454; 108 Stat. 4792; 25 U.S.C. 479a-1).

SEC. 8040. During the current fiscal year, appropriations which are available to the De-

partment of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than \$250,000.

SEC. 8041. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2005 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2005 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2005 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8042. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2005: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for agent operations and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2005.

SEC. 8043. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8044. Of the funds appropriated to the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than \$10,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8045. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8046. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: *Provided*, That this limitation shall not apply to contracts in an amount of less than \$25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8047. (a) Except as provided in subsection (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or  
(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to field operating agencies funded within the National Foreign Intelligence Program.

SEC. 8048. Notwithstanding section 303 of Public Law 96-487 or any other provision of law, the Secretary of the Navy is authorized to lease real and personal property at Naval Air Facility, Adak, Alaska, pursuant to 10 U.S.C. 2667(f), for commercial, industrial or other purposes: *Provided*, That notwithstanding any other provision of law, the Secretary of the Navy may remove hazardous materials from facilities, buildings, and structures at Adak, Alaska, and may demolish or otherwise dispose of such facilities, buildings, and structures.

(RESCISSIONS)

SEC. 8049. Of the funds appropriated in Department of Defense Appropriations Acts,



the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

"Aircraft Procurement, Army, 2003/2005", \$47,100,000;

"Other Procurement, Army, 2003/2005", \$8,000,000;

"Shipbuilding and Conversion, Navy, 2002/2006", \$25,600,000;

"Missile Procurement, Air Force, 2003/2005", \$27,000,000;

"Other Procurement, Air Force, 2003/2005", \$30,000,000; and

"Research, Development, Test and Evaluation, Army, 2003/2004", \$1,650,000.

SEC. 8050. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8051. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8052. During the current fiscal year, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: *Provided*, That during the performance of such duty, the members of the National Guard shall be under State command and control: *Provided further*, That such duty shall be treated as full-time National Guard duty for purposes of sections 12602(a)(2) and (b)(2) of title 10, United States Code.

SEC. 8053. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Foreign Intelligence Program (NFIP), the Joint Military Intelligence Program (JMIP), and the Tactical Intelligence and Related Activities (TIARA) aggregate: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8054. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2002 level: *Provided*, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8055. (a) LIMITATION ON PENTAGON RENOVATION COSTS.—Not later than the date each year on which the President submits to Congress the budget under section 1105 of title 31, United States Code, the Secretary of Defense shall submit to Congress a certification that the total cost for the planning, design, construction, and installation of

equipment for the renovation of wedges 2 through 5 of the Pentagon Reservation, cumulatively, will not exceed four times the total cost for the planning, design, construction, and installation of equipment for the renovation of wedge 1.

(b) ANNUAL ADJUSTMENT.—For purposes of applying the limitation in subsection (a), the Secretary shall adjust the cost for the renovation of wedge 1 by any increase or decrease in costs attributable to economic inflation, based on the most recent economic assumptions issued by the Office of Management and Budget for use in preparation of the budget of the United States under section 1104 of title 31, United States Code.

(c) EXCLUSION OF CERTAIN COSTS.—For purposes of calculating the limitation in subsection (a), the total cost for wedges 2 through 5 shall not include—

(1) any repair or reconstruction cost incurred as a result of the terrorist attack on the Pentagon that occurred on September 11, 2001;

(2) any increase in costs for wedges 2 through 5 attributable to compliance with new requirements of Federal, State, or local laws; and

(3) any increase in costs attributable to additional security requirements that the Secretary of Defense considers essential to provide a safe and secure working environment.

(d) CERTIFICATION COST REPORTS.—As part of the annual certification under subsection (a), the Secretary shall report the projected cost (as of the time of the certification) for—

(1) the renovation of each wedge, including the amount adjusted or otherwise excluded for such wedge under the authority of paragraphs (2) and (3) of subsection (c) for the period covered by the certification; and

(2) the repair and reconstruction of wedges 1 and 2 in response to the terrorist attack on the Pentagon that occurred on September 11, 2001.

(e) DURATION OF CERTIFICATION REQUIREMENT.—The requirement to make an annual certification under subsection (a) shall apply until the Secretary certifies to Congress that the renovation of the Pentagon Reservation is completed.

SEC. 8056. Notwithstanding any other provision of law, that not more than 35 percent of funds provided in this Act for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of \$130,000,000 or higher.

SEC. 8057. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(TRANSFER OF FUNDS)

SEC. 8058. Appropriations available in this Act under the heading "Operation and Maintenance, Defense-Wide" for increasing energy and water efficiency in Federal buildings may, during their period of availability, be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.

SEC. 8059. None of the funds appropriated by this Act may be used for the procurement

of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of "commercial items", as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end item.

SEC. 8060. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8061. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8062. Notwithstanding any other provision of law, the Naval shipyards of the United States shall be eligible to participate in any manufacturing extension program financed by funds appropriated in this or any other Act.

SEC. 8063. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State (as defined in section 381(d) of title 10, United States Code) which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: *Provided*, That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8064. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: *Provided*, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8065. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of

the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) COVERED ACTIVITIES.—This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) REQUIRED NOTICE.—A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8066. To the extent authorized by subchapter VI of chapter 148 of title 10, United States Code, the Secretary of Defense may issue loan guarantees in support of United States defense exports not otherwise provided for: *Provided*, That the total contingent liability of the United States for guarantees issued under the authority of this section may not exceed \$15,000,000,000: *Provided further*, That the exposure fees charged and collected by the Secretary for each guarantee shall be paid by the country involved and shall not be financed as part of a loan guaranteed by the United States: *Provided further*, That the Secretary shall provide quarterly reports to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate and the Committees on Appropriations, Armed Services, and International Relations in the House of Representatives on the implementation of this program: *Provided further*, That amounts charged for administrative fees and deposited to the special account provided for under section 2540c(d) of title 10, shall be available for paying the costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under subchapter VI of chapter 148 of title 10, United States Code.

SEC. 8067. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

SEC. 8068. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions or agents to the Johnston Atoll for the purpose of storing or demilitarizing such munitions or agents.

(b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition or agent of the United States found in the World War II Pacific Theater of Operations.

(c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8069. During the current fiscal year, no more than \$30,000,000 of appropriations made in this Act under the heading "Operation and Maintenance, Defense-Wide" may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8070. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101-510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8071. Funds appropriated for the Department of Defense in this Act or any other Act for the current fiscal year and hereafter for Operation and Maintenance or for the Defense Health Program for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated when the reimbursable order is accepted by the performing activity. For the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 8072. (a) During the current fiscal year and hereafter, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) During the current fiscal year and hereafter, amounts collected under the subsection (a) shall be credited to funds then available for the National Guard Distance Learning Project and shall be available to defray the costs associated with the use of

equipment of the Distance Learning Project under that subsection. Such funds shall be available for such purpose without fiscal year limitation.

SEC. 8073. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8074. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Foreign Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8075. None of the funds made available in this Act may be used to approve or license the sale of the F-22 advanced tactical fighter to any foreign government.

SEC. 8076. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50-65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8077. (a) PROHIBITION.—None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a

gross violation of human rights, unless all necessary corrective steps have been taken.

(b) **MONITORING.**—The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) **WAIVER.**—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) **REPORT.**—Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

**SEC. 8078.** The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental equipment of the Department of Defense, at no cost to the Department of Defense, to Indian Health Service facilities and to federally-qualified health centers (within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

**SEC. 8079.** None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T-AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

**SEC. 8080.** None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

**SEC. 8081.** Notwithstanding any other provision of law, funds appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide" for any advanced concept technology demonstration project may only be obligated 30 days after a report, including a description of the project and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

**SEC. 8082.** Notwithstanding any other provision of law, for the purpose of establishing all Department of Defense policies governing the provision of care provided by and financed under the military health care system's case management program under 10 U.S.C. 1079(a)(17), the term "custodial care" shall be defined as care designed essentially to assist an individual in meeting the activities of daily living and which does not re-

quire the supervision of trained medical, nursing, paramedical or other specially trained individuals: *Provided*, That the case management program shall provide that members and retired members of the military services, and their dependents and survivors, have access to all medically necessary health care through the health care delivery system of the military services regardless of the health care status of the person seeking the health care: *Provided further*, That the case management program shall be the primary obligor for payment of medically necessary services and shall not be considered as secondarily liable to title XIX of the Social Security Act, other welfare programs or charity based care.

**SEC. 8083.** During the current fiscal year and hereafter, refunds attributable to the use of the Government travel card, refunds attributable to the use of the Government Purchase Card and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to operation and maintenance accounts of the Department of Defense which are current when the refunds are received.

**SEC. 8084.** (a) **REGISTERING FINANCIAL MANAGEMENT INFORMATION TECHNOLOGY SYSTEMS WITH DOD CHIEF INFORMATION OFFICER.**—None of the funds appropriated in this Act may be used for a mission critical or mission essential financial management information technology system (including a system funded by the defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense. A system shall be considered to be registered with that officer upon the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe. A financial management information technology system shall be considered a mission critical or mission essential information technology system as defined by the Under Secretary of Defense (Comptroller).

(b) **CERTIFICATIONS AS TO COMPLIANCE WITH FINANCIAL MANAGEMENT MODERNIZATION PLAN.**—

(1) During the current fiscal year, a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a system improvement of more than \$1,000,000 may not receive Milestone A approval, Milestone B approval, or full rate production, or their equivalent, within the Department of Defense until the Under Secretary of Defense (Comptroller) certifies, with respect to that milestone, that the system is being developed and managed in accordance with the Department's Financial Management Modernization Plan. The Under Secretary of Defense (Comptroller) may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1).

(c) **CERTIFICATIONS AS TO COMPLIANCE WITH CLINGER-COHEN ACT.**—

(1) During the current fiscal year, a major automated information system may not receive Milestone A approval, Milestone B approval, or full rate production approval, or their equivalent, within the Department of Defense until the Chief Information Officer certifies, with respect to that milestone, that the system is being developed in accordance with the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.). The Chief Information Officer may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees

timely notification of certifications under paragraph (1). Each such notification shall include, at a minimum, the funding baseline and milestone schedule for each system covered by such a certification and confirmation that the following steps have been taken with respect to the system:

(A) Business process reengineering.

(B) An analysis of alternatives.

(C) An economic analysis that includes a calculation of the return on investment.

(D) Performance measures.

(E) An information assurance strategy consistent with the Department's Global Information Grid.

(d) **DEFINITIONS.**—For purposes of this section:

(1) The term "Chief Information Officer" means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term "information technology system" has the meaning given the term "information technology" in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

**SEC. 8085.** During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: *Provided*, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

**SEC. 8086.** None of the funds provided in this Act may be used to transfer to any non-governmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of "armor penetrator", "armor piercing (AP)", "armor piercing incendiary (API)", or "armor-piercing incendiary-tracer (API-T)", except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

**SEC. 8087.** Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under 10 U.S.C. 2667, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in 32 U.S.C. 508(d), or any other youth, social, or fraternal non-profit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

**SEC. 8088.** None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic

beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8089. (a) The Department of Defense is authorized to enter into agreements with the Department of Veterans Affairs and federally-funded health agencies providing services to Native Hawaiians for the purpose of establishing a partnership similar to the Alaska Federal Health Care Partnership, in order to maximize Federal resources in the provision of health care services by federally-funded health agencies, applying telemedicine technologies. For the purpose of this partnership, Native Hawaiians shall have the same status as other Native Americans who are eligible for the health care services provided by the Indian Health Service.

(b) The Department of Defense is authorized to develop a consultation policy, consistent with Executive Order No. 13084 (issued May 14, 1998), with Native Hawaiians for the purpose of assuring maximum Native Hawaiian participation in the direction and administration of governmental services so as to render those services more responsive to the needs of the Native Hawaiian community.

(c) For purposes of this section, the term "Native Hawaiian" means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii.

SEC. 8090. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8091. Of the amounts appropriated in this Act under the heading, "Research, Development, Test and Evaluation, Defense-Wide", \$48,000,000 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: *Provided further*, That of the amounts made available under the heading "Operation and Maintenance, Army", up to \$177,000,000 shall remain available until expended, and is available for the acquisition of real property, construction, personal services, and operations, for certain classified activities, and may be transferred to other appropriations accounts of the Department of Defense, and notwithstanding any other provision of law, such funds may be obligated to carry out projects not otherwise authorized by law: *Provided further*, That any funds transferred shall be merged with and made available for the same time period and for the same purposes as the appropriations to which transferred: *Provided further*, That the transfer authority provided in this para-

graph is in addition to any other transfer authority provided to the Department of Defense.

SEC. 8092. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104-208; 110 Stat. 3009-111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2004.

SEC. 8093. In addition to amounts provided in this Act, \$2,000,000 is hereby appropriated for "Defense Health Program", to remain available for obligation until expended: *Provided*, That notwithstanding any other provision of law, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

SEC. 8094. Amounts appropriated in title II are hereby reduced by \$172,500,000 to reflect savings attributable to improvements in the management of professional support services, surveys and analysis, and engineering and technical support contracted by the military departments, as follows:

- (1) From "Operation and Maintenance, Army", \$21,500,000.
- (2) From "Operation and Maintenance, Navy", \$34,400,000.
- (3) From "Operation and Maintenance, Marine Corps", \$4,300,000.
- (4) From "Operation and Maintenance, Air Force", \$21,300,000.
- (5) From "Operation and Maintenance, Defense-Wide", \$91,000,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8095. Of the amounts appropriated in this Act under the heading "Shipbuilding and Conversion, Navy", \$899,502,000 shall be available until September 30, 2004, to fund prior year shipbuilding cost increases: *Provided*, That upon enactment of this Act, the Secretary of the Navy shall transfer such funds to the following appropriations in the amounts specified: *Provided further*, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred:

- To:
- Under the heading, "Shipbuilding and Conversion, Navy, 1996/04":
    - LPD-17 Amphibious Transport Dock Ship Program, \$150,300,000;
  - Under the heading, "Shipbuilding and Conversion, Navy, 1998/04":
    - New SSN, \$81,060,000;
  - Under the heading, "Shipbuilding and Conversion, Navy, 1999/04":
    - DDG-51 Destroyer Program, \$44,420,000;
    - New SSN, \$166,978,000;
    - LPD-17 Amphibious Transport Dock Ship Program \$86,821,000;
  - Under the heading, "Shipbuilding and Conversion, Navy, 2000/04":
    - DDG-51 Destroyer Program, \$69,460,000;
    - LPD-17 Amphibious Transport Dock Ship Program \$112,778,000; and
  - Under the heading, "Shipbuilding and Conversion, Navy, 2001/04":
    - DDG-51 Destroyer Program, \$90,313,000; and
    - New SSN, \$97,372,000.

SEC. 8096. The Secretary of the Navy may settle, or compromise, and pay any and all admiralty claims under 10 U.S.C. 7622 arising out of the collision involving the U.S.S. GREENEVILLE and the EHIME MARU, in any amount and without regard to the monetary limitations in subsections (a) and (b) of that section: *Provided*, That such payments shall be made from funds available to the Department of the Navy for operation and maintenance.

SEC. 8097. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of 38 U.S.C. 7403(g) for occupations listed in 38 U.S.C. 7403(a)(2) as well as the following:

Pharmacists, Audiologists, and Dental Hygienists.

(A) The requirements of 38 U.S.C. 7403(g)(1)(A) shall apply.

(B) The limitations of 38 U.S.C. 7403(g)(1)(B) shall not apply.

SEC. 8098. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2004 until the enactment of the Intelligence Authorization Act for fiscal year 2004.

SEC. 8099. The total amount appropriated in title II is hereby reduced by \$320,000,000 to reduce cost growth in information technology development, to be derived as follows:

- (1) From "Operation and Maintenance, Army", \$60,000,000.
- (2) From "Operation and Maintenance, Navy", \$100,000,000.
- (3) From "Operation and Maintenance, Air Force", \$100,000,000.
- (4) From "Operation and Maintenance, Defense-Wide", \$60,000,000.

SEC. 8100. None of the funds in this Act may be used to initiate a new start program without prior notification to the Office of Secretary of Defense and the congressional defense committees.

SEC. 8101. The amounts appropriated in title II are hereby reduced by \$539,000,000 to reflect cash balance and rate stabilization adjustments in Department of Defense Working Capital Funds, as follows:

- (1) From "Operation and Maintenance, Army", \$107,000,000.
- (2) From "Operation and Maintenance, Navy", \$45,000,000.
- (3) From "Operation and Maintenance, Air Force", \$387,000,000.

SEC. 8102. The amount appropriated in title II for "Operation and Maintenance, Navy" is hereby reduced by \$67,000,000 to reduce excess funded carryover.

SEC. 8103. (a) In addition to the amounts provided elsewhere in this Act, the amount of \$5,500,000 is hereby appropriated to the Department of Defense for "Operation and Maintenance, Army National Guard". Such amount shall be made available to the Secretary of the Army only to make a grant in the amount of \$5,500,000 to the entity specified in subsection (b) to facilitate access by veterans to opportunities for skilled employment in the construction industry.

(b) The entity referred to in subsection (a) is the Center for Military Recruitment, Assessment and Veterans Employment, a non-profit labor-management co-operation committee provided for by section 302(c)(9) of the Labor-Management Relations Act, 1947 (29 U.S.C. 186(c)(9)), for the purposes set forth in section 6(b) of the Labor Management Co-operation Act of 1978 (29 U.S.C. 175a note).

SEC. 8104. (a) During the current fiscal year and hereafter, funds available to the Secretary of a military department for Operation and Maintenance may be used for the purposes stated in subsection (b) to support chaplain-led programs to assist members of the Armed Forces and their immediate family members in building and maintaining a strong family structure.

(b) The purposes referred to in subsection (a) are costs of transportation, food, lodging, supplies, fees, and training materials for members of the Armed Forces and their family members while participating in such programs, including participation at retreats and conferences.

SEC. 8105. FINANCING AND FIELDING OF KEY ARMY CAPABILITIES.—The Department of Defense and the Department of the Army shall make future budgetary and programming plans to fully finance the Non-Line of Sight (NLOS) Objective Force cannon and resupply vehicle program in order to field this system in the 2008 timeframe. As an interim capability to enhance Army lethality, survivability, and mobility for light and medium forces before complete fielding of the Objective Force, the Army shall ensure that budgetary and programmatic plans will provide for no fewer than six Stryker Brigade Combat Teams to be fielded between 2003 and 2008.

SEC. 8106. (a) MANAGEMENT OF CHEMICAL DEMILITARIZATION ACTIVITIES AT BLUEGRASS ARMY DEPOT, KENTUCKY.—If a technology other than the baseline incineration program is selected for the destruction of lethal chemical munitions pursuant to section 142 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 50 U.S.C. 1521 note), the program manager for the Assembled Chemical Weapons Assessment shall be responsible for management of the construction, operation, and closure, and any contracting relating thereto, of chemical demilitarization activities at Bluegrass Army Depot, Kentucky, including management of the pilot-scale facility phase of the alternative technology.

(b) MANAGEMENT OF CHEMICAL DEMILITARIZATION ACTIVITIES AT PUEBLO DEPOT, COLORADO.—The program manager for the Assembled Chemical Weapons Assessment shall be responsible for management of the construction, operation, and closure, and any contracting relating thereto, of chemical demilitarization activities at Pueblo Army Depot, Colorado, including management of the pilot-scale facility phase of the alternative technology selected for the destruction of lethal chemical munitions.

SEC. 8107. In addition to the amounts appropriated or otherwise made available in this Act, \$6,500,000, to remain available until September 30, 2004, is hereby appropriated to the Department of Defense: *Provided*, That the Secretary of Defense shall make grants in the amount of \$4,000,000 to the American Red Cross for Armed Forces Emergency Services; and \$2,500,000 to the Intrepid Sea-Air-Space Foundation.

SEC. 8108. None of the funds appropriated in this Act under the heading "Overseas Contingency Operations Transfer Fund" may be transferred or obligated for Department of Defense expenses not directly related to the conduct of overseas contingencies: *Provided*, That the Secretary of Defense shall submit a report no later than 30 days after the end of each fiscal quarter to the Committees on Appropriations of the Senate and House of Representatives that details any transfer of funds from the "Overseas Contingency Operations Transfer Fund": *Provided further*, That the report shall explain any transfer for the maintenance of real property, pay of civilian personnel, base operations support, and weapon, vehicle or equipment maintenance.

SEC. 8109. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading "Shipbuilding and Conversion, Navy" shall be considered to be for the same purpose as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8110. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8111. Notwithstanding section 2465 of title 10 U.S.C., the Secretary of the Navy

may use funds appropriated in title II of this Act under the heading, "Operation and Maintenance, Navy", to liquidate the expenses incurred for private security guard services performed at the Naval Support Unit, Saratoga Springs, New York by Burns International Security Services, Albany, New York in the amount of \$29,323.35, plus accrued interest, if any.

SEC. 8112. Of the amounts provided in title II of this Act under the heading, "Operation and Maintenance, Defense-Wide", \$20,000,000 is available for the Regional Defense Counter-terrorism Fellowship Program, to fund the education and training of foreign military officers, ministry of defense civilians, and other foreign security officials, to include United States military officers and civilian officials whose participation directly contributes to the education and training of these foreign students.

SEC. 8113. (a) EXCHANGE REQUIRED.—In exchange for the private property described in subsection (b), the Secretary of the Interior shall convey to the Veterans Home of California—Barstow, Veterans of Foreign Wars Post #385E (in this section referred to as the "recipient"), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately one acre in the Mojave National Preserve and designated by section 8137 of the Department of Defense Appropriations Act, 2002 (Public Law 107-117; 115 Stat. 2278) as a national memorial commemorating United States participation in World War I and honoring the American veterans of that war. Notwithstanding the conveyance of the property under this subsection, the Secretary shall continue to carry out the responsibilities of the Secretary under such section 8137.

(b) CONSIDERATION.—As consideration for the property to be conveyed by the Secretary under subsection (a), Mr. and Mrs. Henry Sandoz of Mountain Pass, California, have agreed to convey to the Secretary a parcel of real property consisting of approximately five acres, identified as parcel APN 569-051-44, and located in the west ½ of the northeast ¼ of the northwest ¼ of the northwest ¼ of section 11, township 14 north, range 15 east, San Bernardino base and meridian.

(c) EQUAL VALUE EXCHANGE; APPRAISAL.—The values of the properties to be exchanged under this section shall be equal or equalized as provided in subsection (d). The value of the properties shall be determined through an appraisal performed by a qualified appraiser in conformance with the Uniform Appraisal Standards for Federal Land Acquisitions (Department of Justice, December 2000).

(d) CASH EQUALIZATION.—Any difference in the value of the properties to be exchanged under this section shall be equalized through the making of a cash equalization payment. The Secretary shall deposit any cash equalization payment received by the Secretary under this subsection in the Land and Water Conservation Fund.

(e) REVERSIONARY CLAUSE.—The conveyance under subsection (a) shall be subject to the condition that the recipient maintain the conveyed property as a memorial commemorating United States participation in World War I and honoring the American veterans of that war. If the Secretary determines that the conveyed property is no longer being maintained as a war memorial, the property shall revert to the ownership of the United States.

(f) BOUNDARY ADJUSTMENT; ADMINISTRATION OF ACQUIRED LAND.—The boundaries of the Mojave National Preserve shall be adjusted to reflect the land exchange required by this section. The property acquired by the Secretary under this section shall become

part of the Mojave National Preserve and be administered in accordance with the laws, rules, and regulations generally applicable to the Mojave National Preserve.

SEC. 8114. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53d Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC-130 Weather Reconnaissance mission below the levels funded in this Act.

SEC. 8115. The Secretary of the Air Force shall convey, without consideration, to the Inland Valley Development Agency all right, title, and interest of the United States in and to certain parcels of real property, including improvements thereon, located in San Bernardino, California, that consist of approximately 39 acres and are leased, as of June 1, 2003, by the Secretary to the Defense Finance and Accounting Service. The conveyance shall be subject to the condition that the Inland Valley Development Agency and the Director of the Defense Finance and Accounting Service enter into a lease-back agreement, acceptable to the Director, for premises required by the Director for support operations conducted by the Defense Finance and Accounting Service.

SEC. 8116. Notwithstanding the provisions of section 2401 of title 10, United States Code, the Secretary of the Navy is authorized to enter into a contract for the charter for a period through fiscal year 2008, of the vessel, RV CORY CHOUEST (United States Official Number 933435) in support of the Surveillance Towed Array Sensor (SURTASS) program: *Provided*, That funding for this lease shall be from within funds provided in this Act and future appropriations Acts.

SEC. 8117. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, and notwithstanding any other provision of law, \$20,000,000 is hereby appropriated to "Operation and Maintenance, Army", to remain available until September 30, 2004, to be available only for a grant in the amount of \$20,000,000 to the Silver Valley Unified School District, Silver Valley, California, for the purpose of school construction at Fort Irwin, California.

SEC. 8118. Amounts appropriated in title II are hereby reduced by \$294,000,000 to reflect savings attributable to efficiencies and management improvements in the funding of miscellaneous or other contracts in the military departments, as follows:

(1) From "Operation and Maintenance, Army," \$27,000,000;

(2) From "Operation and Maintenance, Navy," \$50,000,000; and

(3) From "Operation and Maintenance, Air Force", \$217,000,000.

SEC. 8119. The amount appropriated in title II for "Operation and Maintenance, Air Force" is hereby reduced by \$600,000,000 to reflect cash balance and rate stabilization adjustments in the Department of Defense Transportation Working Capital Fund.

(RESCISSION)

SEC. 8120. Of the funds made available in chapter 3 of title I of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108-11), under the heading "Iraq Freedom Fund" (117 Stat. 563), \$2,000,000,000 is hereby rescinded.

SEC. 8121. Of the total amount appropriated by this Act under the heading "Operation and Maintenance, Defense-Wide" to provide assistance to local educational agencies for children of members of the Armed Forces and Department of Defense civilian employees with severe disabilities, the Secretary of Defense may use up to \$855,566 to make additional payment under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (20 U.S.C.

7703(a)) to those local educational agencies whose percentage reduction in the payment amount for fiscal year 2002 was in excess of the reduction otherwise imposed under subsection (d) of such section for that fiscal year. The Secretary of Defense may waive collection of any overpayment made to local educational agencies under such section for fiscal year 2002.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8122. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 8123. None of the funds appropriated or otherwise made available by this Act may be used to implement any amendment or revision of, or cancel, the Department of Defense Directive 1344.7, "Personal Commercial Solicitation on DoD Installations", until 90 days following the date the Secretary of Defense submits to Congress notice of the amendment, revision or cancellation, and the reasons therefor.

SEC. 8124. LIMITATION ON DEPLOYMENT OF TERRORISM INFORMATION AWARENESS PROGRAM.—

(1) Notwithstanding any other provision of law and except as provided in paragraph (2), if and when research and development on the Terrorism Information Awareness program (formerly known as the Total Information Awareness program), or any component of such program, permits the deployment or implementation of such program or component, no department, agency, or element of the Federal Government may deploy or implement such program or component, or transfer such program or component to another department, agency, or element of the Federal Government, until the Secretary of Defense—

(A) notifies Congress of that development, including a specific and detailed description of—

(i) each element or component of such program intended to be deployed or implemented; and

(ii) the method and scope of the intended deployment or implementation of such program or component (including the data or information to be accessed or used); and

(B) has received specific authorization by law from Congress for the deployment or implementation of such program or component, including—

(i) a specific authorization by law for the deployment or implementation of such program or component; and

(ii) a specific appropriation by law of funds for the deployment or implementation of such program or component.

(2) The limitation in paragraph (1) shall not apply with respect to the deployment or implementation of the Terrorism Information Awareness program, or a component of such program, in support of the following:

(A) Lawful military operations of the United States conducted outside the United States.

(B) Lawful foreign intelligence activities conducted wholly overseas, or wholly against non-United States citizens.

SEC. 8125. (a) CLOSURE OF NAVAL STATION ROOSEVELT ROADS, PUERTO RICO.—Notwithstanding any other provision of law, the Secretary of the Navy shall close Naval Station Roosevelt Roads, Puerto Rico, no later than six months after enactment of this Act.

(b) DISPOSAL.—

(1) The Secretary of the Navy shall exercise the authority granted to the Administrator of the General Services pursuant to section 545 of title 40 and dispose of the real

property and associated personal property at the former Naval Station by public sale.

(2) The Secretary of the Navy may transfer excess personal property or dispose of surplus personal property located at the installation pursuant to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 521 et seq.).

(c) The Secretary of the Navy may use funds in the Department of Defense Base Closure Account established by section 2906 of the Defense Base Closure and Realignment Act of 1990, Public Law 101-510 to implement the closure.

(d) There shall be deposited into the Account referred to in subsection (c) the proceeds of sale from the disposal of property authorized by subsection (b) for the benefit of the Department of the Navy.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

□ 1215

Mr. Chairman, let me confirm that I think this bill will be supported broadly on both sides of the aisle, and I would simply like to bring three matters to the attention of the House.

First of all, I really do believe that this institution is going to have to take a look at the number of commitments that we have worldwide and compare that to the strain that we have on the available troops for use under these many commitments. I think anyone who looks at the situation will understand that we are dangerously close to having an overextended military; and I think we ought to ask ourselves honestly if we are going to engage in these many commitments around the world, do we need to have a larger Army. In my view if we are, then we do. If we do not intend to enlarge the Army, then I think we must be much more aggressive in asking our allies to help us deal with some of the peacekeeping functions that we face, for instance, in Iraq.

Secondly, I do have some misgivings about the funding levels for SDI in the bill.

Thirdly, I want to talk about something that I think is more important than any of those considerations. This Subcommittee of Defense is perhaps the most bipartisan of all appropriations subcommittees, and the Committee on Appropriations is probably the most bipartisan committee in the House; and it is in that spirit that I raise a matter that I think every Member should be aware of because of its deadly importance. It involves intelligence, specifically the intelligence gathering and analysis used in support of Operation Iraqi Freedom.

What I am going to say is based on published reports purportedly based on interviews with intelligence officials and military officers. Neither I, nor I suspect anyone in the House of Representatives, knows the extent to which these reports are accurate so there is no possibility of disclosing classified material. We have had the staff of the committee look at the allegations on a bipartisan basis, and I think it is fair to say, while they do not have enough information to reach

specific conclusions, they do find much of what has been said in these stories to be credible.

In addition to the CIA, which is an independent agency, there are four major intelligence organizations inside the Department of Defense. All of these entities are funded in this bill. The press stories I am referring to, and I would be glad to provide copies of them to any Member who is interested, those stories argue that a group of civilian employees in the Office of the Secretary of Defense, all of whom are political employees, have long been dissatisfied with the information produced by the established intelligence agencies both inside and outside the Department. That was particularly true, apparently, with respect to the situation in Iraq.

As a result, it is reported that they established a special operation within the Office of the Secretary of Defense, which was named the Office of Special Plans. That office was charged with collecting, vetting, and disseminating intelligence completely outside the normal intelligence apparatus. In fact, it appears that the information collected by this office was in some instances not even shared with the established intelligence agencies and in numerous instances was passed on to the National Security Council and the President without having been vetted with anyone other than OSD political appointees.

It is further alleged that the purpose of this operation was not only to produce intelligence more in keeping with the preheld views of those individuals, but to intimidate analysts in the established intelligence organizations to produce information that was more supportive of policy decisions which they had already decided to propose. There is considerable discussion regarding the intelligence relating to weapons of mass destruction.

I think it would be unfortunate if this issue were subsumed by the question of whether or not Saddam Hussein had such weapons. First of all, we do not know at this point. My personal suspicion has always been that he did. Secondly, measuring the quality of our intelligence apparatus requires more than determining whether the reporting was right or wrong on any single issue. Is what was reported consistent with the best information that was available? Did we reach the right conclusion based on good information or by happenstance?

These allegations, however, go well beyond the issue of WMDs. It appears that the individuals in question also challenged the consensus within the intelligence community on the number of troops that would be required for a successful invasion. The political appointees within the Office of the Secretary maintained regular contact with sources within the Iraqi National Congress, who in turn maintained contact with sources inside of Iraq.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 3 additional minutes.)

Mr. OBEY. Mr. Chairman, based on information transmitted by these sources, the political appointees argued that the conclusions of the intelligence community, the Joint Chiefs, and in particular General Shinseki, were in error and the invasion could be successfully carried out with fewer than 50,000 troops.

While the chiefs in the end got most of the troops that they requested, it appears that the invasion was both lighter than they would have desired and lighter than what was required. The inability to fully protect supply lines did in fact result in the loss of life. The shortage of available personnel did leave certain critical sites such as nuclear facilities unprotected.

We all know this is incredibly serious business. It is important not only to understand what we did or did not do with respect to Iraq, but it is far more important in terms of what we will do in the future. How will the information that the President and the Congress receive on our options in Korea be put together, for instance? Will the long-established collection mechanisms, evaluation and dissemination be used, or will we again fall back on the ad hoc efforts of this self-appointed group of experts?

It is important to note that these same individuals have established a new office with an Under Secretary of Defense for Intelligence. This office will have more than 100 people, and it is widely believed in the intelligence community that the office is being created for the express purpose of pressuring analysts to produce information more supportive of predetermined policy. I do not know if that is true or not, but the question remains, Will this office stand between our war fighters and the information they need? Why did they require this small group of civilians to employ this kind of a role? Will the Under Secretary compete with the Director of Central Intelligence in the coordination of these agencies? All I can say is that we are paying for all of this. We ought to have the answers.

I would like to ask Members to remember that there was a reason the National Security Act of 1946 placed all intelligence activities under the control of one man, the Director of Central Intelligence. General Hoyt Vandenberg, who himself served as the DCI, explained that decision in testimony before Congress. He said, "The joint congressional committee to investigate the Pearl Harbor attack found failures that went to the very structure of our intelligence organizations, a failure to coordinate the collection and dissemination of intelligence, and the failure to centralize intelligence functions of common concern to more than one department of the government which

could more efficiently be performed centrally." I think we need to remember those words, and I think the Congress needs to dig and dig hard to get to the bottom of this.

I do not, frankly, know what the right structure for gathering and dissemination of intelligence information ought to be, but I am very leery of the fact that we have a new operation which can deal with information without clearing it with anyone else. The reason the system has served us so well over the past years is because all information has been vetted with other people who are supposed to know the most about it. I think it is dangerous when we get away from that practice.

AMENDMENT OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEWIS of California:

On page 103, line 9, strike "\$67,000,000" and insert in lieu thereof "\$96,000,000".

At the end of title VIII (page 116, after line 19), add the following new section:

SEC. \_\_\_\_\_. In addition to amounts provided elsewhere in this Act, the following amounts shall be made available for the purposes specified:

(a) The amount of \$5,000,000 is hereby appropriated for "Operation and Maintenance, Army National Guard", for the nationwide dedicated fiber optic network program;

(b) The amount of \$14,000,000 is hereby appropriated for "Procurement, Marine Corps", of which \$9,600,000 is for the AN/PRC-148 tactical handheld radio, and \$4,400,000 is for combat casualty care equipment;

(c) The amount of \$5,000,000 is hereby appropriated for "Research, Development, Test and Evaluation, Air Force", for low emission/efficient hybrid aviation refueling truck propulsion; and

(d) The amount of \$5,000,000 is hereby appropriated for "Research, Development, Test and Evaluation, Defense-Wide", for development of novel pharmaceuticals for anthrax.

Mr. LEWIS of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEWIS of California. Mr. Chairman, the minority has seen the amendment and has no objection. I simply ask for its passage.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, I have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. LEWIS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BLUMENAUER

Mr. BLUMENAUER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BLUMENAUER: Under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", insert

after the dollar amount on page 31, line 19, the following: "(increased by \$100,000,000)".

Under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", insert after the dollar amount on page 33, line 4, the following: "(reduced by \$100,000,000)".

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. A point of order is reserved on the amendment.

Mr. BLUMENAUER. Mr. Chairman, I come today with deep respect for the hard work that this subcommittee has done. I think it may be the toughest subcommittee in the House given the amazing pressures in terms of the military requirements of our country during a difficult time. This is a difficult budget, and there are crosscurrents that I cannot even imagine, but I get a little hint as I look from a distance.

My special interest has been in an area dealing with unexploded ordnance, being able to protect people at home and abroad from the consequences of everything from landmines to training munitions that are unexploded. This has been an area that I have been deeply troubled with. It is an area that around the country there are potentially millions of acres in the United States that are so affected; and when we look at what has happened overseas, whether it is in the war in Southeast Asia and Vietnam, Afghanistan, what is going on right now in Iraq, and we just had a boy back home die this week in my community as a result of efforts trying to clear landmines.

Around the world, over 300 million landmines have been built, and 75 million that have been placed remain undetonated.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, the gentleman from California (Mr. LEWIS) and I have both talked to the gentleman about this issue. We understand the seriousness of it, and the importance to both the gentleman and to the country; and we are certainly going to work with the gentleman in trying to increase the amount of money in the unexploded ordnance area. We think it is a very important area, and we feel very strongly that the gentleman is right about it. We do not agree with the amendment, and we hope it will be withdrawn; but we do think money needs to be increased in that area.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, echoing the words of the gentleman from Pennsylvania (Mr. MURTHA), I withdraw my point of order.

The CHAIRMAN. The point of order is withdrawn.

Mr. BLUMENAUER. Mr. Chairman, reclaiming my time, I am deeply appreciative of the spirit of cooperation from the chairman and ranking member and willingness to work with us.

We had made a request initially of \$20 million before the subcommittee. Frankly, as I watched what moved through the process, I thought we had identified an area with the new generation of ballistic missile defense interceptor, additional research that frankly would be a higher priority. But given the strong encouragement to work with the subcommittee and their willingness to work with us, I look forward to working with them to make sure that at least the \$20 million is there to protect Americans at home and abroad. Candidly, Mr. Chairman, it is not just going to save our fighting men and women. I would just conclude on the notion that every single day civilians, including a sad number of children, are killed and maimed as a result of landmines and unexploded munitions. This investment will reap dividends for generations to come. I deeply appreciate the cooperation of the subcommittee.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. KUCINICH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong opposition to this bill. In one quick hour of debate, Congress will spend \$368 billion on the military. Amazingly, this massive sum does not fund our troops in Iraq or Afghanistan. If we want to use our Armed Forces, the taxpayers will have to use extra. We all know that the President will be back asking for more billions of more taxpayer dollars for these operations.

This bill funds the wrong defense priorities that will do little to provide for a more secure America. It will fund weapons systems that we all know will not work and will be subject to spiraling upward costs; and yet we cannot fully fund education needs at home. The only needs this Congress will take care of today are the profit-gouging defense contractors. Perhaps we should rename this bill the Lockheed-Martin, Northrop Grumman, United Defense, Raytheon, Boeing and General Dynamics Welfare Act of 2003.

Unlike the Republican majority, I do not believe we should heavily deficit spend to further enrich defense contractors. We can heavily invest in education and reduce the deficit by cutting national missile defense, the F22 fighter plane, the V22 Osprey, space-based weapons and other unnecessary and wasteful programs.

□ 1230

I believe we should cancel the national missile defense, a savings of \$8.9 billion, because it reduces our security here at home, it steals money for more effective security options, and because it will not work as promised, it leaves us more vulnerable.

National missile defense does not work. It has failed three tests that

were much simpler than real-life scenarios. It will not be subject to a real-life test before deployment in 2004. The only conclusion I can draw is that proponents do not care. They do not care if this weapons system works and it harms rather than protects Americans. Any country that decides to attack the United States with nuclear, chemical, or biological weapons is more likely to use a less expensive and more covert delivery method than long-range missiles, such as smuggling it on a ship or a truck.

National missile defense would offer no protection against such an attack, and because we waste so much money on this system, we leave our homeland security system underfunded and unable to protect from real threats. We can also significantly reduce our shipbuilding programs funded at \$11.5 billion. Our Navy is not threatened by any other navy; yet it offers little protection from today's real threats. We would do far more for our Nation's security by shifting some of these funds to the Coast Guard.

It would immediately save lives to cancel the V-22 aircraft program, a savings of \$1.5 billion in fiscal year 2004. This aircraft has killed 30 Marines because it has an unsafe design that cannot be relied upon. I cannot support funds for such a program.

The F-22 fighter plane is a relic of the Cold War that suits no purpose in a modern Air Force. Our current fighters are more than capable and far less expensive. The F-22 continues to be subject to massive cost overruns and continued development problems, making it an unaffordable plane. The \$3.6 billion saved in fiscal year 2004 would raise a lot of teachers' salaries, providing our children with better education.

I believe we should roll back our spending in research and development of unnecessary expensive weapons systems such as Army's Comanche helicopter, a savings of \$1.1 billion; the Joint Strike Fighter, a savings of \$4.2 billion; the Space-Based Infra-Red System, a savings of \$617 million; and the Space-Based Radar, a savings of \$174 million.

Do we want to start a new war in space, or do we want to finish the struggle against deteriorating public schools? I believe we can do more for America by our repairing our school infrastructure. The savings proposed here amount to a significant investment in education. I have highlighted \$30 billion in unnecessary defense spending, and this money can be immediately invested in education for our children. A thorough review of the Pentagon budget would likely reveal another \$30 billion in defense waste and unnecessary programs.

Today only 12 percent of the 17 million low-income children eligible for child care subsidies receives assistance. Only 23 percent of all families with children younger than 6 have one parent working and one parent staying at

home. And today the average cost of child care for a 4-year old in an urban-area center is more than the average cost of public college tuition in all but one State.

I ask who will care for our children? And I say that we can. With \$60 billion we could have universal prekindergarten and child care in this Nation. I have a bill before this Congress, the Universal Prekindergarten Act, that would establish and expand prekindergarten programs to ensure that all children ages 3 to 5 have access to high-quality, full-day, full-calendar-year prekindergarten education.

It is time to set our priorities straight. We are arming ourselves to the teeth, and we are missing a chance to make sure our children have decent education.

AMENDMENT OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DEFAZIO:

Under the heading "RESERVE PERSONNEL, ARMY", insert after the dollar amount on page 4, line 14, the following: "(increased by \$37,300,000)".

Under the heading "RESERVE PERSONNEL, AIR FORCE", insert after the dollar amount on page 6, line 6, the following: "(increased by \$8,000,000)".

Under the heading "OPERATION AND MAINTENANCE, ARMY", insert after the dollar amount on page 7, line 21, the following: "(increased by \$22,330,000)".

Under the heading "OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD", insert after the dollar amount on page 12, line 19, the following: "(increased by \$26,400,000)".

Under the heading "AIRCRAFT PROCUREMENT, AIR FORCE", insert after the dollar amount on page 27, line 22, the following: "(reduced by \$273,000,000)".

Under the heading "PROCUREMENT, DEFENSE-WIDE", insert after the dollar amount on page 30, line 18, the following: "(increased by \$52,100,000)".

Mr. DEFAZIO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the amendment.

Mr. DEFAZIO. Mr. Chairman, this is an amendment to close a gap that I see in the vital needs of the American people. The gentleman from Pennsylvania, as the father of the Civil Support Weapons of Mass Destruction Team, knows well that the National Guard is a unique repository of expertise with capabilities of response to weapons of mass destruction, chemical, biological, or radiological events, events that are far beyond the capabilities of most civilian units even in our major cities. They certainly exceed the capabilities that our States have to fund and train such teams at this point in time; yet we would all admit that a very real threat exists, and we are spending a tremendous amount of time around the



world attempting to prevent such attacks on our country. But if the worst should happen, we are going to need these teams, and we are going to need more than we have. The Congress has authorized 55, but at this point, as I understand it, 27 are fully operational, and another 5 are in training, and yet there are 23 that have not yet received funding.

My intention with this amendment was to push the Congress to make a difficult choice between a weapons system and these teams. We have to make difficult choices around here in the hopes that we can move forward.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Oregon.

Mr. MURTHA. Mr. Chairman, the gentleman talked to me, and I have talked to the chairman, and we are certainly going to work something out. We were disappointed we did not have more requests for more teams. As a matter of fact, as the gentleman mentioned, we started this 12 to 13 years. The National Guard fought it initially, but now they see the importance. We think every State should have these, and we hope we can work out four or five more times in this legislation.

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman and the chairman, too, because I think they both recognize a critical need. I know there are difficult choices to be made, and I am very hopeful that we will come back from conference with the Senate with the additional teams funded, and I think that that would be a tremendous asset to the protection of the American people.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

AMENDMENT OFFERED BY MR. ACEVEDO-VILÁ

Mr. ACEVEDO-VILÁ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ACEVEDO-VILÁ: Page 115, beginning line 20, strike section 8125 relating to closure of Naval Station Roosevelt Roads, Puerto Rico.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the amendment.

Mr. ACEVEDO-VILÁ. Mr. Chairman, I rise in regard to Section 8125 of this bill which will arbitrarily close Naval Station Roosevelt Roads in Ceiba, Puerto Rico. I have been aware that this facility could be closed and presume that any such closure will occur through the 2005 base realignment closure process. I was, therefore, surprised and dismayed to find language in this appropriations bill authorizing the closure of Roosevelt Roads. I believe that this provision violates the standard procedures of Congress by legislating on an appropriations bill, that it arbitrarily circumvents the 2005 BRAC process, and that it neglects the impor-

tance of this facility both for the U.S. and the Commonwealth of Puerto Rico.

To address this issue, I have two amendments that will permit the normal process of Congress and the Base Closure Commission to take place. My first amendment will simply strike Section 8125. Thus, if the criteria of BRAC finds Roosevelt Roads to deserve closure, then it will take place, but Congress, as with all other bases, will remain out of the process. The economic benefits of Roosevelt Roads estimated by the Navy to be \$300 million per year will continue to accrue.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. ACEVEDO-VILÁ. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, the gentleman has talked to me, and I have talked to the chairman about this issue. This is a very delicate issue. We had the same situation in Philadelphia a couple years ago when they closed down the Navy yard there. The Navy insists it needs the personnel. They are very short. They are overly committed all over the world, and they need these 3,000 people in other places.

I have to say to the gentleman he is actually better off with it going with the appropriation process where we could work with him trying to help solve some of the problems that they have in Puerto Rico when they close down a base. For instance, we have done it in San Francisco. We have done it in other parts of California. We did it in Philadelphia. We did it in Texas. And we are very aware of the economic disruption, and if the gentleman would withdraw his amendment, we will certainly work with him. And it is going to take some time because we probably have to make a visit to Puerto Rico and see exactly what we are talking about.

One of the big problems we have, some of this equipment, when they knew they were going to close down, do not take care of it. So we need to see what really needs to be done.

But the gentleman can be assured we will do everything we can to help him. If this works its way through the entire Congress and the conference, we will do everything we can to help him.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. ACEVEDO-VILÁ. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I certainly would agree with the statement made by my colleague from Pennsylvania. As the gentleman and I discussed on an earlier occasion, it is our intention to work very closely with the Delegate to see that every step is taken to make certain that the people of Puerto Rico have all the flexibility they possibly can have to maximize the potential of this potentially very valuable property, and one that could provide a great stimulus for their economy.

Mr. ACEVEDO-VILÁ. Mr. Chairman, reclaiming my time, I really appreciate

the support of the chairman and the ranking member. As I have spoken to them, my position and the position of Puerto Rico is we do not want the base to be closed because we think it is important for Puerto Rico and it is important for the U.S. But if that is the final decision, then, as with any other bases that have been closed, we need the support of Congress, we need a package, and we need special consideration to the possibility of transferring the lands to the Commonwealth of Puerto Rico and to the municipality of Ceiba. Actually the mayor of Ceiba, Gerardo Cruz, is here, and also the senator from that district in Puerto Rico Juan Cancel Alegria is here because this is really a main concern in that area. Unemployment is very high in the eastern part of Puerto Rico.

So if, based on the gentlemen's statements, if we can work this out in conference, again my position is we want to keep the base open, but if it is going to be closed, we need, we need some clear language from Congress that we are going to get an economic development package for that area and that the possibility of those lands be transferred to the Government of Puerto Rico and the municipality of Ceiba are going to be part of that discussion.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. ACEVEDO-VILÁ. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I repeat to the gentleman that I very much appreciate his forthright discussion of this matter. I know of the potential difficulty that could be faced, but I want the gentleman to know that we are very committed to working with him to carefully see that this very potentially valuable property is used for the best interest of people of Puerto Rico. Our experience with base closing would suggest there is a variety in mix of approaches that might very well be taken, and we look forward to giving him all the support that we possibly can.

Mr. ACEVEDO-VILÁ. Mr. Chairman, I thank the gentleman for that commitment.

I include the following letters for the RECORD:

HOUSE OF REPRESENTATIVES  
Washington, DC, June 23, 2003.

Mrs. CONNIE PATRICK,  
Director, Federal Law Enforcement Training  
Center, FLETC Glynco Facility, Glynco,  
GA.

DEAR DIRECTOR PATRICK: I recently became aware of reports on the effects of increased federal law enforcement training needs. As was noted in Roll Call on June 2, 2003, Department of Homeland Security law enforcement training needs have increased and as a result, other agencies such as the U.S. Capitol Police, may be required to conduct training at federal facilities other than the Federal Law Enforcement Training Center in Glynco, GA. Rather than address this issue on an agency-by-agency basis, I believe that such trends indicate a new FLETC training facilities.

The FLETC facilities at Charleston, SC and Cheltenham, MD are located at former

military sites. Such a transfer of government property from one agency to another serves valuable purposes, such as the elimination of land acquisition and plant construction costs and maintaining benefits to the local economy. For these reasons, I encourage you to consider the possibility of locating any future FLETC facilities at Naval Station Roosevelt Roads (NSRR), Puerto Rico.

NSRR is currently home to Atlantic Fleet Weapons Training Facility, however, many of the military commands located at NSRR are being downsized, relocated, or eliminated with the recent closure of the Vieques training range. Such ongoing changes will lead to excess buildings, land and other infrastructure. Located a short distance from San Juan, NSRR's assets include numerous buildings, dormitories and classrooms, a modern aviation runway, marine berthing facilities, firing ranges, communication facilities, among others. It is my belief that these plant assets, coupled with the downsizing of NSRR, could enable FLETC to make high use of this facility for federal law enforcement training. Further, NSRR could also be a suitable facility for the training of international law enforcement personnel, particularly those from the Caribbean and Latin America.

I would appreciate the opportunity to meet and discuss with you FLETC's future needs and the opportunities that NSRR may afford our nation's future law enforcement officers. Please contact me to determine a time that I could meet with you or an associate of yours to discuss these issues.

Sincerely,

ANÍBAL ACEVEDO-VILÁ,  
*Resident Commissioner,  
Member of Congress.*

HOUSE OF REPRESENTATIVES,  
*Washington, DC, March 27, 2003.*

Hon. JOE KNOLLENBERG,  
*Subcommittee on Military Construction, Rayburn House Office Building, Washington, DC.*

DEAR CHAIRMAN KNOLLENBERG: During consideration of Military Construction Appropriations for fiscal year 2004, I respectfully request that the Subcommittee include language that calls for a thorough evaluation of the military facilities in Puerto Rico, including facilities at Naval Station Roosevelt Roads (NSRR). This evaluation should include what excess infrastructure currently exists and what will become available once the Navy finishes downsizing at NSRR in conjunction with the closure of the Atlantic Fleet Weapons Training Facility's (AFWTF) Inner Range.

The Committee should be aware that Puerto Rico has a longstanding and impressive history of military commitment and sacrifice with the U.S. I am concerned that the difficult environmental and safety issues surrounding the AFWTF inner range have overshadowed this ongoing commitment by Puerto Ricans. Furthermore, Congress cannot let this issue hamper our ability to effectively take on the numerous challenges we face, including: the war on terror abroad and here in the Western Hemisphere; efforts to wage war on drugs; to provide for Special Operations training and missions; and to provide the best facilities and preparedness for homeland security. I feel that should NSRR in particular not be fully utilized to meet numerous security threats, that indeed our preparedness could well be undermined.

An ongoing military presence at NSRR during these uncertain global conditions offers numerous opportunities beyond the traditional naval presence at NSRR. Puerto Rico's strategic location in the Caribbean along with significant base capabilities pro-

vides ready access and other advantages that should be fully utilized. I suggest the following language be considered by the Committee in order to prevent underutilization of a strategic military facility when we can least afford to make such a mistake.

"Therefore the Committee directs the Secretary of Defense, in consultation with the Department of Homeland Security, the Department of Transportation and the Department of Justice to conduct an audit of ongoing operations in Puerto Rico and report to the Committee on Appropriations what steps may be necessary to maximize the use of existing infrastructure and what additional investments may be necessary to meet the operational needs of the agencies involved."

I appreciate your consideration of this request and remain available to discuss this matter with you at your convenience.

Sincerely,

ANÍBAL ACEVEDO-VILÁ,  
*Resident Commissioner,  
Member of Congress.*

HOUSE OF REPRESENTATIVES,  
*Washington, DC, April 4, 2003.*

Hon. HAROLD ROGERS,  
*Chairman, Subcommittee on Homeland Security Appropriations, Rayburn House Office Building, Washington, DC.*

DEAR CHAIRMAN ROGERS: I write to respectfully request that you include in the Homeland Security Appropriations Act for FY 2004 a feasibility study regarding the potential for Department of Homeland Security facilities to be situated at Naval Station Roosevelt Roads, Puerto Rico (NSRR).

Naval Station Roosevelt Roads, a 31,000+ acre naval base located at the eastern end of Puerto Rico, contains 1200 buildings with over 4.6 million square feet of space. In addition to myriad naval assets, this facility also houses the Special Operations Headquarters for the U.S. Southern Command. By virtue of these facilities, NSRR provides a secure location, secure communications networks, and a domestic, forward-deployed location to the U.S. government. Essential DHS functions, such as border and maritime security, customs enforcement and counter-terrorism could be suitably located at NSRR, and would permit a high-degree of coordination between DHS and the armed forces. NSRR's position in the Caribbean is vital due to the growing threat of terrorist groups in Central and South America, drug trafficking to the U.S. from the Caribbean and South and Central America, and the unfortunate possibility that experienced drug smugglers could ferry weapons of mass destruction into the United States. As the nexus between drug trafficking and terrorism emerges, this location can further aid in the interdiction of both threats.

In order to examine the benefits that NSRR may provide to the DHS, I suggest that the following language be considered by the Committee:

"The Committee directs the Secretary of the Department of Homeland Security, in consultation with the Department of Defense, the Department of Justice and the Department of Transportation to conduct a feasibility study to determine the possible benefits of locating facilities of the Department of Homeland Security at Naval Station Roosevelt Roads, Puerto Rico."

I appreciate your consideration of this request. Should you have any questions, please do not hesitate to contact me or my staff, Eric Lausten, at 225-2615.

Sincerely,

ANÍBAL ACEVEDO-VILÁ,  
*Resident Commissioner,  
Member of Congress.*

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Puerto Rico?

There was no objection.

AMENDMENT OFFERED BY MS. BORDALLO

Ms. BORDALLO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. BORDALLO:

Add at the end (before the short title) the following new section:

SEC. \_\_\_\_ None of the funds appropriated or otherwise made available by this Act may be used to overhaul, repair, or maintain in a shipyard outside the United States or Guam any naval vessel that has no designated homeport and is located in an area of responsibility of the Unified Combatant Command encompassing a United States or Guam shipyard.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

□ 1245

Ms. BORDALLO. Mr. Chairman, I rise today to request that the House take action to ensure that Military Sealift Command vessels, known as MSC vessels, are repaired in American shipyards. This would ensure that the money we appropriate here today is used to not only "buy American," but to "repair American" as well.

You would think that if anything would be repaired in the USA, it would be our naval fleet procured with taxpayer funds. Unfortunately, the Military Sealift Command thwarts the will of Congress by exploiting a loophole in the current law to designate its vessels as having no home port. The MSC then repairs the vessels in foreign ship repair facilities in places such as Singapore and Korea. Such repair work is done without regard to American health, labor and environmental standards. Using foreign ports runs counter to force protection requirements following the October 12, 2000, terrorist attack on the USS *Cole*.

Mr. MURTHA. Mr. Chairman, will the gentlewoman yield?

Ms. BORDALLO. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, one of the problems we have with this amendment is it should be in the authorization bill rather than our bill. But at any rate, it would really be very difficult for us to apply something like this.

I understand what the gentlewoman is trying to do, but I would hope that the gentlewoman would withdraw this amendment and let us see what we can work out, because we have a lot of "buy American" provisions. This is kind of a new wrinkle to it. But we have an awful lot of operational problems that we might run into if we prohibited some of these things from being done.

For instance, I remember the *Roberts* was first taken into a port in Dubai. I think it was, and then we finally shipped it back to the United States. But I think we need some more time to look at this. I appreciate your

thoughts, and I know we will work with you trying to come up with something.

Ms. BORDALLO. Mr. Chairman, reclaiming my time, I understand, and I would be very willing to work with the gentleman concerning this situation with the MSC ships. I look forward to working with you to resolve this.

Mr. Chairman, I ask unanimous consent to withdraw my amendment. I will work with the gentleman from Pennsylvania (Mr. MURTHA) on the matter.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

AMENDMENT OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. INSLEE:

At the end of the bill (before the short title), insert the following:

SEC. . . None of the funds made available in this Act may be used to suspend, modify, or waive any provision of law under chapter 43, 71, 75, or 77 of title 5, United States Code, or any regulations promulgated under those provisions of law.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman reserves a point of order.

Mr. INSLEE. Mr. Chairman, our amendment would ensure that no funds would be used essentially to alter our existing civilian personnel system for the proud men and women who are civilian employees of our defense system.

This basically is a response to the work we are now doing in an attempt to find a reasonable and protective reform package that originally left the House as H.R. 1588. We are concerned that the language of that bill, if in fact it would be implemented, would substantially degrade our protections of our civilian employees who are doing workman-like work.

Basically, we had concerns about that bill because it was overly broad and was really a rushed approach to civilian systems, but we are also troubled by a lack of explicit protections for fundamental worker rights. Currently, the bill has a lack of protection for true collective bargaining, a lack of a real right of fair appeals, a lack of adequate overtime and weekend compensation, preference for veterans and equal pay for equal work.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate the gentleman's yielding.

Let me mention that the gentleman and I have had a chance to discuss this, and I am aware of his concerns. The gentleman and I have very similar concerns in this arena.

Frankly, I would hope that, if the gentleman withdraw this amendment, we will have a chance to discuss it further and try to provide the kind of

flexibility we need to give him the assurance and employees the assurance they need so we can go forward in a positive way.

Mr. INSLEE. Mr. Chairman, reclaiming my time, I appreciate those comments, and will look forward to working with the gentleman, because we do not obviously want to go back to those bad old days of nepotism and poor performance and political selection. I look forward to working with the gentleman to get an honest, reasonable bill.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

AMENDMENT OFFERED BY MR. HOSTETTLER

Mr. HOSTETTLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOSTETTLER:

Insert at the end, before the short title, the following new section:

SEC. . . None of the funds made available by this Act may be used to carry out sections 2912, 2913, and 2914 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) related to the 2005 round of base closures and realignments.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman reserves a point of order.

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

Mr. HOSTETTLER. Mr. Chairman, I rise today to offer an amendment to the FY 2004 Defense Appropriations Act that would prohibit any funds in this act from being used to carry out activities in 2004 related to the next round of Base Realignment and Closure, or BRAC, currently authorized to take place in 2005.

The purpose is to put a hold on the implementation of BRAC-related activities until Congress and the Department of Defense can get a better handle on the expected savings, anticipated force structure and infrastructure changes, and the actual need for additional closures.

As many of my colleagues know, in 2001, the Defense Department testified to Congress that it has 20 to 25 percent excess physical capacity that must be eliminated, so the President's fiscal 2002 budget proposal to Congress requested authorization to carry out another round of base closures.

As part of the FY 2002 Defense Authorization Act, the Senate authorized a BRAC round to take place in 2005. The House specifically refused to include any such BRAC authorization in its version of the bill, but this body did agree to the Senate's BRAC provision when it passed the conference report to the FY 2002 authorization bill.

To date, we have gone through four different rounds of military base closure process, in 1989, 1991, 1993, and

1995. Through these rounds, we saw the BRAC commission's result in the closing of over 450 military installations of various size, mission and stature in the United States.

Nearly everyone currently involved in this process agrees that all the low-hanging fruit have already been picked. Yet the current administration succeeded in enacting another round for 2005 following the horrific events of September 11, 2001. On December 28, 2001, just a little more than 3 months after those deadly attacks, and 3 days after Christmas, the President signed into law the FY 2002 defense authorization bill, which included the BRAC authorization provision at his request.

The administration seems to sincerely believe there is a 20 to 25 percent excess military infrastructure, and the administration has a laudable goal of finding additional savings in the defense budget to free up funds for procurement and new weapons systems.

Specifically, the Department of Defense claims that it could save as much as \$6.6 billion per year with an additional round of base closures. But there are many reasons to question both the Department's rationale and its estimates.

First, this Congress deserves to know the details about the suggested excess capacity. Is it 20 percent? 25 percent? 23 percent? The 5 percent difference is not insignificant, particularly when you are talking about the hundreds of U.S. military bases. And where is that excess capacity exactly?

Furthermore, DOD estimates that it eliminated 71,000 Federal civilian jobs and 39,800 military positions in the past four BRAC rounds. Unfortunately, no one could give me an estimate of how many of those jobs were transferred to private contractors still paid through DOD contracts. Eliminating military positions, only to replace them with private contractors, raises doubts about any potential savings.

Regarding the estimated savings from additional base closures, I must advise the House of an April 2002 Government Accounting Office, GAO, report that indicates the previous four base closure rounds have produced a net savings of \$16.7 billion through FY 2001. GAO, however, admits that these are the Defense Department's numbers and that they could not be independently verified because DOD's accounting systems are not oriented to identifying and tracking savings.

GAO further noted that the estimates do not include a cumulative \$1.5 billion cost incurred by the Federal Government to assist communities affected by the closure process or \$3.5 billion in environmental costs expected beyond FY 2001. Because the BRAC savings estimates cannot be supported by real data, the GAO report had to affirm the DOD numbers, while characterizing the savings as "imprecise and rough approximations."

The Members of this body need to understand that when Defense Department officials talk about so-called savings from a BRAC round, they are not talking about real cost savings. Most of the so-called cost savings are actually cost avoidances.

DOD also claims that it needs savings from BRAC to fund new weapons systems in support of the military transformation. However, the first few years of a BRAC round requires hundreds of millions of dollars in upfront investments costs. This includes upfront costs for new military construction, for relocated troops and families, new MILCON dollars for realigned missions, new money for environmental restoration and base conveyance procedures.

To complicate the problem, DOD still does not have solid data on costs of environmental clean up. Our current information indicates that environmental clean-up costs have exceeded \$10 billion, and the estimated environmental costs beyond 2001 rose from \$2.4 billion in 1999 to \$3.5 billion as stated in last year's GAO report on purported BRAC savings.

Deputy Under Secretary of Defense for Installations and Environment, Ray DuBois, summed it up well when he told the DOD Roundtable in December 2002 the following: "The excess capacity statistic, which the Secretary and others, including myself, have referred to, is based on a 1998 capacity utilization study. It is true that there is excess capacity in some range of 20 to 25 percent, but that is a clumsy number insofar as it is an aggregate number."

He goes on to say: "Remember that BRAC is not inexpensive. BRAC will probably end up costing the Department of Defense, over a 4- to 6-year period, depending upon how large the BRAC is, depending upon how much capacity you are reducing, and by definition, how much you are realigning it, it could cost 10 to \$20 billion over that period of time."

Mr. Chairman, I ask for my colleagues to support the amendment to limit the funding for BRAC in this appropriations bill.

Mr. LEWIS of California. Mr. Chairman, I rise to very briefly oppose this amendment.

Mr. Chairman, this is appropriately an item that should be a part of the authorization process. It is my understanding at the subcommittee level there was support for this proposal and there was a decision at the full committee to turn that around, and the authorizing committee has spoken in terms of this question.

It is, in my judgment, poor policy on the part of the Committee on Appropriations, going through the back door by limiting appropriations to essentially undo what is the policy in the existing law, a policy which has not been changed by the authorizing committee.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Washington.

The CHAIRMAN. Does the gentleman from California still reserve his point of order?

Mr. LEWIS of California. Mr. Chairman, I withdraw my point of order.

Mr. DICKS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, it is true that it does cost a substantial amount of money in the first few years; but there is no question that, long-term, billions and billions of dollars have been saved because of the BRACs we have had in the past. So I think we should move forward on this, and it would be wrong to do it in this bill. It would be an authorization matter. I think it is a mistake, and I support the chairman in his opposition to the amendment.

Mr. LEWIS of California. Mr. Chairman, reclaiming my time, I very strongly oppose the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HOSTETTLER. Mr. Chairman, I demand a recorded vote; and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER) will be postponed.

The point of no quorum is considered withdrawn.

Mr. CARDIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had intended to offer an amendment that would have restated the policy of our country against the use of torture. The reason that I was going to offer that amendment is that I do represent this body in the Commission on Security and Cooperation in Europe; and in many of our meetings, the issue of the use of torture has been raised, particularly in light of our war against terrorism. I might tell you there have also been press accounts recently that call into question the use of torture in regards to the campaign against terrorism.

However, Mr. Chairman, I think the President of the United States, along with the representatives from the State Department and Defense Department, have made it very clear on the U.S. policy in this regard.

□ 1300

Let me just point out that on June 26, the International Day in Support of the Victims of Torture, President Bush declared that "Torture anywhere is an affront to human dignity everywhere." He observed that "Freedom from torture is an inalienable human right." The State Department also noted that "Freedom from torture is an inalien-

able human right, and the prohibition of torture is a basic principle of international human rights law. This prohibition is absolute and allows no exceptions." Finally, as the General Counsel to the Defense Department William Haynes wrote to Senator LEAHY recently, "The United States does not permit, tolerate, or condone any such torture by its employees under any circumstances."

Mr. Chairman, I think the record is very clear on the U.S. position in regards to the use of torture, and, therefore, I will not pursue an amendment at this time. I thank my colleagues for their patience.

Mr. LEWIS of California. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to. Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TOM DAVIS of Virginia) having assumed the chair, Mr. CAMP, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2658) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes, had come to no resolution thereon.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CAMP). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

#### REGARDING THE ACTUARIAL VALUE OF PRESCRIPTION DRUG BENEFITS OFFERED TO MEDICARE ELIGIBLE ENROLLEES BY A PLAN UNDER FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2631) to provide that the actuarial value of the prescription drug benefits offered to Medicare eligible enrollees by a plan under the Federal employees health benefits program shall be at least equal to the actuarial value of the prescription drug benefits offered by such plan to its enrollees generally.

The Clerk read as follows:

H.R. 2631

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. NEGOTIATIONS BY THE OFFICE OF PERSONNEL MANAGEMENT.

(a) IN GENERAL.—Section 8902 of title 5, United States Code, is amended by adding at the end the following:

"(p)(1) A contract may not be made or a plan approved which does not offer to Medicare eligible enrollees prescription drug benefits the actuarial value of which is at least